



DATE: December 21, 2023
TO: Staff of the Legislative Council of the General Assembly
FROM: The University of Colorado, Office of University Counsel
RE: Senate Bill 23-286, Concerning Improving Public Access to Government Records Colorado Open Records Act (“CORA”), C.R.S. § 24-72-201, *et seq.*

UNIVERSITY OF COLORADO’S REPORT
RE: ELECTRONIC MAIL RETENTION POLICY

Senate Bill 23-286 states: “[o]n 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.” Accordingly, the University of Colorado (“University”) submits its report outlining the University’s electronic mail retention policies and procedures.

On September 27, 1978, the University approved the *Establishment of University Management Systems Policy Committee and Campus Advisory Committees*. Subsequently, on April 15, 1981, the University approved the *Computing Policy Formation, Monitoring and Implementation*. On February 1, 2000, the University replaced both policies with Administrative Policy Statement (“APS”) 6001¹, which sets forth university-wide parameters for providing and using information technology and allows campuses and system administration to create and implement policies consistent with those parameters. APS 6001 also clearly establishes that “information, no matter where it is stored, that is created, maintained or kept by the university and that relates to the performance of public functions or the receipt or expenditure of public funds may be a public record subject to public inspection under the Colorado Open Records Act, C.R.S. §24-72-201, *et seq.*, which governs disclosure of public records.” *See* APS 6001, ¶ II.C.1.

On March 1, 1996, the University approved APS 6002² which establishes electronic communication as the official means of communication and outlines related parameters for use.

On July 1, 2007, the University adopted APS 2006³ which establishes the principles and processes for the retention and disposal of university records, outlines the roles and responsibilities associated with this process, and provides records retention schedules⁴ for the university.

At the University, when an electronic communication, or e-mail, constitutes or contains a record as defined within APS 2006, it is to be retained in accordance with the applicable schedule.

¹ <https://www.cu.edu/ope/aps/6001>

² <https://www.cu.edu/ope/aps/6002>

³ <https://www.cu.edu/ope/aps/2006>

⁴ <https://www.cu.edu/sites/default/files/RecordRetentionSystem.pdf>
<https://www.cu.edu/sites/default/files/RecordRetentionUCB.pdf>
<https://www.cu.edu/sites/default/files/RecordRetentionUCCS.pdf>
<https://www.cu.edu/sites/default/files/RecordRetentionUCD.pdf>