

1.0 PURPOSE:

The purpose of this policy is to emphasize that certain types of e-mail as defined in Wis. Stats. §19.32(2) are public records. The same rules which apply to record retention and disclosure for other city documents apply to such records.

2.0 ORGANIZATIONS AFFECTED:

This policy applies to all City of West Allis departments, divisions, offices, boards, commissions, committees and City employees.

3.0 POLICY:

It is the policy of the City to follow this set of procedures for e-mail record retention.

4.0 REFERENCES:

Wis. Stats. §§16.612, 19.21 et. seq., 19.32 and 19.33.

5.0 PROCEDURES:

5.1 NATURE OF E-MAIL RECORDS

As a general rule, e-mail is a public record whenever a paper message with the same content would be a public record. See Wis. Stats. §19.32(2) for definition of a record.

5.2 COMPONENTS OF AN E-MAIL RECORD

The e-mail record is defined to include the message, the identities of the sender and all recipients, the date, and any non-archived attachments to the e-mail message. Any return receipt indicating the recipient received the message is also considered to be part of the record.

5.3 SAVING AND INDEXING E-MAIL RECORDS

The City of West Allis archives all external emails to and from employees and all internal emails sent between employees. All emails will be archived for a period of seven years. The Legal Custodian of an e-mail record bears the responsibility for determining whether or not a particular archived e-mail record is a public record.

5.4 USING THE CITY'S OFFICIAL EMAIL SERVER

Web based private email services, such as Google mail, Yahoo, MSN, AOL, etc., are not archived. Use of these services for City business is strictly prohibited.

5.5 RESPONSIBILITIES FOR E-MAIL RECORDS MANAGEMENT

5.5.1 Legal Custodian. E-mail records of a City authority having custody of records shall be maintained by the designated Legal Custodian, pursuant to City policy.

5.5.2 Information Technology Manager. Email is retained in a database and is the responsibility of the Information Technology Manager (ITM) to provide technical support for the Legal Custodian as needed. When equipment is updated, the ITM shall ensure that the ability to reproduce e-mail in a readable form is maintained. The ITM shall assure that e-mail programs are properly set up to archive e-mail.

5.6 PUBLIC ACCESS TO E-MAIL RECORDS

If a Department receives a request for release of an e-mail public record, the Legal Custodian of the record shall determine if it is appropriate for public release, in whole or in part, pursuant to law, consulting the City Attorney's Office, if necessary. As with other records, access to or electronic copies of disclosable records shall be provided within a reasonable time.

5.7 EMPLOYEE ACCESS TO ARCHIVED EMAILS

Employees may access and read their archived email at any time. Should it become necessary, for business reasons, to access another employee's archived email, permission must be obtained from that employee's Department Head who, in turn, after consulting and receiving approval from the City Attorney's Office, must complete an email archive search request for submission to the ITM.

5.8 VIOLATION

Employees violating this policy are subject to discipline up to and including dismissal. In addition, violations of this policy may be referred for civil and/or criminal prosecution, where appropriate.