



**COLORADO**  
Department of Agriculture

VIA email: natalie.castle@coleg.gov

December 29, 2023

Staff of the Legislative Council  
State Capitol Building  
200 East Colfax  
Denver, Colorado 80203

Dear Staff of the Legislative Council:

In accordance with Section 24-72-204.5(3), C.R.S., I am pleased to present you with a report outlining the electronic mail (“email”) retention policy of the Colorado Department of Agriculture.

Statute requires reporting to the Staff of the Legislative Council. Specifically:

On or before January 1, 2024, each member of the general assembly, the governor’s office and each office of the governor, and each state agency and institution shall submit a report to the staff of the legislative council of the general assembly outlining its respective electronic mail retention policy. The members of the general assembly may submit individual reports or may submit a report that specifies the electronic mail retention policies of multiple members of the general assembly.

The Colorado Department of Agriculture’s interim email retention policy is attached.


Sincerely,

Kate Greenberg  
Commissioner  
Colorado Department of Agriculture

# Organizational Policy & Procedures

**Title:** Interim CDA Email Retention Policy

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**Office:** Commissioner's Office  
**Policy #:** ADMIN-001  
**Replaces:** N/A  
**Effective:** February 1, 2024  
**Approved:** 

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## **Purpose**

State agencies may adopt a policy regarding the retention, archiving, and destruction of email records. The purpose of this policy is to outline the email retention policy and processes for the Colorado Department of Agriculture (CDA). This policy establishes how long an email will remain in an employee's state email account before being manually deleted, the type of emails to be preserved, and the general process to preserve emails from being deleted.

## **Policy**

1. All email that is older than one (1) calendar year + current year, other than email with a DONOTDELETE label, will be deleted by the employee. This includes email in inbox, sent, and other labeled emails or folders.
2. If a CDA employee needs to keep an email longer than one (1) calendar year + current year, the employee must apply a DONOTDELETE label to the email.
3. CDA employees shall periodically review emails with the DONOTDELETE label and remove the label when the email no longer needs to be retained and delete the email.
4. Guidance to label emails DONOTDELETE can be located [here](#).

## **Applicability**

This policy applies to all classified and non-classified employees within CDA, including full or part-time permanent and temporary employees, independent contractors, volunteers, and interns, regardless of physical work location.

Emails that should be retained and should be marked DONOTDELETE:

1. Emails that are of importance to ongoing work.
2. Emails that are required for reporting purposes.
3. Emails subject to legal or other sensitive holds.
4. Emails that are the subject of an active CORA request.
5. Emails that are required to be retained by any other applicable records-retention policy or requirement.

Emails that should not be retained:

1. Emails that are transitory, routine in nature, or of time-limited value because they serve a time-defined administrative purpose should be deleted by the user as soon as

the e-mail's usefulness has ended or deleted after one (1) calendar year + current year. Examples of these types of emails include but are not limited:

- Meeting or schedule notices.
- Routine inquiries and advertisements.
- Lunch, break, or leave arrangements.
- Emails flagged as spam or suspicious in nature.
- Emails of fleeting or no value.

Prohibited practices under this policy:

1. Downloading or printing emails for the sole purpose of storage.
2. Using unapproved software to automate the saving or storing of work emails.
3. Forwarding work emails to a personal email account for the sole purpose of storing those emails.
4. Using a personal peripheral storage device such as a jump drive or other storage devices to save and store work emails.
5. Deleting any email the employee has been informed is the subject of a CORA request or an active litigation hold.

### **Responsibilities**

It is the responsibility of the CDA employee to determine if an email needs to be retained or deleted based on the guidance above. If there is any question about the disposition of an email, the employee should not delete the email and seek direction from the employee's supervisor.

CDA Employees should:

1. Routinely manage their state email box and delete emails that are older than one (1) calendar year + current year days.
2. Apply the DONOTDELETE label in accordance with the standards in this policy.
3. Periodically review emails with the DONOTDELETE label and remove the label when the email no longer needs to be retained. If the DONOTDELETE label is removed and the email is older than one (1) calendar year + current year, the email should be deleted.

### **Colorado Opens Records Act (CORA)**

All public records, including email, shall be open for inspection by any person, except as otherwise provided by law. Correspondence by electronic mail may be a public record and subject to public inspection under the Colorado Open Records Act (CORA). Section 24-72-201, *et seq.*, C.R.S. Any email to or from an employee's office email account may also be subject to a litigation hold and may be subject to public inspection.

Any email that is the subject to a CORA request or a litigation hold shall be preserved from the date of the request regardless of any maintenance, retention, or deletion policy or practices utilized by the custodian for that email. The email may only be deleted when any CORA request has been fulfilled or any litigation hold has been released.