

Email Archiving for Government

by Thomas Bookwalter, CEO FMDC

Federal and state agencies, counties, municipalities and local service districts are all encountering the double-edged sword of the convenience of email. Federal standards such as DOD 5015.2, FOIA and NARA guidelines are placing new demands on federal agencies. State statutes and guidelines such as California's Brown Act, Bagley-Keene Open Meeting Act and CALRIM place similar demands on state and local government.

The core principal is that government agencies are responsible to the people they represent. As a result, government agencies have a higher standard of transparency than might be appropriate for business.

City and county clerks, and public district board secretaries are experienced records managers. They have had these responsibilities for centuries. For most of that time, the records have been physical, the communications written, the meeting in personal gatherings, the announcements published in newspapers or posted in conspicuous places. People interested in the activities of their government have been able to attend.

With the advent of technology, suddenly records are electronic, communications are in emails, some meetings are webcasts and announcements are published on web pages. This would normally be overwhelming in itself, but it is not all. With electronic capability comes increases in records volumes, needs to index for retrieval and the requirement to bring physical and electronic records together in a common access system.

The ease with which these new tools can be used has already created problems. If a council member or board member sends an email to the other council or board members, it is being argued that they just had a meeting without proper notice; especially, if the other members reply or if key decisions are reached as a result. If individuals can access their tax accounts on the web and receive a dynamic xml response that is in effect a statement, what is the responsibility to save that page at that time.

One common misconception is that email is a record type. It is not. Email is a delivery and storage system. If email is used as a communications tool by government agencies there is the problem of sorting and storing the emails based on their content, not the delivery system. CALRIM makes the point in its email guidelines:

The management of e-mail systems touches nearly all functions for which a government agency is dependent on recordskeeping (sic): privacy, administration, vital records management, administrative security, auditing, access, and archives. The need to manage e-mail messages and systems properly is the same as for other records keeping systems--to ensure compliance with California laws concerning the creation of, retention of, and access to public records.

Government agencies that use electronic mail have an obligation to make employees aware that e-mail messages must be retained and destroyed according to established records management procedures.

For government agencies, email cannot be treated as a separate case. It needs to be addressed as an integral part of an overall records management program.

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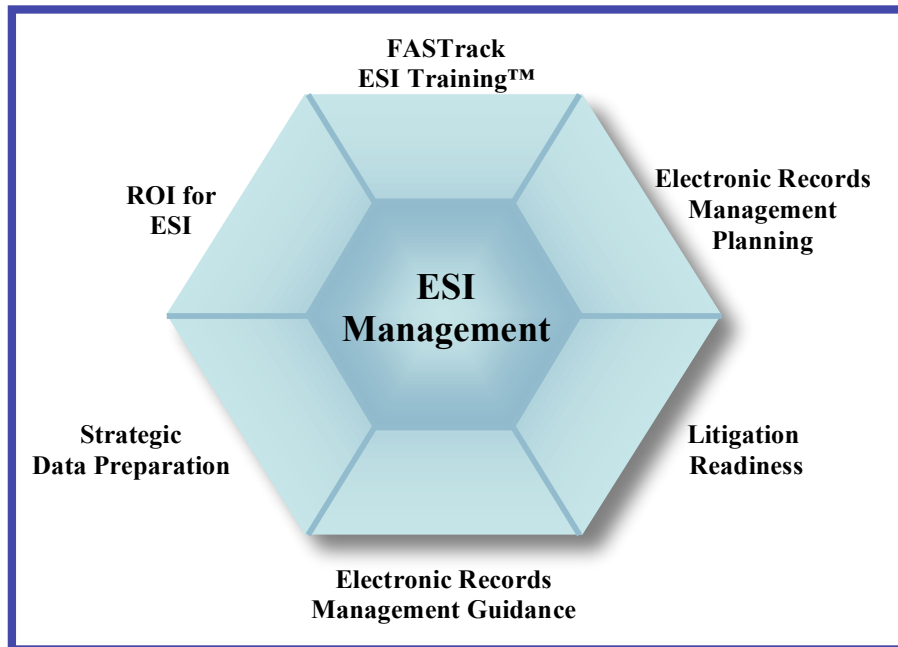
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About FMDC

Founded in 1987, FMDC has focused on the issues relating to the processing and management of information in regulated environments. Since its inception, FMDC has been at the nexus of regulation, industry and information technology. With projects in over twenty countries, FMDC professionals have gained first hand knowledge of the nuances of the different regulatory jurisdictions and how they impact the use of technology. In early 2002, FMDC turned its attention to the issues relating to the handling of e-mail, instant messaging and other records in the context of regulatory requirements and litigation.

The advent of laws and rules such as SEC Rule 17a-4, the Sarbanes Oxley Act, State and Federal privacy legislation, industry standards such as PCIDSS and most recently, court rules or guidelines such as FRCP, CCJ-ED, local federal district rules and the Sedona Conference has changed the standards by which companies must manage their information. FMDC professionals work to guide companies through the morass of regulations to find cost effective solutions for the management of ESI. Our services include:

- FASTrack ESI Training™
- Electronic Records Management Guidance and Policy Development
- Strategic Data Preparation
- Litigation Readiness
- ROI for ESI
- Electronic Records Management Planning



If you are concerned about ensuring that your ESI management meets your business, litigation and regulatory obligations or if you must find ways to reduce the associated costs contact FMDC.

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