

SOUTHWESTERN COMMUNITY COLLEGE	HUMAN RESOURCES/INFORMATION TECHNOLOGY ELECTRONIC RECORDS RETENTION	Policy 4.05.02
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1. **Introduction**

This policy governs the retention of electronic records, including electronic mail (“e-mail”) and instant messages. It is intended to provide guidance on the need for retention of electronic records and messages sent and received by Southwestern Community College employees. The College will retain and destroy electronic records, including e-mail and instance messages, in accordance with this policy and the approved Record Retention and Disposition Schedule (“the Schedule”) for community colleges adopted by the North Carolina Department of Cultural Resources. For the purposes of this policy, the term “electronic records” is defined to include electronic mail and instant messages.

2. **Electronic Records and the North Carolina Public Records Act:**

Electronic records made or received in connection with the transaction of public business are public records, as defined by the North Carolina Public Records Act, N.C.G.S. § 132-1.

Examples of electronic records that are public records include, but are not limited to: messages that include information about policies or directives, official business correspondence, official reports, or material that has historic or legal value.

Public records, including electronic records, may not be deleted or otherwise disposed of except in accordance with the Schedule. The content of the electronic record determines its retention requirement.

3. **Custodian of an Electronic Message**

Because electronic messages can be sent and forwarded to multiple people, copies of the messages may exist in the accounts of multiple users. In most cases, the author, or originator, of the electronic message is the legal custodian and is responsible for maintaining the "record" copy. However, cases in which the recipient has altered the message (made changes, added attachments, etc.), or when the message is coming from outside the college; the recipient is the one responsible for retaining the message.

When the custodian of an electronic message leaves the employment of the College, it is the responsibility of the supervisor to ensure all public records remaining on the computer and in the messaging account are retained or disposed of appropriately.

The College additionally stores all e-mail and instant messages in an online storage vault as a fail-safe archive in the event of system failure or unlawful tampering. All messages which are sent or received using the College’s email and instant messaging system are copied and retained by this system for (5) five years. This storage mechanism is intended as a safety measure and does not replace the individual employee’s legal responsibility for retaining and archiving electronic messages in accordance with the state of North Carolina’s record retention laws.

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-----------------------------------	---	-------------------

4. **Types of Electronic Messages**

For retention purposes, e-mail messages generally fall into the following two categories:

- A. E-mail of limited or transitory value: For example, a message seeking dates for a meeting has little or no value after the meeting. Retaining such messages serves no purpose and takes up space. Messages of limited or transitory value may be deleted when they no longer serve an administrative purpose.
- B. E-mail containing information having lasting value. E-mail is sometimes used to transmit records having lasting value. For example, e-mail about interpretations of an agency's policies or regulations may be the only record of that subject matter. Such records should be transferred to another medium and appropriately filed, thus permitting e-mail records to be purged.

5. **Procedures for Compliance with the Records Retention Requirements**

While the methods for reviewing, storing or deleting electronic records may vary, compliance with the retention requirements may be accomplished by one of the following:

Retention of Hard Copy. Print the record and store the hard copy in the relevant subject matter file as would be done with any other hard-copy communication.

Electronic Storage of records and e-mail. Electronically store the record or e-mail in a file on a disk, or a server, so that it may be maintained and stored according to its content definition under this retention policy.

6. **Litigation Hold for Electronic Records**

A litigation hold is a directive not to destroy electronic records, including e-mail, which might be relevant to a pending or imminent legal proceeding. The President may establish a committee to oversee and monitor litigation holds; such committee may contain a member of the Technology Department, College counsel and a member of the Administrative Team. In the case of a litigation hold, the committee shall direct employees and the Technology Department, as necessary, to suspend the normal retention procedure for all related records.

7. **Delegated Authority**

The Board of Trustees delegates to the President or his designee the right to implement further procedures or directives regarding electronic record retention consistent with this policy as needed.

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8. **Enforcement**

Failure to comply with the e-mail retention policy and associated guidelines and procedures can result in disciplinary action and penalties applicable by law.

Previously Referenced as: January 2010 (3.37)

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