


DPA Departmental Policy	Email Retention Policy
Effective Date: Jan 1, 2024	Revision Date: Dec 12, 2023
Approval: 	

Scope

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

References

- [Section 24-72-204.5\(3\), C.R.S.](#)
- [Colorado Open Records Act \(CORA\), C.R.S. 24-72-201 et seq.](#)
- [SB23-172 Protecting Opportunities And Workers' Rights \(POWR\) Act](#)

Policy Description

State agencies may make rules and adopt a policy regarding the retention, archiving, and destruction of electronic mail (“email”) records. The purpose of this policy is to outline the email retention policy and processes for the Department of Personnel and Administration. This policy establishes how long an email will remain in your state email account before being deleted automatically, what emails need to be preserved, and how to prevent emails from being auto-deleted. It is a best practice to automate the retention management of emails so that they are removed from the system in a consistent manner without any manual intervention. Doing so eliminates storage of digital assets no longer needed, human error, and any potential bias.

Definitions

- **Electronic mail (“email”):** an electronic message that is transmitted between two or more computers or electronic terminals, whether or not the message is converted to hard copy format after receipt and whether or not the message is viewed upon transmission or stored for later retrieval. “Email” includes electronic messages that are transmitted through a local, regional, or global computer network.

Procedures

- Effective January 1, 2024, employees shall review email and delete or label “DONOTDELETE” all email older than 365 days.
- Effective July 1, 2024, all email that is older than 365 days, other than email with a “DONOTDELETE” label, will be auto-deleted. This includes email in inbox, sent, and other labels.

- If an employee needs to keep an email longer than 365 days, the employee must apply a “DONOTDELETE” label to email.
- Employees shall periodically review emails with the “DONOTDELETE” label and remove the label when the email no longer needs to be retained. Then, the email will be auto-deleted.

Emails that should be retained:

- Emails that are of importance to ongoing work, including incidents of routine employee performance management by supervisors and Appointing Authorities.
- Emails that are required for federal and/or statutory reporting purposes.
- Emails subject to legal or other sensitive holds, including those subject to the POWR act.
- Emails that are the subject of a CORA request.

Emails that should not be retained:

- 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 their usefulness has ended or auto-deleted after 365 days. Examples of these types of emails include but are not limited to the following:
 - Meeting or schedule notices.
 - Routine inquiries and advertisements.
 - Lunch or break arrangements.
 - Emails flagged as spam or suspicious in nature.
 - Emails of fleeting or no value.

Prohibited practices under this policy:

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

Employee Responsibilities

Employees should:

- Routinely manage their state email box.
- Apply the “DONOTDELETE” label in accordance with the standards set forth in section above.
- Periodically review emails with the “DONOTDELETE” label and remove the label when the email no longer needs to be retained.

Management Responsibilities

Managers should ensure that all employees are aware of and adhering to the email retention guidelines at all times.

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), C.R.S. 24-72-201 et seq. 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 request 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 the CORA request has been fulfilled and/or the litigation hold has been lifted.

Compliance

Failure to comply with this policy may result in corrective and/or disciplinary action up to and including termination of employment. The Executive Director may grant exceptions to this policy.

Revision History

<u>Date</u>	<u>Activity/Changes</u>
12/13/2023	Initial Draft/Creation
1/1/2024	Policy Implementation