

PROCEDURES FOR HANDLING ELECTRONIC MAIL RECORDS

- 1. REASON FOR ISSUE.** This handbook establishes Department of Veterans Affairs (VA) procedures for handling electronic mail records, which implement the policies contained in VA Directive 6301, Electronic Mail Records.
- 2. SUMMARY OF CONTENT/MAJOR CHANGES.** This handbook provides procedures for handling electronic mail records. They are intended to assist all VA employees in preserving those electronic mail messages and attachments that contain information necessary to ensure VA policies, programs and activities are adequately documented.
- 3. RESPONSIBLE OFFICE.** The Information Management Service (045A4), Office of the Deputy Assistant Secretary for Information Resources Management, is responsible for the material contained in this handbook. Comments, questions, or suggestions may be addressed to that office at 810 Vermont Avenue, NW., Washington, DC 20420.
- 4. RELATED DIRECTIVE.** VA Directive 6301, Electronic Mail Records
- 5. RESCISSION.** None

CERTIFIED BY:

BY DIRECTION OF THE SECRETARY
OF VETERANS AFFAIRS

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CONTENTS

PARAGRAPH

1. PURPOSE	5
2. GENERAL	5
3. RESPONSIBILITY	6
4. DEFINITIONS	6
5. PRESERVING ELECTRONIC MAIL MESSAGES	8
6. DISTINGUISHING BETWEEN RECORD AND NONRECORD ELECTRONIC MAIL DOCUMENTS	8
7. RETENTION AND DISPOSITION OF RECORD AND NONRECORD MATERIAL	10
8. ELECTRONIC MAIL RECEIVED FROM EXTERNAL SOURCES	11
9. COMPLIANCE REVIEWS	11

PROCEDURES FOR HANDLING ELECTRONIC MAIL RECORDS

1. **PURPOSE.** This handbook contains mandatory Department of Veterans Affairs (VA) procedures for handling electronic mail records.

2. GENERAL

a. All Government employees and contractors are required by law to make and preserve records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the agency. In addition, Federal regulations govern the life cycle of these records: they must be properly stored, preserved, and available for retrieval, and may be disposed of only in accordance with authorized records control schedules.

b. Employees are encouraged to use electronic mail because it is a cost-effective communications tool. The guidance contained in this handbook is designed to assist all VA personnel who use electronic mail systems to determine whether or not electronic mail messages should be preserved as Federal records, and which electronic mail messages may be deleted without further authorization because they are not Federal record materials.

c. VA electronic mail systems are for official use only by authorized personnel. The information in these systems is Departmental, not personal. Utilization of electronic mail for other than official, authorized purposes is prohibited. No expectation of privacy or confidentiality applies.

d. The decision as to whether materials transmitted via electronic mail are records that should be filed in VA official files or nonrecord material that may be deleted when no longer needed for administrative use is no different than the decision that employees make with regard to the disposition of paper documents that they handle every day. An electronic mail message can become a record when created by the sender or when received and acted on by the recipient, depending on the content of the message.

- e. Electronic mail messages that contain substantive information that is necessary to adequately and properly document the activities and functions of the VA will be preserved as official records.
- f. If an electronic mail system is used to create a new type of Federal record, the organization's designated Records Officer should be contacted to provide guidance on formally scheduling the record for disposition. The disposition for this electronic mail message must be based on the content of the message and its significance as a record of VA's activities, not on the fact that it is electronic mail.
- g. For further information and guidance on records creation, maintenance and disposition, refer to VA Handbook 6300.1, Records Management Procedures.

3. RESPONSIBILITY

- a. All VA employees are responsible for managing the creation and retention of documents, both record and nonrecord, that are created or transmitted on electronic mail systems. Electronic mail message creators and recipients must decide whether a particular message is appropriate for preservation. In making these decisions, all VA employees should exercise the same judgment they use when determining whether to retain and file paper records. (See paragraph 6, "Distinguishing Between Record and Nonrecord Electronic Mail.")
- b. Users of VA electronic mail systems will not alter or improperly dispose of any electronic mail message, record of transmission and receipt date, or attachment (such as a document) which meets the definition of a Federal record received or created on these systems.

4. DEFINITIONS

a. Record Materials

(1) Permanent Electronic Mail Records. Electronic Mail records approved by the National Archives and Records Administration (NARA) as having enduring value because they document the organization and functions of VA or because they contain significant information on persons, things, problems and conditions with which VA dealt, and for which there is no plan for destruction. (Refer also to definition of Electronic Mail Record in VA Directive 6301.)

(2) Records (Federal). All books, papers, maps, photographs, machine-readable materials, or other documentary materials, regardless of physical form or characteristics, made or received by an agency of the U.S. Government, under Federal law or in connection with the transaction of public business, and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization,

functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informational value of data in them.

(3) Temporary Electronic Mail Records. Electronic records approved by NARA for disposal either immediately or after a specified retention period. Temporary records may document VA operations or contain information of legal, administrative, or fiscal value. Depending on the type of record, the retention period may range from very brief to as long as 75 years.

b. Nonrecord Materials

(1) Electronic Mail System. A computer application used to create, receive and transmit messages and other documents. See Directive 6301 for amplification of this definition.

(2) Work-related Materials. Electronic messages and attachments that are nonrecord are not subject to the Federal Records Act, and should be deleted by the user from the system when no longer needed. Examples are: (a) Work papers that do not contain unique information or were not circulated for formal approval, comment, or action; (b) Extra copies, such as incoming information copies that are not acted on, or duplicates of records filed elsewhere that are maintained solely for convenience of reference.

c. General Records Schedules. Schedules authorizing the disposal, after the lapse of specified periods of time, of records common to several or all Federal agencies. These schedules are published and maintained by NARA.

d. Electronic Mail Message. A document created or received on an electronic mail system including brief notes, more formal or substantive narrative documents, and any attachments, such as word processing and other electronic documents, which may be transmitted with the message. (See paragraph 6 below to distinguish between record and nonrecord electronic mail documents.)

e. Life Cycle of Records. The management concept that records pass through three stages: creation, maintenance and disposition.

f. Preserved Record. Documentary materials that have been filed, stored, or otherwise systematically maintained as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of VA.

g. Records Control Schedule. A document that provides mandatory instructions for what to do with records, in any format, no longer needed for current VA use. These schedules are required by law. All VA records must be identified by records series and listed in an appropriate schedule.

h. Transmission and Receipt Data. Information in electronic mail systems regarding the identities of sender and addressee(s), and the date and time messages were sent and/or acknowledgment of receipt and accession by addressee(s).

5. PRESERVING ELECTRONIC MAIL MESSAGES

a. Federal standards for preserving Federal records created or received via electronic mail cover the proper handling of electronic mail items on paper or electronically through the use of an electronic recordkeeping system.

b. Organizations that do not maintain electronic mail in an electronic recordkeeping system must preserve Federal records created or received by electronic mail by printing them out. The printed copy of the electronic mail must be filed in the manual recordkeeping system.

c. Reference is made to 36 Code of Federal Records, Part 1234.24 (a)-(d). Note that organizations who choose to manage electronic mail records electronically must either:

(1) be able to perform all requirements of preservation, protection, storage, retrieval, and disposition through the electronic mail application system itself, or

(2) copy electronic mail records into an electronic recordkeeping system able to perform all the functional requirements of the Federal regulations. *“Backups” made as a normal part of electronic mail systems operation and maintenance do not meet these requirements.*

6. DISTINGUISHING BETWEEN RECORD AND NONRECORD ELECTRONIC MAIL DOCUMENTS

a. Users of electronic mail systems should become familiar with the concepts and practices of distinguishing between record and nonrecord materials, and take the appropriate filing, retention and disposal action.

b. Any material that would be classified as a record if it were created or received as a hard-copy paper entity is a Federal record if created or received via an electronic mail system. Normally, only the originator copy is the record copy; however, as noted in subparagraph c(6) below, recipient copies may be records under certain circumstances. Electronic mail documents are records when they are:

(1) created or received in any electronic mail system concerning official VA business;

(2) required by VA records control schedules to be preserved, or are appropriate for preservation, as evidence of VA's organization and activities, or because of the value of the information they contain.

c. Some categories of electronic mail messages that would be defined as records are:

- (1) those containing unique, valuable information developed in preparing position papers, reports and studies;
- (2) those reflecting actions taken in the course of conducting VA business;
- (3) those conveying unique, valuable information on VA programs, policies, decisions, and essential actions;
- (4) those conveying statements of policy or the rationale for decisions or actions;
- (5) those documenting oral exchanges (in person or by telephone) during which policy was formulated or other VA activities were planned or transacted;
- (6) copies of documents issued to multiple recipients. Usually, copies of documents received by recipients of electronic mail are copies, not records, and should be disposed of as soon as they are not needed for reference. However, multiple copies of the same document may meet the definition of a record if each of them is used to transact VA business. This includes draft copies circulated for comment (see paragraph 6(c)(7)). Copies that have such record status are usually filed in different places and are used for different purposes.
- (7) draft copies circulated for comment. Draft documents or working papers that propose or evaluate high-level policies or decisions and provide unique information that contributes to the understanding of major decisions should be preserved as Federal records. Apply the same criteria to drafts that are circulated on electronic mail items as to drafts circulated by other means;
- (8) those electronic mail systems that provide “calendar” and “task lists” creation functions. These entities may meet the definition of a Federal record, with particular preservation and disposition requirements. Calendars that meet the definition of Federal records are to be managed in accordance with the provisions of General Records Schedule 23, Item 5 or as identified in the appropriate VA records control schedule.

d. Electronic mail documents are nonrecord when they meet any one of the following conditions:

- (1) They provide no evidence of VA functions and activities.
- (2) They lack information of value on VA activities.
- (3) They duplicate information documented in existing or subsequent records, and therefore are not unique.

e. Some categories of electronic mail messages that would be defined as nonrecord material are as follows:

(1) Routine requests for information or publications and copies of replies which require no administrative action, no policy decision, and no special compilation or research for reply.

(2) Originating office copies of letters of transmittal that do not add any information to that contained in the transmitted material, and receiving office copy if filed separately from transmitted material.

(3) Notices including memoranda and other records that do not serve as the basis of official actions, such as notices of meetings, bond campaigns, and similar correspondence.

7. RETENTION AND DISPOSITION OF RECORD AND NONRECORD MATERIAL

When electronic mail is retained as a Federal record, the period of its retention is governed by the appropriate records control schedule. Under this schedule, temporary records are kept for defined periods of time pending destruction and permanent records are transferred to the National Archives of the United States for permanent preservation.

b. Electronic mail users who are uncertain whether specific documents have record status may contact their program office Records Officer or the VA Records Officer for assistance.

c. Electronic mail messages and attachments that are not records, e.g., announcements of meetings, routine exchanges of information and other documents that are not used in the conduct of VA business, or that have no information value, should be deleted by the user from the electronic mail system as soon as they have served their purpose.

d. If an electronic mail item, either sent or received, is a Federal record, it is the responsibility of the VA employee to ensure that a copy is preserved by making it a part of the official files of VA.

e. Besides the text of electronic mail messages, electronic mail systems may provide records transmission and receipt data. Transmission data (such as the identity of the sender and addressee(s) and the date on which the message was sent) must be preserved with all electronic mail items defined as Federal records. Just as with a paper record, this transmission data is necessary for an electronic mail record to be complete and understandable.

f. Electronic mail systems may also provide users with the ability to request acknowledgments or receipts showing that an electronic mail message reached the mailbox or inbox of addressee(s) and was accessed. Electronic mail users should request receipt data when it is needed for adequate and proper documentation of VA activities, especially when it is necessary to confirm that an electronic mail message was received and accessed. Receipts and acknowledgments associated with the record copy of the electronic mail message will be preserved.

g. The preserved electronic mail message will be annotated to document that it is the official file copy before being placed in the official files of the responsible organization.

8. ELECTRONIC MAIL RECEIVED FROM EXTERNAL SOURCES.

The procedures contained herein are applicable to electronic mail received from non-VA and other outside sources, e.g., through the Internet or other commercial network services. Federal records sent or received on these systems must be preserved and action taken to capture transmission and receipt data. As is the case with any Federal record, those that are communicated to or received from persons outside VA should include the identity of the outside senders or addressees.

9. COMPLIANCE REVIEWS. Compliance with these procedures will be accomplished through periodic reviews and evaluations to be conducted under the Office of Information Resources Management's Review Program as required by Federal regulations.