

Exhibit L

**INDIANA DEPARTMENT OF
HOMELAND SECURITY**

Effective Date: November 1, 2007

Approval: J. Eric Dietz, Executive Director

E-MAIL RETENTION POLICY

- PURPOSE:** To promote compliance with the Commission on Public Records E-Mail Retention Policy and the Indiana Access to Public Records Act.
- SCOPE:** This policy applies to all IDHS employees.
- RESPONSIBILITIES:** Employees are responsible for adhering to this policy. Management officials are responsible for ensuring that all employees are aware of this policy and for consistently enforcing the policy.
- REFERENCES:**
- a. Commission on Public Records E-Mail Retention Policy (6-01)
 - b. The Indiana Access to Public Records Act, IC 5-14-3-1, et seq.
- POLICY:**
1. Indiana Access to Public Records Act. The Indiana Public Access Counselor has determined that all e-mail conducted on state government computers is owned by the state of Indiana and is a public record under The Indiana Access to Public Records Act. Under the Indiana Access to Public Records Act, any member of the public may request these records; and, unless an exception applies, the general rule is that they must be released to the requester. Public records may only be destroyed in accordance with rules issued by the Indiana Commission on Public Records.
 2. Deletion of Electronic Messages. Deletion of electronic files, including email messages, may be done only in accordance with the Commission on Public Records E-Mail Retention Policy (6-01) as implemented by this IDHS Policy letter.

a. Email messages sent or received by an IDHS employee may be deleted by the employee only if the message is transitory in nature. As used in this policy letter, “transitory” means of brief, short lived or temporary interest or importance. Anything that is permanent, important, significant or of historical interest is not transitory for the purpose of this policy letter.

b. Agency records, including e-mail messages that are not transitory in nature, shall not be deleted or otherwise destroyed without compliance with an approved records retention schedule, including the necessary documentation describing the records and their disposition.

c. The decision to delete an email message must be based on its content, just as with any other record. If in doubt, email messages should be retained. Any email that is older than six months or has total attachments in the email larger than five MB will be automatically archived by IOT. The only difference the employee will notice is the icon in Outlook for the message that has been archived becomes a gray box instead of an envelope. This will allow employees to keep all of messages that have not been deleted without going over the employee’s storage limit. In making the decision to delete an email message, all email messages are to be determined to be: (1) transitory; (2) less than permanent; or (3) permanent.

1. Transitory messages, including:

- (a). “listserve” messages; (a “listserve” message is one that is sent to a specific group of people (generally many people). For example, the messages you get from State Personnel about open enrollment are “listserve” messages.
- (b). personal messages not conveying any state business;
- (c). routine agency memos without legal, administrative, fiscal or historical value, e.g. “the staff meeting scheduled for 9-21-07 has been cancelled.”

d. There is no retention requirement for transitory messages. Public officials and employees receiving such

communications may delete them immediately. Email correspondence that is determined to have insufficient value to warrant its preservation by the State of Indiana may be deleted upon receipt. Employees are encouraged to delete this type of correspondence as soon as possible.

e. Less than Permanent- As used in this policy letter, “less than permanent” means any record that is shown on your division approved retention schedule as being processed other than by ending up in Archives. For example, if the record retention schedule states that a specific record stays with the agency for 3 years, is then sent to the Records Center for 5 years and then is destroyed, that record is “less than permanent”. For these messages, IDHS personnel should follow the retention period for equivalent hard copy records as specified in an approved retention schedule. Agencies may delete or destroy these records only after receiving signed approval from the Commission on Public Records via a “Records Destruction Notification” State Form 00016. Employees wishing to view the division’s approved record retention schedule should contact their Division Record Coordinator.

f. Permanent or Permanent/Archival-Retention. As used in this policy letter, “permanent” means any record that is shown on your division approved retention schedule as being processed by ending up in Archives. Any record that has an end result of being sent to “Archives” is a “permanent” record. Even if Archives then has the authority to take further action, the record must be treated as a permanent record. These records must be placed in the form of a hard-copy printout or microfilm that meets 60 IAC 2. The information must be eye readable without interpretation.

g. Duplicate Records - If an email has gone to multiple people and it is either “less than permanent” or “permanent”, it is the sender’s obligation to retain that email.

3. The state's general retention schedule is printed in the Indiana Commission on Public Records' Records Coordinator's Handbook. The most current version is available either from the ICPR's Records Management

Division or from ICPR's web page at:
http://www.in.gov/icpr/records_management/grsindex.html

4. Each agency has a specific retention schedule covering the unique records it produces. Copies are available from the agency records coordinator, the division records retention coordinator(s), ICPR's Records Management Division or ICPR's webpage at:
http://www.in.gov/serv/icpr_retention

5. Confidentiality.

a. Exhibit A to the IDHS Employee Administrative Manual contains an Information Resource Use Agreement, developed by IOT and signed by each employee. Each IDHS employee should review the agreement periodically since it contains important information about the permissible and prohibited uses of state computers. Under this agreement, state employees are advised that any information created, accessed, or stored on Information Resources, including e-mail messages and Internet use, may be subject to public disclosure. The agreement also informs employees that the State reserves the right to monitor any and all use of Information Resources, including e-mail messages and Internet use. Employees have no right to and no expectation of privacy with respect to their use of Information Resources.

b. Employees should be aware that email messages or other correspondence on certain subjects may be confidential under state or federal law. All confidentiality requirements listed on agency record retention schedules apply to email as well as paper documents.

Failure to abide by this policy may result in disciplinary action up to and including dismissal.