

CITY OF LOS ANGELES
INTER-DEPARTMENTAL CORRESPONDENCE

Date: October 25, 2004

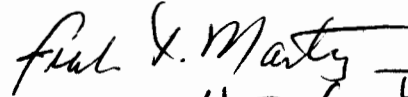
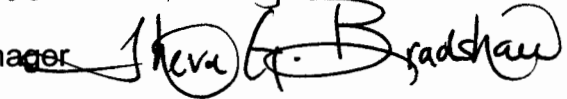
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To: Document Management Steering Committee
Attention: Dee Carey, Chairperson

CITY ADMINISTRATIVE OFFICES

From: Frank T. Martinez, City Clerk

Thera G. Bradshaw, General Manager
Information Technology AgencySubject: **RETENTION OF E-MAIL****Executive Summary**

The departments and offices of the City of Los Angeles generate and receive over 100,000,000 e-mails per year. The increasing reliance on e-mail communication to formulate and transmit critical information requires that the City establish consistent policies for the retention of e-mail. The current e-mail retention practices of the city are primarily intended to restore the e-mail file if the system suffers a catastrophic failure (disaster recovery function). E-mail communications that rise to the level of public records generally require separate retention, outside the e-mail system.

Currently, the e-mail retention practices within the City vary from department/office to department/office and have been driven primarily by the disaster recovery imperative. On average, departments/offices retain e-mail on back-up tapes (not classified or organized by type) for a period of 6-12 months. Although these back-up tapes serve the purpose of disaster recovery, it is very time consuming and expensive to review these back-up tapes for the purpose of retrieving specific records.

Complicating this task of e-mail retention is the fact that the City does not currently have an integrated document management system that would standardize the classification and electronic archiving of e-mail across all departments/offices. However, over the next two years, the City will be consolidating its e-mail servers under the management of the Information Technology Agency (ITA). This consolidation will allow for ITA to manage the disaster recovery portion of the e-mail retention function in a more efficient manner.

Pending the establishment of an integrated document management system with electronic archiving capability, the City should establish interim e-mail retention policies along the following guidelines.

1. For disaster recover purposes, each department and office managing an e-mail system must create and store in a secure location a back up tape of the full e-mail system on a weekly basis and retain the back up tape for a period of 30 days.
2. An e-mail or an attachment to an e-mail that qualifies as a public record pursuant to Sections 12.1(i) of the Administrative Code shall be retained in one of two ways:
 - a. The e-mail or e-mail attachment may be printed out and retained in paper format in accordance with the department/office's Records Retention Schedule.
 - b. The e-mail or e-mail attachment may be saved in an electronic archive if it is categorized and retained in accordance with the department/office's Records Retention Schedule.
 - c. It would not be necessary to retain an e-mail communication if the official version of the item is produced in paper version.
3. The department/office having custody of the record to which an e-mail that qualifies as a public record pertains shall have primary responsibility for retaining the e-mail.

Discussion

As noted above, it is estimated that City employees generate and receive over 100,000,000 e-mail communications each year. The City now has over 26,000 networked personal computers and the use of e-mail is part of the daily routine of thousands of City office workers. The content of these e-mails and associated attached documents cover the full range of business communications such as arranging meetings, discussing an issue in a back and forth manner, transmitting draft and final documents and data files, etc. E-mail communications are often printed out by the originator or receiver(s) of the e-mail in order to facilitate review or to document for a "project file" the nature or timeliness of the communication. Of course, the pattern and practice of printing out e-mails varies widely from employee to employee. In addition, many of the documents or files attached to an e-mail communication are ultimately officially transmitted in hard copy form.

Currently, the City does not have a uniform policy for the retention of e-mail communications. Rather, the retention of e-mail communications has taken three basic forms based on operational decisions at either the individual and department level.

1. Saving a paper copy of an e-mail communication (usually done at the individual level).
2. Electronically archiving an e-mail communication on a personal computer or on a shared drive within a department (usually done at the individual level).
3. Creating a back-up tape of a department's e-mail file for disaster recovery purposes (done by departmental systems staff or by ITA). The length of time the back up tapes is saved ranges from 6 to 12 months. In this case the e-mails are not archived according to any set classification system but are simply stored as an image of the e-mail system at the point of time that the backup tape was made. To search these back up tapes for a specific e-mail or subject class of e-mails is very time consuming.

It should be noted that there are a number of electronic data files (e.g. land ownership records, building inspection requests, payroll files, etc.) that are preserved in an electronic format and backed up on a regular basis for disaster recovery purposes. The rules and protocols for retaining the data in these systems are codified in the procedural manuals for the operation of these systems and is not the subject of this report.

The City Clerk's Office has surveyed other cities in Southern California and determined that the policy guidelines set forth above are consistent with the prevalent practices of municipalities in Southern California. The salient characteristics of the e-mail retention policies prevalent throughout Southern California are:

- E-mail is regarded as a medium of communication.
- E-mail is not a classification of record that requires management and retention of all occurrences.
- The responsibility for recognizing that individual pieces of e-mail may rise to the level of a record rests with the individual users of the e-mail system.
- E-mail that does rise to the level of a record must be preserved outside of the e-mail system.
- The e-mail system is backed up for disaster recovery. These back ups are not subject to the retention requirements of records.
- Most municipalities have adopted e-mail retention policies separate from their records retention policy in order to reinforce the position that e-mails

are separate categories of communication and not categorically subject to the requirements of a records management program.

While cities vary in the manner in which they back up their e-mail system, the time period for which they maintain their back up copies and in the extent to which they have adopted electronic archiving or document management technologies for managing those e-mails that are to be preserved as records, adherence to the above standards is the norm.

Based on our review of other organizations and the City's operational systems environment, it is recommended that the City adopt an e-mail communication retention policy based on the **content** of the e-mail or e-mail attachment rather than to treat all e-mail communications as a single category of records to be retained for a specified period of time. The following procedures would be followed to implement such a content-based policy.

- An e-mail that rises to the level of a public record should be printed out and the hard copy retained in accordance with the department/office's Records Retention Schedule for that type of record. A public record is defined in section 12.1(i) of the Administrative Code as "A record which is made or kept by a City department or office pursuant to law or indicating action taken with respect to a particular City matter, but not including notes or preliminary drafts not retained in the regular course of business or a writing prepared or used by a City department or officer as a temporary aid in the preparation of minutes of a meeting of a City body or other record.
- If an e-mail communication is ultimately produced in paper form for transmission of the official document it would not be necessary to print out and retain the e-mail since the official paper copy would be retained according to the Records Retention Schedule.
- If an e-mail communication that rises to the level of a public record is never produced in paper, it could be retained in electronic form if the electronic archive is organized and managed in accordance with the Records Retention Schedule.
- The department/office having custody of the record to which an e-mail that qualifies as a public record pertains shall have primary responsibility for retaining the e-mail.

- For disaster recovery purposes, a back up tape of the full e-mail system would be made on a weekly basis and kept for 30 days. Incremental changes to the system may be saved to tape on a daily basis.

As discussed above it is not practical to use the disaster recovery back up tapes for the archiving and retrieval of e-mail communications. These back up tapes contain an image of the e-mail system at the point in time that the back up was made. The tapes would not contain messages that were received, deleted and purged between backups. Retrieval of a particular message would require the following:

- Restoration of the e-mail server on an isolated test server so as to not to interfere with the production e-mail server.
- Reset the security level of the restored server to allow the administrative access to the e-mail.
- Search and retrieval of the particular messages.
- The amount of staff time required to perform these operations can range from 20-40 hours per set of backup tapes depending on the size of the server and search criteria that is utilized.

Also, it is not necessary to keep such back up tapes for extended periods of time since restoring the e-mail file to a version older than 30 days would be of little use to the user. Most e-mail communications lose their value over time. If an e-mail server were to fail, staff would want the most recent image of the server to be restored. Backup images older than 30 days would have little chance of being used for disaster recovery purposes.

If the City ultimately implements an integrated document management system that facilitates the classification, archiving and retrieval of e-mail communications, then it would be appropriate to revisit the e-mail retention policy at that time.

It should also be recognized that in some circumstances there might be interest in retrieving e-mail communications that do not rise to the level of a public record. For example a Court ordered investigation might want to review e-mails that provide evidence that a meeting or conversation took place. Regardless of any e-mail retention policy, any e-mail communication existing on the back up tape or residing on a personal computer or server could be discoverable under a Court order, subject to all applicable disclosure and confidentiality restrictions. If there is concern about preserving such communications, the City should budget for a universal e-mail archiving solution because the current disaster recovery

backups only provide a partial record of the communications that take place via e-mail.

The e-mail retention policy relies on compliance at the individual employee level. Just as with our current paper based Records Management Program, if individual employees inappropriately destroy e-mail communications, then the program's integrity will be undermined. Accordingly, once an e-mail retention policy is adopted, ITA, with the assistance of the City Clerk and the City Attorney should develop and implement an employee awareness and training program.

Recommendations

That the City Council, direct all departments to implement an e-mail retention policy in accordance with the following provisions:

1. For disaster recover purposes, each department and office managing an e-mail system must create and store in a secure location a backup tape of the full e-mail system on a weekly basis and retain the back up tape for a period of 30 days.
2. An e-mail or an attachment to an e-mail that qualifies as a public record pursuant to section 12.1(i) of the Administrative Code shall be retained in one of two ways:
 - a. The e-mail or e-mail attachment may be printed out and retained in paper format in accordance with the department/office's Records Retention Schedule.
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 - c. It would not be necessary to retain an e-mail communication if the official version of the item is produced in paper version.
3. The department/office having custody of the record to which an e-mail that qualifies as a public record pertains shall have primary responsibility for retaining the e-mail

Fiscal Impact Statement

Adoption of the proposed e-mail retention policies will have no significant impact on the City's General Fund. Some minor additional cost will be incurred when e-mail is printed out and retained in paper format. There will also be some minor

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savings resulting from the shorter retention period proposed for the backup tapes of the various e-mail file systems.

If you have any questions regarding this matter please contact Cliff Eng of ITA at (213) 485-3949 or Todd Gaydowski, City Clerk Records Management Officer at (213) 485-8783.

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