

## POLICY

For government to function administratively, undergo periodic audits, provide for its legal requirements and document its heritage, it must manage its records properly. Therefore, the Michigan Department of Health and Human Services (MDHHS) requires its employees and contractors to retain and destroy email or instant messages that are sent and received in the course of conducting official business in accordance with an approved records retention and disposal schedule.

All email messages that are created, received or stored by a government agency are the property of MDHHS; they are not the property of its employees, vendors or customers. Email accounts are provided to employees for conducting public business. Employees should have no expectation of privacy when using the agency's computer resources.

MDHHS employees and contractors should not use a personal email account to conduct MDHHS business.

## DEFINITIONS

### **Electronic Mail (email)**

Email is a means of exchanging messages and documents over a computer network. A complete email message not only includes the contents of the communication, but also the transactional information (dates and times that messages were sent, received, opened, deleted, etc.; as well as aliases and names of members of groups), and any attachments.

### **Instant Messages**

Instant messaging (IM) tools used to have textual conversations, as well as audio and video conversations. IM records conversations and saves them in the conversation history folder. Conversations created to document official business are official records are managed in accordance with approved records retention and disposal schedules.

### **Records Retention and Disposal Schedules**

Michigan law requires all public records be listed on an approved retention and disposal schedule that identifies how long records must be kept, when they may be destroyed and when they can be

sent to the Archives of Michigan for permanent preservation. Records covered by this law include email and instant messages.

There is no single retention period for all email or instant messages. The retention period depends upon the content of the message, and the business process it supports.

There are two types of schedules:

- [General schedules](#), which cover records common to a particular type of government function, such as financial records.
- [Agency-specific schedules](#), which cover records unique to a particular government agency, and not covered by a general schedule. The retention periods listed on these documents are absolute minimums and maximums.

### Official Records

Official records include all recorded information created or received in connection with the transaction of public business as evidence of the organization, functions, policies, decisions, procedures, operations or other activities retained by an agency in the performance of an official function.

Keep records to document job duties and responsibilities, guidance or services provided, and/or to document decisions and activities for an office or project.

**Note:** Do not keep drafts replaced by new versions or duplicate copies of records.

### Unofficial Records

**Transitory Records** - Temporary records, which are required for a limited time to complete a routine action, used in the preparation of final records, or retained as information or convenience copies by offices or individuals who do not have primary responsibility for them are transitory and have no record retention requirements beyond their immediate intended purpose.

**Non-records** - are records that have no value as documentation for the performance of an official function.

**Personal records** - document non-government business or activities.

Do not keep unofficial records.

## PROCEDURE

### MDHHS Employee Responsibilities

Senders are the person of record for any communication. Recipients may also file a message to support their own business functions, especially if they do not have access to the sender's records. Alternatively, they may file a message until a task is complete and then delete it. There is no need to retain informational email or instant messages.

Employees and contractors must evaluate the content and purpose of each email message to determine which retention and disposal schedule defines the message's approved retention period.

Employees and contractors must:

- Organize email messages so they can be located and used.
- Dispose of transitory, non-record and personal email messages.
- Dispose of email messages that document the official functions of the agency in accordance with an approved record retention and disposal schedule.

**Note:** Do not destroy records, including email and instant messages when Freedom of Information Act (FOIA) rules apply, or if they are part of on-going litigation, even if the applicable retention period has expired.

- Provide access to their email to the MDHHS FOIA coordinator or the Michigan Department of Attorney General.
- Retain all work-related appointments, tasks and notes stored in the email system for 2 years.

- Manually delete personal appointments (such as sick leave or annual leave) from the email system after the event takes place.
- Only save the final message in a communication string, which documents the contents of **all** previous communications, when saving according to the record retention schedule. To delete redundant messages from Outlook:
  1. On the **Home** tab, in the **Delete** group, click **Clean Up**.
  2. Click one of the following:
    - Clean Up Conversation - redundant messages deleted from the current conversation.
    - Clean Up Folder - redundant messages deleted from all conversations in the selected folder.
    - Clean Up Folder & Subfolders - redundant messages deleted from all conversations in the selected folder and any folder that it contains.

## Archive

Email account size is limited so employees must actively manage messages and conversations.

Email archives create many problems for storage and retrieval as records are only accessible to the person logged into the email account. This means a person cannot access an archive located on a hard drive when they using a different computer.

### Archive Storage

If the designated filing system for the business process is:

- **Paper** - message should be printed and filed in the paper filing system.
- **Network Shared Drive** - save the messages as a PDF and store on the network.
- **Document Management system** - file directly into the system

Retention responsibility for archived messages is the same as for other records, employees and contractors must organize files so they can be located and use an approved retention and disposal

schedule to identify how long to keep them in an organized manner to facilitate access and retrieval of the record.

## **MDHHS Responsibilities**

It is the responsibility of MDHHS to:

- Ensure all department employees are aware of and implement the policy.
- Designate a filing system for each office function, and establish business rules for the appropriate use of the designated filing system.
- Notify the Department of Technology, Management, and Budget (DTMB) to close accounts of former employees.
- Ensure that the email messages (and other records) of former employees are retained in accordance with approved record retention and disposal schedules.
- Notify the Legal Affairs Administration when a departmental area or employee becomes involved in litigation or when a departmental area or employee receives a FOIA request.
- Ensure employees who need assistance or additional information about applying record retention best practices to email and instant messaging take the free online email management training offered by Records Management Services.

## **FOIA Coordinator**

It is the responsibility of the MDHHS FOIA coordinator to:

- Notify affected department employees of FOIA requests involving email to prevent the destruction of relevant messages.
- If appropriate, notify DTMB of FOIA requests involving email to prevent the destruction of relevant messages email(s) related to litigation apply until after the case is closed.
- Collect all email records relevant to FOIA requests to which MDHHS is a party.

**Note:** Email records are applicable even if the requestor did not specifically request email.

## Resources

MCL 15.231-15.246  
44 U.S.C. 3301  
CFR 1222.12.

For more information, see [Michigan Department of Technology, Management and Budget Policies, Services & Facilities, Records Management](#).

MDHHS record retention disposal and schedules are available on MDHHS intranet under [Toolbox/Records Management](#).

FOIA questions see the Legal Affairs Administration from the MDHHS intranet under [About MDHHS/Offices and Departments/Legal Affairs Administration](#) or email the FOIA coordinator at [MDHHS-FOIA@michigan.gov](mailto:MDHHS-FOIA@michigan.gov).

DTMB Records Management Services free online training course, [Email Management](#).

For MDHHS human services related questions, contact Corie Weber, [WeberC@michigan.gov](mailto:WeberC@michigan.gov) or 517-373-1626.

For MDHHS health related questions, contact Carol Griffiths, [GriffithsC@michigan.gov](mailto:GriffithsC@michigan.gov) or 517-373-2546.