

# Records Retention Policy

## Office of Senator Joann Ginal (SD-14)

### Definitions:

*CORA*: Acronym for “Colorado Open Records Act”. In brief, CORA, which is further described in the “What CORA covers” section below, protects the right of those in Colorado to know what is going on in its government.

*Transient email*: an email that is personal in nature, of fleeting or no value, or otherwise not created or received in the course of state business.

*Administrative email*: an email that serves some state-related purpose, but is also transitory or of time-limited value because it serves a time-defined administrative purpose. Also known as “Work Product”.

*Intermediate retention*: retention for emails that are neither transient nor permanent and that have more significant administrative, legal, or fiscal value.

*Permanent email*: an email that is kept due to its significant administrative, legal, or fiscal value.

### What CORA covers:

“[A]ll writings made, maintained, or kept by the state, any agency, institution... or political subdivision of the state... for use in the exercise of functions required or authorized by law or administrative rule or involving the receipt or expenditure of public funds.”

– 24-72-202 (6)(a)(I), C.R.S. (definition of “public record”)

*What are “Writings”?*

24-72-202 (7), C.R.S. Indicates that these are:

- Books, papers, maps, photographs, cards, tapes, recordings, or other documentary materials, regardless of physical form or characteristics.
- Digitally stored data, including e-mail and text messages, but not computer software.

*Most Common Exceptions to 24-72-202 (7), C.R.S.:*

- Doesn't involve the exercise of government functions
  - “[A]ll intra- or inter-agency advisory or deliberative materials assembled for the benefit of elected officials, which materials express an opinion or are deliberative in nature and are communicated for the purpose of assisting such elected officials in reaching a decision within the scope of their authority.” – 24-72-202 (6.5), C.R.S.
- Work Product
  - Includes these specific provisions for legislators:
    - All documents relating to drafting of bills with our Office.
    - All documents prepared or assembled by a legislator related to the drafting of bills or amendments.
    - Documents and all research projects a member requests from LCS if related to legislation or amendments.
- Confidential constituent communications (see below section)
- Protected due to other law

**Policy:**

– From time to time, the Office of Senator Joann Ginal (“Office”) plans to refresh its understanding of CORA, to incorporate it into its “best practices”.

– Throughout the Legislative Session, the Office will always seek Counsel from the Legislative Council staff (“LCS”) or Office of Legislative Legal Services (“OLLS”) whenever unique circumstances arise.

*With the exception of constituent communications (see the section below), the below policy is based on the following common CORA requests:*

*– Legislator email, texts, letters, calendars, etc.*

*– Legislator financial records – per diem, travel expenses, operational expenses, details of compensation.*

*– Materials prepared by legislative staff for legislators.*

*– Other legislative materials that may already be publicly available (sunset materials, records of votes, etc.).*

– *Other legislative materials that don't exist (transcripts of proceedings, etc.).*

- Transient emails are deleted immediately after reading, or if not, automatically within up to thirty days after receipt.
- Direct text messages may be discarded once they no longer have significant administrative, legal, or fiscal value. The Office plans to ask the Senate Majority Office in regards to automatic deletion of these messages on its Signal platform during the Legislative Session.
- Administrative emails are retained until they are no longer of administrative value and then the emails are deleted. The necessity of doing so is generally thought to be no longer than thirty days.
- Emails in the category of intermediate retention may be retained longer than thirty days, and if so, shall be retained until they have been responded to or they no longer have significant administrative, legal, or fiscal value.
- Permanent emails are retained indefinitely or until such time that they are determined to be in a different category.
- The Legislator's "sent mail" and "trash" folders are managed in the same manner as emails in the general inbox.
- Calendar entries that are more than thirty days old are discarded.
- Paper records should be discarded once they no longer have significant administrative, legal, or fiscal value.

### **Private Constituent Communications:**

*This Office understands that Legislator's correspondence is generally included in the definition of public records, except for:*

- *Communication from a constituent;*
  - *That clearly implies by its nature or content that the constituent expects that it is confidential; or*
  - *Is asking for assistance on a personal and private matter that is not publicly known.*

I, Senator \_\_\_\_\_, am the records custodian for the public records in my direct custody and control and I am the administrator of this record retention policy.

*Legislative Policies Related to Public Records and Email can be found [here](#).*

*Information Regarding Open Records Requests can be found [here](#).*