

May 16, 2005

## RETENTION AND DISPOSITION OF ELECTRONIC MAIL RELATING TO OFFICIAL RECORDS OF NATIONAL SIGNIFICANCE

**1. PURPOSE:** This Veterans Health Administration (VHA) Directive provides guidance for the disposition of electronic mail (e-mail) records that relate to decision-making at the national level. This Directive applies to records as defined in Title 44 United States Code (U.S.C) 3301.

### 2. BACKGROUND

a. The decision whether an e-mail message is a record or not is the same as the decision which is made regarding the disposition of paper documents. Depending on how the e-mail information is used, an e-mail message can become a record when created by the originator (sender) or when received by the addressee. The lack of a signature on a document is not to be considered when determining whether a document is a record or non-record. Many electronic documents such as manuals and reports may not include a signature, but may be designated as an e-mail record.

b. Electronic mail messages are records when they are made by the Department of Veterans Affairs (VA) under Federal law or in connection with public business; and are preserved or are appropriate for preservation as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government, or because of the informational value of the data in them.

### 3. DEFINITIONS

a. **Electronic Mail System.** A computer application used to create, receive, and transmit messages and other documents.

b. **Electronic-Mail (e-mail) Messages.** A document created or received on an electronic mail system including brief notes, more formal or substantive narrative documents, and any attachments which are transmitted with the message. The document must satisfy the requirement of a Federal record pursuant to Title 44 U.S.C. 3301. **NOTE:** *All e-mail messages are not considered records. See the definition below for non-records.*

c. **Federal Records.** Title 44 U.S.C. 3301 defines 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 United States 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.

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d. **Non-records.** Library and museum material made or acquired and preserved solely for reference or exhibition purposes, extra copies of documents that are used or preserved only for convenience of reference, announcements of meetings, and other messages that are not used in the conduct of agency business.

e. **Transmission and Receipt Information.** Transmission and receipt information provides a record of message activity such as the name of the sender, names of addressees, subject of message, etc.

f. **Life Cycle of Records.** Life cycle of records is the records management concept that records pass through three stages: creation, maintenance and use, and disposition.

g. **VHA Records Control Schedule (RCS) 10-1.** RCS 10-1 provides retention and disposition requirements for VHA records. The retention and disposition requirements for certain e-mail records have been published in RCS-10-1.

h. **General Records Schedules (GRSs).** GRSs have been issued by the National Archives and Records Administration (NARA) to provide retention and disposition requirements for records common to all Federal agencies. GRSs contain retention and disposition requirements for some e-mail related records.

**4. POLICY:** It is VHA policy to manage e-mail records effectively and efficiently throughout their life cycle in order to preserve official records in accordance with the Department's electronic mail management policy. This policy applies to e-mail records of national significance such as commission and committee reports, policy directives, task force findings and recommendations, correspondence, and similar decision and policy making records. The following are examples of e-mail that have national implications on VA program and activities:

a. Electronic mail that provides key substantive comments and recommendations on draft documents by subject matter experts or program officials.

b. Electronic mail that provides significant documentation on VA decisions and commitments reached orally (person-to-person, by telecommunications, or in conference) and determined to be part of the official file.

c. Electronic mail that provides pertinent information that is used to develop policy and procedures on VA business activities.

**5. ACTION:** In many instances, e-mail has replaced paper records and is used to document approvals, concurrences, and recommendations on policy making, official decisions and initiatives. Program offices, which are responsible for developing official records, are responsible for:

a. Ensuring that e-mail messages are managed and preserved in accordance with this Directive and the Department's policy for managing e-mail records

b. Ensuring that all substantive emails, along with attachments and essential transmission and receipt data, are included with the official record.

c. Disposing of non-substantive email in accordance with an authorized records disposition schedule.

## 6. REFERENCES

a. VA Directive 6301, Electronic Mail Records is available at <http://vaww.va.gov/pubs/asp/edsdirec.asp>.

b. VA Handbook 6301, Procedures for Handling Electronic Mail Records is available at <http://vaww.va.gov/pubs/asp/edsdirec.asp>.

c. Assistant Secretary for Information and Technology memorandum, Preserving Electronic Mail Messages, dated December 23, 2004.

d. VHA RCS 10-1 is available at <http://vaww1.va.gov/vhapublications/>.

e. GRS is available at [http://www.archives.gov/records\\_management/records\\_schedules.html](http://www.archives.gov/records_management/records_schedules.html).

**7. RESPONSIBLE OFFICE:** The Forms, Publications and Records Management staff (19E1) is responsible for the contents of this Directive. Questions regarding this Directive may be directed to 202-273-8312.

**8. RESCISSIONS:** None.

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