

# EMAIL QUICK REFERENCE GUIDANCE

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## Messages That May Constitute Federal Records

E-mail providing key substantive comments on a draft action memorandum, if the e-mail message adds to a proper understanding of the formulation or execution of Agency action.

E-mail providing documentation of significant Agency decisions and commitments reached orally (person-to-person, by telecommunications, or in conference) and not otherwise documented in Agency files.

E-mail conveying information of value on important Agency activities, if the e-mail message adds to a proper understanding of Agency operations and responsibilities.

## Points to Remember about E-Mail

Before deleting any e-mail message, the author should determine whether it meets the legal definition a record ([44 U.S.C. § 3301](#)) and, if so, preserve a copy of the message.

E-mail records must be maintained in a recordkeeping system; either in your organization's paper filing system or in an enterprise content management system (ECMS) or through the use of a records management application (RMA).

Printed messages kept as a record must contain essential transmission, receipt data, and attachments; if not, print the data or annotate the printed copy.

Delete messages that are not records when no longer needed.

Delete messages that are records, after they have been placed in the recordkeeping system.

When e-mail is retained as a record, its retention is governed by [records schedules](#)

## Requirements for Capturing Email as a Record

The basic requirements that apply to all records apply to e-mail records as well. However, there are some specific requirements for records made or received through e-mail. You should make sure that:

1. the e-mail record includes transmission data that identifies the sender and the recipient(s) and the date and time the message was sent and/or received;
2. when e-mail is sent to a distribution list, information identifying all parties on the list is retained for as long as the message is retained; and
3. if the e-mail system uses codes, or aliases to identify senders or recipients, a record of their real names is kept for as long as any record containing only the codes or aliases. For example, if you are communicating with someone via the Internet (e.g., a grantee or researcher), and their e-mail address does not indicate who they are (e.g., the address is JerryR@...) then a record must be kept of who they are. This might be done simply by always including their full name in the body of the message.

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### **Why is it necessary to keep the transmission data about the sender, receiver, date and time of the e-mail?**

You should treat e-mail messages the same way you treat paper correspondence. You would not delete the names of the sender and addressee, the date, or a time stamp from a letter on paper. The data identifying the sender and recipient(s), the time and date the message was sent, and, on the recipient(s) copy, the time and date it was received are equally essential elements that constitute a complete e-mail record.

### **What about attachments to an e-mail message? Do I have to keep them as well?**

Yes, you do. If a message qualifies as part of the documentation of your activities, you need to make sure that related items that provide context for the message are maintained as well. This includes attachments. You would keep them under the same conditions that you would if they were paper attachments to a paper memo or incoming letter.

### **If my outgoing message is a record, should I ask for a return receipt to make sure that the person I sent it to got it?**

It is not necessary to ask for a return receipt or read receipt in e-mail any more than it is necessary in hard copy. We don't send all letters certified mail. If it is important to document for the record the time that a message was opened, then that receipt must be retained along with the message for as long as the message is retained. You also need to have some means of linking the receipt to the message so it is clear what outgoing message the receipt documents.

### **Do I need to retain both the original message and the reply?**

The requirement is to create and maintain an understandable record documenting activities. Some replies to e-mail messages contain enough information from the original message that they can stand on their own, but most do not. The simplest way to ensure understandability of e-mail messages that will become part of the record is to incorporate the original message in any reply and maintain them as a unit. If e-mail is sent back and forth and the most recent message has the entire sequence of messages, you need to keep only the final message (including the previous messages and replies) as long as it also contains attachments and other data such as the sender, receivers, date, and time, that are necessary for a complete record.

### **What are the requirements for when sending messages from non-governmental accounts?**

**U.S.C. § 2911, Disclosure Requirement For Official Business conducted using Non-official Electronic Messaging Accounts** requires that an officer or employee of an executive agency may not create or send a record using a non-official electronic messaging account unless such officer or

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employee:

- a. Copies an official electronic messaging account of the officer or employee in the original creation or transmission of the record; or
- b. forwards a complete copy of the record to an official electronic messaging account of the office employee not later than 20 days after the original creation or transmission of the record.

If you have specific questions relating to managing email you may contact your [Records Liaison Officer \(RLO\)](#) or the NOAA Records Officer at [records.management@noaa.gov](mailto:records.management@noaa.gov)

Additional guidance on email management can be in [NARA's Bulletin 2014-06-Guidance on Managing Email](#).

