

ELECTRONIC MAIL POLICY

LE-2 AS OF 07/07/04

I. STATEMENT OF THE POLICY:

The Port of Seattle provides electronic mail (e-mail) resources to support its work. This Policy statement sets forth Port policy with regard to use of, access to, and disclosure of e-mail to assist in ensuring that Port resources serve these purposes.

II. DETAILS:

The Port will make reasonable efforts to maintain the integrity and effective operation of its e-mail systems, but users are advised that those systems should in no way be regarded as a secure medium for the communication of sensitive or confidential information. Because of the nature and technology of electronic communication and the Port's public agency status, the Port can assure neither the privacy of an individual user's use of the e-mail resource nor the confidentiality of particular messages that may be created, transmitted, received, or stored thereby.

E-mails that are sent or received, that contain information about Port business activities, and that can function as evidence of business transactions are, regardless of recorded medium, part of the records of the Port and must be managed in accordance with the Chapter 40.14 RCW. They are also subject to the provisions of the Public Disclosure Act Chapter 47.12 RCW, and other related laws. Consequently, all e-mails (including attachments) that are public records are subject to Port Procedure EX-6 - Public Access to Port Records, and Policy LE-1 - Records Management.

For the purposes of this Policy, the term 'e-mail' includes not only the messages sent and received by e-mail systems, but all attachments as well.

III. RELATED PORT PROCEDURE:

LE-2 - Electronic Mail Procedure

ELECTRONIC MAIL PROCEDURE

LE-2 AS OF 07/07/04

I. STATEMENT OF THE PROCEDURE:

Consistent with Electronic Mail Policy LE-2, this Procedure describes the use, retention, and responsibilities for the management of e-mail records at the Port of Seattle in accordance with applicable laws.

II. DETAILS:

A. Use of Electronic Messaging

The primary use of the Port's e-mail system must be related to Port business. Incidental and occasional personal use of electronic messaging is permitted. All uses of the Port's e-mail system are subject to this Procedure.

Since e-mail is not just a communication device, but actually a medium where Public Records reside and are manipulated, it becomes the responsibility of each employee to utilize the e-mail system appropriately and consistent with this Procedure.

E-mail should be businesslike, courteous and civil. It must not be used for the expression of hostility or bias against individuals or groups. E-mail must not contain offensive material such as obscenity, vulgarity or profanity, offensive jokes, inappropriate sarcasm, or other non-businesslike material.

Because e-mail systems are not secure, users should be cautious about the content of all messages.

B. Electronic Mail Records Retention and Disclosure

Washington State law defines "public records" as records made or received by a public agency "in connection with the transaction of public business" and "*regardless of physical form or characteristics*" (RCW 40.14.010) ("Public Records"). Employees must retain e-mail that are Public Records just as they would other Public Records they create or receive in the course of their work at the Port. Such e-mail messages shall be captured in the Electronic Records and Document Management System (RDMS)

E-mail messages that are Public Records, captured in the RDMS are subject to the provisions of Chapter 40.14 RCW, and shall be scheduled for disposal or retention according to the record series in which they belong.

E-mails that are public records are subject to the provisions of the Washington State Public Disclosure Act in accordance with public records laws and Procedure EX-6 - Public Access to Port Records. Employees shall comply with the provisions of the public disclosure laws and Procedure EX-6 when asked to provide e-mail messages in response to a request for disclosure of Public Records.

C. Electronic Mail as a transitory or non-Public Record

Not all e-mail messages are Public Records. Copies of convenience, also known as reference or secondary copies, for example are generally transitory, and do not need to be captured into a record keeping system. Such messages should be destroyed after they have met their administrative value.

Any information transmitted via e-mail, and classified as a Public Record, shall be treated in the same manner as any other Public Records, in any medium, received or created by a department. Such Public Records shall be captured in the Electronic Records and Document Management System (RDMS). As well, electronic messages captured in the RDMS are subject to the provision of RCW 40.14 and shall be scheduled for disposal or retention according to the record series in which they belong. In other words, they shall be managed according to their content, rather than their form (e-mail).

D. Responsibilities

Responsibilities of Record Creators:

E-mail messages, and/or attachments, required as evidence of a department's business activity, shall be captured in the Electronic Record and Document Management System, as follows:

Save e-mail to RDMS if:

- You are the Document Author. A Document Author is defined as the initiator of an e-mail thread, and includes all replies within said e-mail thread that are sent to the initiator.
- You are the recipient of an e-mail from someone outside the Port.
- The e-mail discussion is finished. The desirable practice is to maintain the e-mail thread in Outlook until the discussion is finished, then save the complete e-mail thread to RDMS.

Do not save e-mail to RDMS if:

- You are the recipient of an e-mail from another Port system user (you are not the Document Author).

Responsibilities of Information Technology Department:

Public Records that are located in the RDMS shall be maintained on the server in a secure manner by Information Technology.

Back-up of the RDMS will be in line with the regular back-up procedures for the network drives.

The back-up files for the RDMS must be recognizable as being part of the overall Records Management System in that the classification scheme should be evident if files need to be retrieved, and the integrity of the records must be maintained.

The Information Technology Department will ensure the integrity of any Public Record housed in the RDMS until the records have reached their approved retention. Integrity of these records will be accomplished through such procedures as test restores, media testing, and data migration.

III. RELATED PORT POLICY:

LE-2 - Electronic Mail Policy
