

ORROCK TOWNSHIP
ELECTRONIC MAIL MANAGEMENT AND RETENTION POLICY
Effective Date 09/27/2023; Retention Schedule Effective 04/24/2019

INTRODUCTION

The Town of Orrock is subject to Minnesota statutes regulating government records, which may take the form of electronic communications, commonly referred to as electronic mail or email. Email is a means of exchanging messages and other information electronically rather than by means of physical media.

For the purpose of this policy, email communication includes both the communicative content and any system generated metadata, such as an email header. If an email communication constitutes a government record, as defined below, the town's records preservation and retention policies must be followed.

SCOPE

This policy governs electronic communications that take the form of electronic mail only. It is the policy of Orrock Township that supervisors and elected officers should not use any text messaging system or other electronic system, such as a social media application, for a communication that might be considered a government record.

TOWN OFFICER RESPONSIBILITIES

As officers of a town, Orrock Township supervisors, its clerk, deputy clerk, treasurer and deputy treasurer (hereinafter referred to as "town officers") are subject to the Official Records Act. As a result, town officers must comply with this policy to ensure that email communications that constitute government records are preserved. The town clerk is the town's official custodian for government records.

Any email that is or may be considered a government record must be forwarded to the clerk for evaluation and retention, if applicable.

By complying with the town officers' responsibilities established in this policy, town officers are complying with their obligations under the Government Records Act and the Open Meeting Law.

TOWN EMAIL ACCOUNTS

The town clerk will assign an Orrock Township email address to each town officer. The account associated with the township email address is to be used only for communications related to the town officer's township-related activities. The account must not be used for personal communications. The township maintains ownership and control of the account at

all times. The clerk maintains and has the passwords for all township-owned accounts and can print emails from any account for the township's records.

When a Supervisor leaves the Board, all emails not deleted under the terms of this policy must remain in the mail folders. The clerk must change the password to the account. The clerk must review the account and all items that constitute government records must be retained electronically or printed and retained in a physical file system. The account must then be deactivated.

When a new Supervisor is sworn in, they will be assigned a new email account based on their name.

The Clerk, Deputy Clerk, Treasurer and Deputy Treasurer email accounts are specific to the office. (clerk@orrocktownship.com, deputyclerk@orrocktownship.com, treasurer@orrocktownship.com and deputytreasurer@orrocktownship.com). When the Clerk, Deputy Clerk, Treasurer or Deputy Treasurer leaves the board, all emails shall remain in the mail folders. When the new Clerk, Deputy Clerk, Treasurer or Deputy Treasurer is sworn in, they will be assigned the Clerk, Deputy Clerk, Treasurer or Deputy Treasurer email account and all prior emails shall remain in the account.

RECORDS

Minnesota law requires the town and its officials "make and preserve all records necessary to a full and accurate knowledge of their official activities." Minn. Stat. §15.17 (The Official Records Act). An official record is recorded information that is prepared, owned, used, in the possession of, or retained by the town in performance of an official function. In the case of email communications, the record of the official function may be the email message, attachments to the email, or both. The law requires that all official records be listed on an approved retention schedule that identifies how long the records must be kept, and when they may be destroyed. Just like paper records, senders and recipients of email messages must evaluate each email message to determine if they need to keep it as documentation of their role in the business process. Not all emails are an official record. Just like paper records, the retention period for an email message is based upon its content and purpose, and it must be retained in accordance with the approved retention schedule as adopted by the town board on April 24, 2019.

Official Records: If the email message itself has been determined to be an "official record," it may constitute correspondence. Official correspondence can be destroyed pursuant to the adopted records retention schedule.

Non-Official Records: If the email message is not an official record it may be a 1) transitory record, 2) non-record or 3) personal record.

- 1) Transitory records are non-vital records relating to town business or activities which

have a temporary value and do not need to be retained once their intended purpose has been fulfilled.

- 2) Non-records are emails or information in the possession of the town that is not needed to document the performance of an official function. These records are not subject to any record retention schedule and do not need to be retained.
- 3) Personal records are emails that document non-government business or activities. These records are not subject to the records retention schedule and do not need to be retained.

For guidance in determining if an email is considered a record, refer to the Orrock Township Electronic Mail Management Decision Matrix, included as Attachment A.

POLICIES RELATED TO SPECIFIC TYPES OF EMAIL COMMUNICATIONS

Emails from the clerk, deputy clerk, treasurer or deputy treasurer

In the case of an email from the clerk, deputy clerk, treasurer or deputy treasurer, the communication originates with the town officer. It is the sending town officer's responsibility to determine if the communication constitutes a government record and to follow applicable records preservation requirements if it does.

For the recipient, the communication is transitory.

Emails to the clerk or treasurer

In the case of an email from a town officer to the clerk or treasurer, the recipient officer is responsible for determining if the communication constitutes a government record and for following applicable preservation requirements if it does.

For the sending town officer, the communication is transitory.

Emails communication between supervisors

Emails between supervisors must be copied to the clerk.

Supervisors should act with caution when using electronic means to communicate with one another, being mindful of the Minnesota Open Meeting Law. Refer to Minn. Stat. §13D.

If a Supervisor receives an electronic communication from any source related to township business and distributed to multiple Supervisors (e.g., an email sent to the entire Board from a member of the public; or an email sent to three Supervisors), s/he should reply only to the sender. The reply should not be copied to all on the original distribution or forwarded to any other Supervisor. Using the "reply all" option risks creating a violation of the open meetings law.

Unsolicited emails from third parties referencing commercial products or services
Communications falling into the above category are non-records.

Generic emails from the Minnesota Association of Townships, Sherburne County, Minnesota state agencies and the like that are not directed specifically to the recipient but, rather, are part of a mass mailing.
Communications falling into the above category are non-records.

Emails from constituents

The clerk is the township official responsible for maintenance of the town's government records. If a town officer other than the clerk receives an email from a constituent, the town officer must take one of the following actions:

- a) Reply to the constituent indicating that the communication is being forwarded to the clerk, who will respond to the constituent's concern. Copy the clerk with the reply including the constituent's original communication.
- b) Reply to the constituent, addressing the constituent's concern. Copy the clerk on the reply including the constituent's original communication.

In either scenario described above, the clerk is the official responsible for determining if the communication(s) constitute a government record and for following applicable preservation requirements if it does.

After action a) or b) above has been taken, the communication is transient for the town officer.

Other emails to constituents

Copy the clerk on the email communication. The clerk is the official responsible for determining if the communication constitutes a government record and for following applicable preservation requirements.

After the town officer has copied the email to the clerk, the communication is transient for the town officer.

Approved and adopted by the Orrock Town Board, this 27th day of September, 2023.



Bryan Adams, Chair



Attest: Chris Weber, Clerk

Orrock Township Email Management Decision Matrix

