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Jared Polis  
Governor

Dr. Angie Paccione  
Executive Director

December 21, 2023

Staff of the Legislative Council  
State Capitol Building  
200 East Colfax  
Denver, CO 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 Higher Education.

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 Department of Higher Education's email retention policy is attached.

Sincerely,

A handwritten signature in black ink that reads "Dr. Angie Paccione". The signature is fluid and cursive, with the first letters of "Dr.", "Angie", and "Paccione" being capitalized and prominent.

Dr. Angie Paccione, Executive Director



## 1. Purpose

The purpose of this policy is to outline the email retention policy and processes for the Colorado Department of Higher Education (CDHE). This policy establishes how long an email will remain in state email accounts 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. This policy ensures that all email correspondence retention and destruction practices across the CDHE are consistent and based on best practice.

Note: This policy will be implemented in stages to ensure compliance with CDHE's Records Retention and Disposal Policy (Policy #EXEC001) as emails are evaluated individually for retention or destruction.

## 2. Definitions and Assumptions

1. **Applicability:** This policy applies to all classified and non-classified employees employed by CDHE including full or part-time permanent and temporary employees, independent contractors, volunteers, and interns, regardless of physical work location.

## 3. Policy

1. All email that is older than 2 years, other than email with a 3-year or a 5-year tag, will be auto-deleted. This includes email in inbox, sent, and other tags.
  1. If because of its content, it is information that needs to be retained, employees must take it out of the email system and put it into another format (like a PDF) to appropriately retain it according to the Department's Records Retention and Disposal Policy (Policy #EXEC001).
  2. The procedure for requesting a general inbox be excluded from this policy is outlined in Appendix A.
2. If an employee needs to keep an email as reference longer than the default length of 2 years, the employee must apply a 3-year or a 5-year tag to that email. Emails tagged with the 3-year or 5-year tag will be auto-deleted in 3 years or 5 years, respectively.
  1. The procedure for requesting a new retention tag is outlined in Appendix A.
3. Employees shall review emails with the 3-year and a 5-year tag quarterly and remove the tag when the reference email no longer needs to be retained. Then, the email will be auto-deleted.
4. Employees must adhere to the email policy operational procedures as outlined in Appendix A.



1. **No record shall be disposed under this schedule authority so long as it pertains to any pending legal case, CCHE policy, claim, action, audit, or statutory reporting requirement.**
2. If there is a record type that is not listed in the email policy operational procedures in Appendix A, please contact the Executive Team Lead to confirm appropriate action.
5. While updates to this policy require Senior Staff approval and Executive Director signature, the operational procedures (Appendix A) may be updated as needed without senior staff approval.
6. The email policy operational procedures (Appendix A) must be made available on the CDHE Intranet SharePoint Site to all staff to reference as needed.
7. **Colorado Opens Records Act (CORA)**
  1. 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.
  2. Any email that is the subject of 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.

#### 4. **Approval and Adoption**

This Policy has been reviewed and approved by the Senior Staff for the Colorado Department of Higher Education.



## Appendix A: Email Correspondence Retention and Disposal Operational Procedures

Emails that should be retained:

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 a CORA request.

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 their usefulness has ended or auto-deleted after 2 years. Examples of these types of emails include but are not limited to the following:
  1. Meeting or schedule notices.
  2. Routine inquiries and advertisements.
  3. Lunch or break arrangements.
  4. Emails flagged as spam or suspicious in nature.
  5. 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 and/or storing of work emails.
3. Forwarding work emails to a personal email account for the sole purpose of storing those emails (with the exception of HR/benefits 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.

### CDHE Employee Responsibilities

1. Routinely manage their state email box.
2. Apply the 3-year or a 5-year tag in accordance with the standards set forth in section above.
3. If because of its content, the information in the email needs to be retained, employees must take it out of the email system and put it into another format (like a PDF or Word Document) to appropriately retain it according to the Department's Records Retention and Disposal Policy (Policy #EXEC001).
4. Quarterly review emails with the 3-year or 5-year tag and remove the tag when the email no longer needs to be retained.



## Waiver Procedures

5. To request a waiver from this email correspondence retention policy for a specific general email inbox or to request a new email tag, a staff member must email the request to their Division lead and the IT Director. They must get email confirmation their request has been approved, and then IT will create the appropriate tag. Waiver Requests will be assessed on a case-by-case basis.

