

Public record-keeping requirements and federal and state law require that the Cherokee County Schools properly manage its electronic stored information ("ESI"), included but not limited to email correspondence. Therefore, this school system requires its employees to retain and destroy ESI in accordance with this Policy.

All employees are hereby informed that business-related emails and other electronic communications produced and received during the normal course of business are the property of the Cherokee County Schools and will be retained for a minimum of three (3) years. Electronic communication from personal email accounts relating to school issues are subject to the same rules. In some cases, business-related emails must be retained longer in accordance with an approved Records and Retention Disposal Schedule or in the case of a litigation hold. **Employees have no expectation of privacy in their electronic communications.** The use of email to conduct official business in a professional manner is encouraged. All other use of electronic communication is discouraged and subjects the user to disciplinary action as provided in Board policy. As with all other communication devices provided at school system expense, employees should avoid personal and non-work related use of emails.

The Board of Education requires the Superintendent, or his or her designees, to implement and enforce procedures that adhere to this Policy.

Public record-keeping requirements and federal and state law require that the Cherokee County Schools properly manage its electronic stored information ("ESI"). Cherokee County Schools will retain and destroy ESI in accordance with this Policy and/or the approved Records Retention and Disposition Schedule ("Schedule") for local education agencies adopted by the North Carolina Department of Cultural Resources, as set forth below.

#### **I. System-Wide E-mail Retention and Employee Responsibility for ESI**

All employees are hereby informed that all e-mails produced and received are the property of Cherokee County Schools and will be retained for a minimum of three (3) years. In some cases, business-related e-mails must be retained longer, according to the Schedule, and individual employees are required to review the Schedule and save such e-mails, in hard copy or electronic format, for the applicable time period. For ESI other than e-mail, each employee shall retain such records, in hard copy or electronic format, for the time period required by the Schedule.

#### **II. ESI Retention Team**

The Cherokee County Schools will have an ESI Team. The ESI Team is a designated group of individuals who implement and monitor requests for holds, a directive not to destroy ESI which might be relevant to pending or imminent issues or proceedings. The ESI Team shall include a designated school administrator, the school board attorney, and a member from the Technology Department. In the case

of a hold, the ESI Team shall direct employees and the Technology Department, as necessary, to suspend the normal retention procedure for all related records.

### **III. Inspection of ESI**

Any requests for ESI records should be made in writing and will be reviewed by the Superintendent or his designee, in consultation with the school board attorney if needed, and released in accordance with North Carolina public records laws.

### **IV. Delegated Authority**

The Board of Education delegates to the Superintendent or his designees the right to implement and enforce additional procedures or directives relating to ESI retention consistent with this policy, as needed.

### **V. Definitions:**

- 1. Business-related Emails** - official school business emails that should only be deleted in accordance with these Procedures, but excluding limited value emails. Examples of business-related e-mails include: board policies and directives, personnel matters, student matters, reports, etc.
- 2. Email** - means of exchanging messages and documents using telecommunications equipment and computers. For the purposes of these Procedures, telecommunications equipment and computers include: desktop and laptop computers, network servers, cell phones, fax machines, scanners, copy machines, digital voicemail systems and backup systems. This definition does not include instant messenger or other instant communication programs which use is prohibited. A complete email message not only includes the contents of the communication, but also the transactional information (dates and times that messages were sent, received, opened, deleted; also, all names, aliases and names of members of groups) and any attachments. Email is presumptively a public record when sent or received in the normal course of business.
- 3. ESI Team** - a designated group of individuals who implement and monitor litigation holds. The ESI team should include a member of the school system's legal counsel, a designated school administrator and personnel from the information technology ("IT") department.
- 4. Limited Value Emails** - Short, informational messages (similar to a telephone conversation). Such messages are public records but may be treated as having a reference or administrative value that ends when the user no longer needs the information. Examples of limited value emails include: "Call me when you return to your office," or "Can you meet me on Thursday" or "Please have your grades turned into the office by 3:00pm." These emails may be deleted when they no longer have reference value to the sender or receiver of the message.

5. **Requests for Holds** - a directive to employees from the ESI team not to destroy any documents, including ESI, that might be relevant to a pending or imminent issues or proceedings or that might lead to the discovery of relevant information in that proceeding.
6. **Records Retention and Disposal Schedules ("Schedules")** - identify and provide retention and disposition instructions for all public records. Any records subject to Schedules must be disposed of in accordance with the relevant Schedule. Schedules are published by the North Carolina Department of Cultural Resources and, in the case of school systems, in cooperation with the North Carolina Department of Public Instruction. Schedules can be reviewed at [www.ah.dcr.state.nc.us/records/local/schoolschedulefinal.pdf](http://www.ah.dcr.state.nc.us/records/local/schoolschedulefinal.pdf) and are incorporated herein.

Legal References: North Carolina Public Records Act (N.C.G.S. Chap. 132); Federal Rules of Civil Procedure (Rules 16, 26, 33, 37 and 45); Records Retention and Disposition Schedule issued by North Carolina Dept. of Cultural Resources, [www.ah.dcr.state.nc.us/records/local/schoolschedulefinal.pdf](http://www.ah.dcr.state.nc.us/records/local/schoolschedulefinal.pdf); Electronic Records, E-Mail Guidelines, E-Mail as a Public Record in North Carolina, Guidelines for Its Retention and Disposition, [www.ah.dcr.state.nc.us/records/](http://www.ah.dcr.state.nc.us/records/).

Approved: July 10, 2008