

Administrative Procedures for Electronic Record Retention

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As stated in UW Regulation 3-690, use of computing and data communications facilities, including e-mail, is provided to UW employees and students primarily for University-related work. Proper use of these facilities involves ensuring that university records are preserved but at the same time minimizing the volume of electronic files that must be managed by deleting those files that are not of lasting value. This document addresses two issues related to electronic record retention:

- 1) defining university records and providing information on how to ensure that these are properly archived, and
- 2) managing e-mail and other electronic documents in a manner that reconciles the competing needs for storage, access, and preservation of institutional records with discovery imposed by academic, administrative, statutory, and litigation requirements.

1. What is a university record?

A university record is information holding administrative, fiscal, vital, or historical value that UW employees create or receive in the course of university business. A university record serves as evidence of the university's functions, policies, decisions, procedures, operations, and university culture. University records include the original documents on all media, including electronic, paper, or audio or video recordings.

- **Examples of university records include:** correspondence, committee reports, minutes, financial records, films and photographs, drawings and maps, university publications created for university business (but not publications created by faculty or staff for scholarship).
- **Examples of non-university records include:** faculty records created or received in the conduct of teaching, scholarly activities that were not funded by a sponsor, or professional activities; staff records created for non-UW professional activities; routine notices and phone messages; and reference objects such as library, archives, and specimen material made or acquired solely for reference, research, or exhibition activities.
- Both university records and non-university records may be considered public records under Wyoming law. See below for more information.
- University records as defined in this document do not include electronic files related to sponsored programs. The record retention requirements for these documents are defined by federal regulation and/or sponsoring agency rules.

2. Retention of university records

The American Heritage Center is the repository for permanent university records and also assists university units in managing their records. A university record is not, by definition, a permanent record. A unit's retention schedule identifies permanent records that should be transferred to the AHC and defines the length of time that official copies of other records should be retained by departmental offices and by what methods records should be destroyed. Unit supervisors may contact the AHC for assistance in developing records retention schedules.

3. E-mail and Electronic Documents -- The Wyoming's Public Records Act and Legal Discovery

University records, including those transmitted by e-mail, are subject to the Wyoming Public Records Act, which states, "All public records shall be open for inspection by any person at reasonable times, except as provided in this act or as otherwise provided by law" (W.S. 16-4-202(a)). UW employees should be aware that:

- University records transmitted on UW employees' non-UW e-mail accounts may be subject to disclosure under the Wyoming Public Records Act and legal discovery in conjunction with litigation.
- Documents that are not university records, such as routine notices and phone messages, may be subject to disclosure under the Wyoming Public Records Act and through a litigation discovery process.
- Student e-mail is protected by FERPA, but student employee e-mails, transmitted as a part of their work duties, are not.

- Once an employee is notified of a public records request or an electronic-records hold related to litigation they must not delete any e-mail or electronic documents (nor may they delete hard copy files) without consulting UW's Office of General Counsel.
- In order that the university may respond to e-discovery and litigation orders in a timely manner, university records should be stored on University centralized storage systems. Local storage, e.g., laptops, desktops, and other external storage drives may be appropriate for electronic documents with significance that are not university records.

Management of e-mail messages and attachments

Retention of electronic records that do not have lasting value exacerbates the volume of electronic documents that must be managed. UW employees are expected to preserve university records of lasting value while deleting documents with no value or transitory value.

- To minimize the volume of electronic material that must be managed, employees should delete e-mail with no value, such as junk mail, immediately upon review. Likewise, e-mail and electronic documents with only short-term significance, for example those related to scheduling of meetings, should be deleted as soon as allowable.
- When e-mail messages and electronic documents on the university's e-mail system are deleted they are moved to the recipient's "Deleted Items" folder. Items in the "Deleted Items" folder remain there indefinitely until the folder is emptied. Items emptied from the "Deleted Items" folder remain recoverable for an additional 14 days through the "Recover Deleted Items" function. The university's e-mail system is backed up to tape each day and a daily backup is retained for 7 days. Therefore, messages remain discoverable and retrievable for a total of 21 days following emptying of the "Deleted Items" folder.
- The ability to recover other electronic documents once they are deleted depends on where they are stored. Even after the original file is deleted it may be possible to retrieve copies from personal and departmental shared backup file systems.