

STATE OF COLORADO

OFFICE OF THE GOVERNOR

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Jared Polis
Governor

12/22/2023

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 Office of Economic Development and International Trade (OEDIT).

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.

OEDIT’s email retention policy is attached.

Sincerely,

Eve Lieberman
Executive Director
Colorado Office of Economic Development and International Trade

PURPOSE

The purpose of this policy is to outline the email retention policy and processes for the Office of Economic Development & International Trade (OEDIT). 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 and the potential for human error.

AUTHORITY

By statute, every Department shall establish and maintain an email retention policy. Authority comes from:

- Colorado Open Records Act (CORA) (§ 24-72-201 to 206, C.R.S.)
- Colorado Office Economic Development and International Trade CORA Policy
- Colorado Criminal Justice Records Act (§ 24-72-301 to 309, C.R.S.)
- Colorado State Archives and Public Records (§ 24-80-102, C.R.S.)
- Governor's Office of Information Technology - Colorado Information Security Policies (CISPs), Acceptable Use Policy, and Data Privacy Standards
- Uniform Electronic Transactions Act (§ 24-71.3-101, C.R.S.)
- Colorado Rules of Evidence
- Uniform Records Retention Act (C.R.S. § 6-17-104)

EMAIL RETENTION POLICIES AND PROCEDURES

- All emails that are older than 30 days, other than emails with a DONOTDELETE label, will be auto-deleted. This includes email in inbox, sent, and other labels.
- OEDIT employees shall apply a DONOTDELETE label to emails that should be kept longer than 30 days.
- OEDIT employees shall periodically review emails with the DONOTDELETE label and remove the label when the email no longer needs to be retained.

APPLICABILITY

This policy applies to all employees within OEDIT including full or part-time permanent and temporary employees, independent contractors, volunteers, and interns, regardless of physical work location.

STANDARDS

Emails that should be retained:

- Emails that are of importance to ongoing work.
- Emails that are required for reporting purposes.
- Emails subject to legal or other sensitive holds.
- 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 30 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.
- 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.

RESPONSIBILITIES

OEDIT 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.

COLORADO OPEN 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.

EXPIRATION

This policy remains in effect until superseded or rescinded by OEDIT's Executive Director. OEDIT will update this policy to be in line with any future guidance and policies set forth for Executive Branch Departments.