Creating an Email Policy

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Agenda

- Why have an email policy
- What should be in your email policy
- How to ensure compliance with the policy

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Benefits of an Email Policy

- Fosters agreement on how email should be used and managed
  - Many members of an organization must contribute to policy development
- Helps ensure compliance
  - No one can claim ignorance of the rules
- Can be used for training purposes
  - Hold periodic training sessions of email policies
- Protection from Liability
  - Email users less likely to cause trouble
  - Can be used to protect an organization in court

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Components of an Email Policy

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1. Essential Elements of the Email System

- Examples:
  - Basic technology
    - POP v IMAP
  - Cloud based or local servers
  - Archiving capabilities
  - Retention capabilities
  - Litigation hold capabilities
  - Spam filters
  - Metadata

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2.Classifying Email

- Is it a record?
- If it's a record, what kind of record?
- How long should the record be saved?

- How to classify:
  - Manually
  - Semi-automated
  - Automated

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Example: Manual Classification

December 7, 2015
To: PatsyStone@HollandParkUFSD.org
From: Emonsoon@gmail.com

Dear Miss Stone,

I'm requesting copies of ALL records related to the construction of the new elementary school including detailed plans, environmental impact reports, and payments to all vendors involved in the construction. I understand I have the right to these records under New York's Freedom of Information Law.
Please let me know how to proceed.

Edwina Monsoon

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3. Access and Retrieval

- Enhancing Access
  - File folder structure
  - Clear subject lines
  - Controlled vocabulary

- Restricting Access
  - Restrict access to certain folders if using central storage
  - Redaction for FOIL or discovery

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Example: Email Composition

Sent: February 2, 2015
To: LLeonard@Springfield.gov
From: CCarlson@Springfield.gov
Subject: A Couple of Things

Lenny, regarding our discussion for the Maple St. property I'm authorizing you to contract with the Crumble Demolition Company to demolish this blighted building. Please let me know the date this will be done. I'd like it done by the end of the month if possible.

Also, regarding the personnel matter with Frank Grimes, his disciplinary hearing is February 24. Please write up a summary of events that led to the disciplinary action and get it to me by the end of the week for my review. Our new legal counsel, Lionel Hutz, is a complete idiot so I need to be well prepared for this hearing since he won't.

Carl Carlson
City Manager

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4. E-discovery

Understanding E-discovery
- Pretrial process that allows opposing parties to obtain information for their case
  - Includes all electronically stored information (ESI)
  - Email's the most requested ESI
  - Litigants have a "duty to preserve"
  - Organizations must be prepared
    - Have strong appropriate use polices
    - Have a strong retention and disposition policy

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E-discovery Policy Components

- Stipulate that legal counsel must be informed of impending lawsuits
- Legal holds
- E-discovery software

- May want a completely separate e-discovery policy

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5. Retention and Disposition

- What retention methods will be used
- Backups: frequency and method
- Attachments
  - Often differ from the email
- Copy control
  - Official copy: sender or receiver
  - Policy on CC
  - Deduplication software

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Example: Identifying the Official Copy of an Email

- Held by the sender
- Held by the recipient of an external record
- Recipient copied in an exchange by external parties
- Forwarded messages
    - Depends upon the situation
- The last email in a thread

Email Retention Options

- Schedule-Based Retention
- Uniform Retention
- Functional Retention ("Big Bucket" retention)
- Account Holder Retention

6. Email Storage

- Where are emails stored?
- Active email v inactive
- Document management system
- Auto-archive or auto-delete schedule
- Migration plans

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Content Management Systems

- Pros
  - Allow for routing, filing, and retrieval
  - Can file emails with other e-records
  - Can automate retention
  - Provides shared access
- Cons (as compared to an archiving system)
  - No automatic transfer or real time capture
  - No single-instance storage
  - Often converted to non-email format, can't retrieve from email system

7. Preservation

- Where will long-term emails be stored
- Software upgrades (migration plans again)
- Format standard
- Media integrity
  - Part 185, 8NYCRR

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Long-Term Preservation

- Some emails must be preserved for decades or even forever
  - Remove emails from email software
  - Save in a preservation format
    - PDF/A
    - XML

Preservation Tools and Products

- EMCAP (Electronic Mail Capture and Preservation)
  - Utilizes XML to preserve email accounts
  - Drop and drag emails into an "Mbox"
  - Designed for large server environment
- CERP (Collaborative Electronic Records Project)
  - Utilizes XML to preserve email accounts
  - Drop and drag emails into an "Mbox"
  - Simpler tool than EMCAP
- Preservica
  - Software service and product that preserves all electronic records, including email

8. Information Security

- Firewalls
- Anti-virus software
- Spam filters
- Password rules
  - Changed frequently
  - Difficult to guess

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9. Appropriate Use

- Government business only
- Protect sensitive data
  - PII-Personally Identifiable Information
- Don't use personal email for government business!
- Enforcement rules
  - Email may be monitored
  - State the consequences for inappropriate use

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Some Examples of Inappropriate Use

- Transmitting threating or obscene material
- Any illegal purpose
- Promoting religious or political causes
- Private advertising
- Any activity unrelated to official job duties

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What would you do if you got this email?

From: Jim Ignatowski
To: Alex Reiger
Subject: Good Stuff

Dude, you missed a cool party Saturday. Got some great stuff left. If you're interested throw me a price.

Peace..
Jim

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Is It Appropriate for all Employees to have an Email Account?

- Maybe not
  - Cost (need to pay for each account)
  - Focus (important messages lost in an avalanche of email)
  - Accountability (how do you know they got the message?)
  - Behavior (mobile workforce can use other tools-text messages)
  - Turnover (creating and deleting accounts)

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Email has Its Downside

- Wasteful
  - 33% of emails never opened, 62% have no value
  - Employees spend 7 hours per week on email tasks
  - Costs estimates: 8K-15K *per employee* annually.
- Disruptive
  - Distracts employees – can take up to 20 minutes to refocus on a task.

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Possible Solutions

- Don't give everyone an email account
- Only check email a couple of times per day
  - If high importance call or visit the person
- Turn off notifications
- Email-less Fridays

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10. Training

- Use your documented email polices as basis of your training
  - All new employees should sign a document stating they have read and understand all email policies
- Must have ongoing training
  - Not just one and you're done!
- Key to the legal admissibility of email
- Key to the proper implementation of the policy
  - No policy is better than a badly implemented one!

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Training Content

- Users must understand the technical capabilities of the email system.

- Users must understand how to manage email
  - Identify records
  - Apply schedules
  - Archive or delete email at the appropriate time

- Users should understand the ediscovery process

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Training Frequency

- Training should at least be annual

- Carefully document training
  - When and where it took place
  - The content
  - Proof of attendance

- Periodically review and update policies

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11. Roles and Responsibilities

- Assign Roles to all involved:
  - Chief Information Officer (CIO)
  - Legal Counsel
  - Records Management Officer
  - Chief Administrative Officer
  - Department heads (or whole departments)
  - Other managers

- Always use position titles not personal names!

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Questions?

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