



CITY OF HAMILTON
CITY MANAGER'S OFFICE
City Clerk's Division

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| TO: | Chair and Members Audit, Finance and Administration Committee |
| COMMITTEE DATE: | April 14, 2014 |
| SUBJECT/REPORT NO: | Retention of Emails (CM14001) (City Wide) (Outstanding Business List) |
| WARD(S) AFFECTED: | City Wide |
| PREPARED BY: | Rose Caterini, City Clerk, ext. 5409 Lisa Barroso, Manager of Records & FOI, ext. 2743 Peter MacNeil, Chief Technology Architect, ext. 5703 |
| SUBMITTED BY: | Chris Murray, City Manager |
| SIGNATURE: | |

RECOMMENDATION

- (a) That staff be directed to develop guidelines and training on managing and storing email based on the concept outlined in the workflow attached as Appendix "A" to report CM14001.
- (b) That up to \$25,000 be approved from the Tax Stabilization Reserve to support the mandatory training of staff and members of Council.
- (c) That the Outstanding Business List item related to Retention of Emails be identified as complete and removed from the list.

EXECUTIVE SUMMARY

In July 2013, Council directed staff to report to the Audit, Finance & Administration Committee regarding the feasibility and criteria for the retention of emails related to City business.

This report sets out: how to identify which emails are records; provides a workflow chart for managing emails; outlines the current process of retaining email on the City's servers; and gives suggestions on where to save email records. Developing guidelines and training on managing and storing emails for staff and members of Council is recommended.

Alternatives for Consideration

Mandatory email training is recommended for staff and members of Council however a small cost for a training module would be incurred. As an alternative, email

management guidelines can be posted to the City's enet for no cost, but this option may not ensure that staff will read and understand their responsibility on managing emails.

FINANCIAL – STAFFING – LEGAL IMPLICATIONS (for recommendation(s) only)

Staffing: All staff is accountable for managing email records processed through their email account in accordance with the City Records Retention By-law.

Council: Members of Council are responsible for managing and maintaining their email records related to the business of the City in accordance with the City's Records Retention By-law. Constituent/political records are not subject to the City's Records Retention By-law.

Legal: A loss of emails that are records of the City could negatively affect legal proceedings and/or be a breach of the City's responsibilities under access and privacy legislation.

Financial: There will be costs associated with developing email training. An on-line training module is an effective tool to delivering the training. Mandatory training of all staff can be accomplished with the use of an on-line module that tracks the completion of the training. It is estimated that it will cost no more than \$25,000 to develop and deliver mandatory email training to staff and members of Council.

HISTORICAL BACKGROUND (Chronology of events)

Email has become the standard for business communication across organizations. Just as with any type of City business information (e.g. minutes, financial information, correspondence, plans, photographs, etc.) emails are included as part of the City's records and information policies and must be managed in accordance with Records Retention By-law 11-040. As with paper documents, emails should be managed through a record's lifecycle, from creation to final disposition.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The City's information assets are protected through legislation.

The *Municipal Act* provides that:

- a municipality shall retain and preserve the records of the municipality in a secure and accessible manner;
- a municipality may establish retention periods for records that must be retained and preserved;
- a record of a municipality may be destroyed if a retention period for the record has been established.

The *Municipal Freedom of Information and Protection of Privacy Act*, provides every person the right of access to a record in the custody or control of the municipality, unless the record falls within one of the exemptions provided under that Act.

RELEVANT CONSULTATION

Information Technology
Legal Services
Financial Services

ANALYSIS AND RATIONAL FOR RECOMMENDATION (Include Performance Measurement/Benchmarking Data if applicable)

Determining the Value of Email

Emails should be managed based on subject matter and content and must be retained or deleted according to the Records Retention By-law:

- Some emails hold information about day-to-day operations of the City and should be easy to locate;
- Some emails hold information of long-term or permanent value and must be saved and protected;
- Some emails are transitory with temporary value, and can be deleted when no longer needed.

In determining the value of emails, (i.e. which emails must be kept and which can be deleted), you must determine if an email is a record. In general terms, a “record” is information created, sent or received, on paper, digital or other format, which provides evidence of city business. Records support business decisions if they:

- Meet statutory requirements;
- Set policy;
- Establish guidelines or procedures;
- Provide evidence of legal, financial, operational or other decisions for the City;
- Commit the City to action;
- Document the City’s obligations or responsibilities.

The Record Retention By-law also provides guidelines for determining the value of transitory records. Some examples of transitory records may include:

- Duplicate copies or extracts of documents distributed or received for reference or convenience only;
- Information of insignificant value in documenting the business transactions of the City;
- Personal messages and announcements of social events.

Transitory email messages having temporary value and that do not support City business, should be deleted from mailboxes when no longer needed.

When considering email records and retention schedules, it is important to remember that retention periods are based not on the method by which a record is created but rather on the content, and on the legal, fiscal, administrative, or historical value of the information contained in the record. Retention periods prescribed in the Record Retention By-law take into account retention that meets legislative and/or operational requirements.

Who is responsible to Save Email Records?

All staff is responsible for managing their email messages. As email messages can be sent to and received by multiple recipients, understanding the responsibility to save them is critical. A workflow chart for determining when to save or delete email messages is provided in Appendix "A" to Report CM14001, attached, as an easy to use reference guide on managing email records.

For email originating within the City, whether sent to internal recipients or external recipients, the sender is responsible for managing the email by deciding if the email, plus any attachments should be saved as a record.

For email originating outside of the City, the recipient must determine whether to save the email as a record. If the email was received by more than one person, the person responsible for the area of work relating to the message is responsible for saving the email as a record.

Email Storage and Where to Save Email Records

Email is stored on the City's email servers. Messages remain in mailboxes until they are deleted by the mailbox owner or the mailbox itself is deleted. When the owner deletes an email message, it is placed in the *Deleted Items* folder in the owner's mailbox. Messages can remain in this folder indefinitely. When the owner empties the *Deleted Items* folder, messages remain on the server for a limited time and then are permanently deleted. If the mailbox owner chooses to delete messages from the *Deleted Items* folder, they are permanently deleted from the mailbox and the server at that point.

Mailbox owners are provided with mailbox storage limits that suit their role within the City. Messages can be managed in the mailbox within this storage limit. Email can also be archived by the mailbox owner by creating Personal Storage Table (PST) files. These files can be opened and manipulated in the same way as the owner's mailbox. The location for the archived PST file is chosen by the mailbox owner.

Email, that is deemed to be a record, should be saved outside of Outlook in either the City's document management system, if you have access to it, or in a pre-defined folder on your department/division shared network drive (i.e. N:/ drive).

ALTERNATIVES FOR CONSIDERATION

(Include Financial, Staffing, Legal and Policy Implications and Pros and Cons for each alternative)

Staff is responsible for managing their mailbox account provided through employment with the City. As an alternative to mandatory email training, the guidelines on managing emails can be posted to the City's enet, once developed. Posting the guidelines will not ensure that staff will read and follow the guidelines. Mandatory email training will provide staff with knowledge and tools to appropriately manage their email account.

ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN

Strategic Priority #3

Leadership & Governance

WE work together to ensure we are a government that is respectful towards each other and that the community has confidence and trust in

3.4 Enhance opportunities for administrative and operational efficiencies.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" – Managing Email