BOARD OF FIRE COMMISSIONERS OF
WASHINGTON TOWNSHIP FIRE DISTRICT NO. 1
GLOUCESTER COUNTY, NEW JERSEY

FIRE DEPARTMENT POLICY # 43-11

EMAIL RETENTION POLICY

The Email Retention Policy is intended to help all Fire District personnel including, but not limited to Commissioners, employees, volunteers and any and all agents or servants (hereinafter referred to as "personnel") determine what information sent or received by email should be retained and for how long. The information covered in these guidelines includes, but is not limited to, information that is either stored or shared via electronic mail or instant messaging technologies.

All personnel should familiarize themselves with the email retention topic areas that follow this introduction. Questions about the proper classification of a specific piece of information should be addressed to the Business Administrator. Questions about these guidelines should be addressed to the Business Administrator.

LEGAL REQUIREMENTS

New Jersey State Statutes (N.J.S.) do not include a specific definition for electronic mail, however the recently passed Open Public Records Act (OPRA), P.L. 2001, c. 404 (N.J.S. 47:1A-1.1) defines a "government record" or "record" as:

> "...any paper, written or printed book, document, drawing, map, plan, photograph, microfilm, data processed or image processed document, information stored or maintained electronically or by sound recording or in a similar device, or any copy thereof, that has been made, maintained or kept on file in the course of his or its official business by any officer, commission, agency, or authority of the State or of any political subdivision thereof, including subordinate boards thereof, or that has been received in the course of his or its official business by such officer, commission, agency, or authority of the State or of any political subdivision thereof, including subordinate boards thereof. The terms shall not include inter-agency or intra-agency advisory, consultative, or deliberative material."

Clearly, an e-mail message is a document or item created or received by a public office. The deciding factor as to its status as a record is if the e-mail serves to document the organization, functions, policies, decisions, procedures, operations or other activities. This is true of any communication, whether electronic or paper.

All e-mail messages that meet the criteria of the definition of a government record per N.J.S. 47:1A-1.1 must be made available to the public upon request under the Open

Public Records Act (OPRA) during the required retention period, unless the content of the message falls under one of the exceptions contained in the act or in any other statute, regulation, Executive Order by the Governor, rule of court, or federal law, regulation or order.

The definition for public records is found in P.L. 1953, c. 410 (N.J.S. 47:3-16) as amended, which states in part:

> "public records mean any paper, written or printed book, document or drawing, map or plan, photograph, microfilm, data processed or image processed document, sound recording or in a similar device, or any copy thereof, that has been made or required by law to be received for filing, indexing, or reproducing by any officer, commission, agency, or authority of the State or any political subdivision thereof, including any subordinate boards thereof, or that has been received in the course of his or its official business by such officer, commission, agency, or authority of the State or of any political subdivision thereof, including subordinate boards thereof, in connection with the transaction of public business and has been retained by such recipient or its successor as evidence of its activities or because of the information contained therein."

Any public record as defined in the New Jersey Statutes (N.J.S. 47:3-16, as amended), whether it is subject to access by the general public or not, must be retained according to records retention and disposition schedules approved by the State Records Committee as established under P.L. 1953, c. 410, §6 (N.J.S. 47:3-20) as amended. Per P.L. 1953, c. 410, § 3 (N.J.S. 47:3-17), no public record may be destroyed without prior consent of the Division of Archives and Records Management of the Department of State and the State Records Committee, even if the retention period for a record has expired.

PROCEDURES

Any email that contains information in the scope of the Open Public Records Act should be treated in that manner. All Washington Township Fire District email information is categorized into four main classifications with retention guidelines:

- Administrative Correspondence (4 years)
- Fiscal Correspondence (4 years)
- General Correspondence (1 year)
- Temporary (Ephemeral) Correspondence (Retain until read, destroy)

1. Administrative Correspondence - Washington Township Fire District Administrative Correspondence includes, though is not limited to clarification of established company policy, including holidays, time card information, dress code, work place behavior and any legal issues such as intellectual property violations. All email with the information sensitivity label Personnel Only shall be treated as Administrative Correspondence. To ensure Administrative Correspondence is retained, a mailbox

admin@wtfd10.com has been created, if you copy (cc) this address when you send email, retention will be administered by the Business Administrator.

2. **Fiscal Correspondence** - Washington Township Fire District Fiscal Correspondence is all information related to revenue and expense for the Fire District. To ensure Fiscal Correspondence is retained, a mailbox fiscal@wtfd10.com has been created, if you copy (cc) this address when you send email, retention will be administered by the Business Administrator.

3. **General Correspondence** - Washington Township Fire District General Correspondence covers information that relates to interaction with the public and other entities and the operational decisions of the Fire District. The individual personnel is responsible for email retention of General Correspondence.

4. **Temporary (Ephemeral) Correspondence** - Washington Township Fire District Ephemeral Correspondence is by far the largest category and includes personal email, requests for recommendations or review, email related to product development, updates and status reports.

5. **Instant Messenger Correspondence** - Washington Township Fire District Instant Messenger General Correspondence may be saved with logging function of Instant Messenger, or copied into a file and saved. Instant Messenger conversations that are Administrative or Fiscal in nature should be copied into an email message and sent to the appropriate email retention address.

6. **Encrypted Communications** - Washington Township Fire District encrypted communications should be stored in a manner consistent with Washington Township Fire District Encryption Policy (Fire Department Policy #42-11), but in general, information should be stored in a decrypted format.

7. **Recovering Deleted Email via Backup Media** - Washington Township Fire District maintains backup tapes from the email server and once a quarter a set of tapes is taken out of the rotation and they are moved offsite. No effort will be made to remove email from the offsite backup tapes.

ENFORCEMENT

Any personnel found to have violated this policy may be subject to disciplinary action, up to and including termination.

TERMS AND DEFINITIONS

1. Approved Electronic Mail
Includes all mail systems supported by the Business Administrator. These include, but are not necessarily limited to, Microsoft Exchange, Microsoft Windows, Outlook and Webroot. If you have a business need to use other mailers contact the appropriate support organization.

2. Approved Encrypted email and files
Techniques include the use of DES and PGP. DES encryption is available via many different public domain packages on all platforms. PGP use within Washington Township Fire District is done via a license. Please contact the appropriate support organization if you require a license.

3. Approved Instant Messenger
The _____ IM Client is the only IM that is approved for use on Washington Township Fire District computers.

4. Individual Access Controls
Individual Access Controls are methods of electronically protecting files from being accessed by people other than those specifically designated by the owner. On UNIX machines, this is accomplished by careful use of the chmod command (use *man chmod* to find out more about it). On Mac's and PC's, this includes using passwords on screensavers, such as Disklock.

5. Insecure Internet Links
Insecure Internet Links are all network links that originate from a locale or travel over lines that are not totally under the control of Washington Township Fire District.

6. Encryption
Secure Washington Township Fire District Sensitive information in accordance with the Encryption Policy (Fire Department Policy # 42-11). International issues regarding encryption are complex. Follow corporate guidelines on export controls on cryptography, and consult your Business Administrator and/or Fire District Solicitor for further guidance.

7. Responsibility for this policy:
The Business Administrator is responsible to ensure the efficient use of systems according to this policy. Where issues arise, Business Administrator will deal directly with the personnel and notify the Fire District Chief where appropriate. The interpretation of appropriate use and future revisions of this policy are the responsibility of the Washington Township Board of Fire Commissioners.

This Policy was approved and adopted by the Board of Fire Commissioners on 12-1, 2011, and shall take effect immediately. The policy shall also supercede any directives, memorandums, or other previously issued documents concerning EMAIL RETENTION.

By:

Samuel Micklus, Chairman

Attest:

Secretary