

STATE OF COLORADO DEPARTMENT OF THE TREASURY

Dave Young
State Treasurer



Eric Rothaus
Deputy Treasurer

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 the Treasury.

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 Treasury's email retention policy is attached.

Sincerely,

David L. Young
Colorado State Treasurer

Colorado State Capitol
200 E Colfax, Suite 140
Denver, CO 80203
(303) 866-2441
treasurer.young@state.co.us



TITLE	Email Retention Policy	
Applies to:	All Treasury Employees	
Established by:	Treasury Executive Director	
Established:	January 2024	
Appointing Authority:	<i>Charles Scheibe</i>	Date: 12/21/23

Purpose

This policy aims to outline the email retention policy and processes for the Department of the Treasury (Treasury). This policy establishes how long an email will remain in your state email account before being deleted automatically, what emails need to be retained, 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.

Policy

- All email sent or received through the Treasury's internal email system is property of the Department. Emails may be considered "public record" under section 24-72-203, C.R.S., and subject to public disclosure. They may also be subject to preservation requirements under 24-80-101 et seq., C.R.S. Please be aware that emails could be made public, and the content and tone of those messages reflect on the Department of the Treasury and on the Treasurer.
- Employees are responsible for managing their office email in accordance with this policy. Both the author and the recipient of the email must use their best judgment in determining whether to keep or archive an electronic record and, if it should be kept, which employee should retain it.
- Currently, the Treasury uses Google Gmail as the electronic mail application. All emails older than 120 days will automatically be deleted from this system and cannot be recovered unless the user retains the email by applying the DONOTDELETE label.
- Treasury employees shall apply a DONOTDELETE label to emails that should be kept longer than 120 days to protect an email message from automatic deletion.
 - The syntax of the "DONOTDELETE" label must match exactly (all caps and no spaces).
 - Users are discouraged from creating sub-labels under the "DONOTDELETE" label because applying only a sub-label will not protect emails from deletion.
 - Treasury employees shall periodically review emails with the DONOTDELETE label and remove the label when the email no longer needs to be retained.
 - Archiving will not preserve email past 120 days unless the DONOTDELETE label has been applied.
- Deleted emails in the Trash folder will be automatically removed 30 days after deletion. Deleted emails that have been removed from the Trash folder will remain in the Google Vault for 25 days after deletion before being permanently removed from the system.

Definitions

1. **Colorado Open Records Act (CORA):** CORA requires that public records be open to public inspection, subject to some exceptions. A "public record" includes most writings made, maintained, or kept by the Treasury. Anyone can request public records in the possession of a government office, including Treasury.
2. **DONOTDELETE label:** A label that must be applied to an individual email to

- preserve it from auto-deletion after 120 days.
3. **Google Team:** All employees at OIT are dedicated to managing the Treasury's email retention policy, GoogleVault, and to resolving issues related to the Treasury's use of Google Gmail.
 4. **Google Vault:** A tool that, among other things, enables OIT to configure the automatic preservation and deletion rules for data in Google Workspace, including Gmail messages. Once an email is removed via Google Vault, it is irretrievable.
 5. **Label:** Google's term for the equivalent of an email folder.
 6. **Legal Hold** (also called Preservation or Litigation Holds): State and federal law require that all forms of relevant written or electronic data, which includes but is not limited to email messages, documents, voice messages, text messages, videos, reports, photographs, etc., be preserved when litigation is reasonably anticipated.
 7. **Other Sensitive Holds:** This refers to emails that must be maintained for internal matters involving security searches, human resources matters, or other matters deemed necessary to perform an employee's essential job duties.

Scope & Applicability

This policy applies to all employees within the Treasury, including full or part-time permanent and temporary employees, volunteers, and interns, regardless of physical work location, and any other users that operate, create, manage, or support Treasury's network resources and email system(s).

Standards

Emails that should be preserved and given the DONOTDELETE label:

- Emails that are of importance to ongoing work;
- Emails that are required for reporting purposes;
- Emails subject to legal or other sensitive holds; and
- Emails that are the subject of a CORA request.

Emails that should not be preserved:

- 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 120 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 unrelated to work activities;
 - Emails flagged as spam or suspicious in nature; and
 - 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, and
- Deleting any email the employee has been informed is subject to a legal or other sensitive hold.

Responsibilities

Treasury employees:

- Should routinely manage their state email box;
- Should periodically review emails with the DONOTDELETE label and remove the label when the email no longer needs to be retained; and
- *Must remember* to apply the DONOTDELETE label to every new business-critical email you receive if you intend to keep it past the retention policy time period.

Google Team:

- Sets up and manages the email retention policy period and the Google Vault; and
- Posts email retention policy training information and/or user guides on TechU.

Compliance

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

Assistance

If you have questions or need assistance, contact the Governor's Office of Information Technology ("OIT") Service Desk or visit [Google Vault and Email Retention](#) on TechU.

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 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.

Expiration

This policy remains in effect until superseded or rescinded by the Department Deputy Treasurer or the Appointing Authority.