



Office of the Commissioner  
201 East Colfax Avenue  
Denver, CO 80203-1799

Dec. 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 Department of Education.

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

*On or before Jan. 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 Education’s email retention policy is attached.

Sincerely,

A handwritten signature in blue ink that reads 'Susana Córdova'.

Susana Córdova  
Commissioner  
Colorado Department of Education





### Purpose

The Colorado Department of Education (CDE) has adopted the below policy to clarify the department's record retention system for electronic mail and real-time text transmission in Microsoft Teams ("chat") records. The policy describes how long emails and chat records remain in CDE employees' state email accounts and state chat-based workspace before being automatically deleted and how employees may designate emails for longer retention. This policy adheres to best practices for record retention, including allowing the department to comply with requests under the Colorado Open Records Act in an efficient manner, minimizing legal risks and creating more consistency for Colorado citizens by aligning more closely with other state agencies.

### Applicability

This policy applies to all classified and non-classified employees within CDE including full or part-time permanent and temporary employees, as well as independent contractors, volunteers, and interns using the CDE email and chat systems, regardless of physical work location.

### Retention Procedures

1. Beginning January 16, 2024, the department's Information Management Services Division will enable automatic deletion of all employee emails that are older than 13 months, other than emails that employees have specifically designated for longer retention. The automatic deletion of emails that are older than 13 months will occur on a rolling basis (daily). For example, on January 16, 2024, emails from December 16, 2022 and earlier will be deleted, unless otherwise marked. On the next day, emails older than 13 months will be deleted, unless otherwise marked. And so on for every day going forward. Automatic deletion will include emails categorized under "inbox," "drafts," "sent items," "deleted items," "archive" and all other labels.
2. Beginning in January 2022 and prior to January 16, 2024, CDE employees must designate ("tag") emails that must be automatically retained for longer than 13 months. Employees must designate how long emails must be retained, based on the business needs of the employee and/or relevant legal requirements. (See below for further information.)
3. The current functionality known as "pst files" (Outlook data files that contain your messages and other Outlook items and are saved on your computer) within Outlook will be disabled as of Jan 2022. Employees may no longer use pst files for email storage.
4. The department's Information Management Services Division may periodically remind employees to review emails that have been tagged for longer retention and ask employees to remove the tags for any emails that no longer need to be retained.
5. Beginning in January 2022, CDE's Information Management Services Division will enable the automatic deletion of all employee chat records that are older than seven calendar days. Chat contained in any other video conference tool in use by CDE employees should also be deleted no later than 7 days after the meeting occurred. Teams is the only tool that IMS can systematically delete chats from since it is CDE's approved video conferencing tool. Any other tool's chat, e.g., Zoom, Google Meets, etc., must be deleted manually. That will be the responsibility of the meeting organizer to do so. Employees should treat chats as transitory and not rely on them to document critical business decisions. Critical business decisions should be documented in meeting notes and shared via OneDrive with all attendees.





### Identifying Emails for Longer Retention

1. Employees may be required to retain emails for longer than 13 months for the following reasons:
2. Required to perform an essential job duty or to provide historical records that may be needed for future reference;
  - Required by federal or state statute or rule;
  - Relevant to pending litigation;
  - Relevant to a data confidentiality incident or breach;
  - Relevant to a human resource matter;
  - Relevant to a request under the Colorado Open Records Act; and/or
  - Correspondence "showing significant new policies or work practices in place during the [COVID-19] pandemic" pursuant to guidance from the Colorado State Archives.
3. Employees may also wish to tag some emails for longer retention if the emails contain information that is necessary for the employee to perform an essential job duty or provide historical records that may be needed for future reference.
4. Employees must immediately delete or NOT tag for longer retention any emails that are transitory, routine in nature, or of time-limited value because they serve a time-defined administrative purpose. Examples of these types of emails include:
  - Meeting or scheduling notices;
  - Routine inquiries, newsletters, and advertisements;
  - Lunch or break arrangements;
  - Emails unrelated to work activities or that qualify as [incidental personal use](#);
  - Chat messages either during meetings or separate;
  - Emails flagged as spam, or which are suspicious in nature; and
  - Non-essential email or email with no critical business or governmental value.

### Prohibited Practices

The option to identify emails for longer retention should negate the need for other strategies to retain emails. As such, employees must not:

1. Download or print emails for the sole purpose of storage;
2. Use unapproved software to automate the saving and/or storing of work emails, including the use of pst files;
3. Forward work emails to a personal email account for the sole purpose of storing those emails;
4. Use a personal peripheral storage device such as a jump drive or other storage devices to save and store work emails; and/or
5. Delete any email that the employee has been informed is the subject of a Colorado Open Records Act (CORA) request or legal hold.

### Responsibilities by CDE Role

1. The Information Management Systems Division shall:
  - Set up and manage the email retention policy period in Microsoft Outlook; and
  - Communications and IMS will post email retention policy training information and/or user guides for CDE employees on MyCDE.





2. CDE supervisors shall be responsible for understanding any legal record retention requirements specific to the subject area they oversee (e.g., financial accounting, grants management, special education, etc.) and ensure their supervisees have information about such requirements.
3. Employees shall:
  - Routinely manage their state email box, including by applying tags to emails that must be retained for longer than 13 months. If in doubt about whether to tag an email, employees shall apply the tag and check with their supervisor and/or CDE's Communications Division. See the CDE Email Retention Policy FAQ for instructions on how to properly apply a retention tag.
  - Periodically review emails that have been tagged for longer retention and remove the tags for any emails that no longer need to be retained; and
  - Provide any public records that are not maintained in Microsoft Outlook to the Communications Division as necessary to fulfill requests under the Colorado Open Records Act.

#### **Compliance**

Failure to comply with this policy may result in corrective action or disciplinary action, up to and including termination.

#### **Policy Creation Date:**

10/28/2021

#### **Policy Modified:**

12/05/2023 - 4:21pm

#### **Additional Information**

Colorado Open Records Act (CORA) Policy:

All requests under the Colorado Open Records Act should be forwarded to the communications office so they can be officially documented and responded to according to requirements and timelines set forth in the law. [View the full CORA policy](#). Some things to remember:

- All emails are subject to CORAs.
- Emails are currently maintained in accordance with CDE's [E-mail and Chat Record Retention Policy](#).

