



**Policy #74**

**Policy Title: Electronic Mail and Electronic Messaging Policy**

**Approved by Council on: February 6, 2019**

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**Policy Statement:**

The Corporation of the Township of Southgate and its local boards and committees are committed to ensuring accountable and transparent records management practices relating to electronic mail and electronic messaging. Effective policies assist in the management of municipal records.

**Scope:**

This policy applies to members of Council and its local boards and committees, Township and local board employees.

This policy also applies to:

- All Electronic Messages created, received and maintained, under the custody and control of, or destroyed by Southgate Staff or Agents from the effective date of this Policy;
- All Southgate Staff, Mayor and Agents who have an electronic messaging account on a Southgate system; and
- The use of personal email and other messaging systems where Southgate business is conducted.

**Purpose:**

The purpose of this Policy is to address how Records are created, stored on, received and transmitted by electronic messaging systems such as electronic mail (i.e., email), messages sent by phone (e.g., text messages, voicemails) and other platforms (e.g., instant messaging, social media) are to be managed by the Township of Southgate.

**Policy Principles:**

This Policy is based on the following principles:

- The Township of Southgate recognizes that electronic messaging systems are everywhere in today's world and an integral part of sharing information and making decisions;
- The Township of Southgate is mandated, through the Municipal Act 2001 and the Municipal Freedom of Information and Protection of Privacy Act, to preserve the Records in its custody and control;
- Records that are created, received, stored and transmitted via electronic messaging systems may qualify as Official Records, and in those cases must be retained by the Township; and
- Electronic messages that qualify as Official Records must be maintained according to the Records Classification and Retention Schedule.

## Definitions:

1. **"Agent"** means any individual, volunteer, workgroup or organization responsible for, or involved in, Record creation, capture and/or records management processes for the Township of Southgate that is not directly employed by the municipality. An Agent includes any third-party consultant, contractor and/or third-party vendor working under an agreement with Southgate to provide goods and/or services.
2. **"Archival Record"** means a Record that is no longer required to be kept for any fiscal, legal or business value or reason, but that is deemed to have enduring value to the Township of Southgate in order to provide a historical context and/or has some provenance to Southgate's history. Archival Records are kept for historical purposes.
3. **"Electronic Message"** means any form of information or Record created, stored on, received or transmitted through an electronic or digital messaging system, along with any attachments (e.g., word processing documents, PDFs, etc.). Electronic messages include emails, text messages, personal messages (Short Messages Service or PINs), voicemails and messages via applications (e.g., LYNC, Skype, Facebook Messenger and WhatsApp). Under applicable legislation, Electronic Messages can constitute Records as defined by this Policy.
4. **"Official Record"** means a Record that documents a business transaction, activity or decision and has enduring value. Official Records may set policy or procedures, or be required for legislative, regulatory, legal, fiscal or operational purposes. Examples of Official Records are documents that: initiate, authorize, approve or complete a business transaction; provide advice or recommendations to support decisions; commit the Township of Southgate to an action or expenditure; or, relate to interactions or communications with external third parties.
5. **"Record"** means information and documentation created, modified and/or received by Southgate during the course of business operations, and that is kept, used and maintained for a period of time. A Record may be in physical or electronic format or some other medium. This Policy categorizes Records as Archival Record, Official Record or Transitory Record, and Records will be handled in accordance with the categorization assigned to them.
6. **"Records Classification and Retention Schedule"** means the tool to manage Records created or received by the Township of Southgate, by defining classification and governing retention timelines. Every document, Record, and data type used in the course of business is captured in the Records Classification and Retention Schedule and categorized according to its function.
7. **"Southgate"** means the Corporation of the Township of Southgate.

8. **"Southgate Staff"** means any individual employed by the Township of Southgate. For the purposes of this Policy, this also includes the Mayor. Members of Council are generally excluded from this definition and overall consideration in this Policy, except where they create, receive or maintain electronic message Records that relate to Township matters. In those specific cases, Members of Council may be interpreted as "Southgate Staff" insofar as this Policy is concerned.
9. **"Transitory Record"** means a Record that does not document a business transaction, activity or decision and has only temporary value. Transitory Records do not set policy or procedures, and are not required for legislative, regulatory, legal, fiscal or operational purposes. Documents that are needed for a limited time to complete a routine action or to prepare an Official Record are considered transitory and can be destroyed when the accuracy or completeness of the action has been verified or deemed correct. Some examples include the following: personal messages, miscellaneous notices, messages on upcoming special events, minor administrative details, convenience or duplicate copies of Official Records, publications and manuscripts, unsolicited advertising, and preliminary drafts which do not introduce significant changes in preparation of a final document and do not document official decisions.

**Policy:**

This Policy governs the management of all Electronic Messages from creation or capture to final disposition, regardless of the location or medium in which they are stored. All Electronic Messages must be maintained, used, disseminated and disposed throughout their lifecycle in accordance with this Policy, the Information Governance Policy and any related policies and procedures.

Electronic Messages are subject to the same privacy, legislative, fiscal, audit and compliance review requirements as any other Record.

**Electronic Messages as Official Records:**

An Electronic Message, and any associated content (including attachments), that provides proof of service, evidence of decisions and actions, or documents the output of a process, operation or other activity by Southgate is deemed to be an Official Record and must be captured and preserved.

Electronic Messages that are Official Records should be maintained in a corporate repository. Electronic Messages as Transitory Records and personal Electronic Message messages (those with no ongoing value to Southgate) can be destroyed as soon as they are no longer useful. Employee Termination or Reassignment Upon termination or reassignment of an employee, their individual Electronic Message repositories (e.g., email box) must be reviewed and all Official Records captured into a corporate repository.

Any remaining Electronic Messages may be deemed transitory and may be

destroyed. Acceptable Electronic Messaging Systems Material that would constitute an Official Record should only be sent and received using a Southgate email account. All other electronic messaging systems should only be used for Transitory Records. Where an electronic messaging system other than a Southgate email account is maintained on servers or within software applications over which Southgate has control, that electronic messaging system may be used for Official Records with the approval of the Clerk.

Alternatively, where Electronic Messages relating to Southgate business or key decisions were created, stored on, received and transmitted by electronic messaging systems other than an approved system, the Official Records must be transposed, summarized in a memo, captured as a screenshot or otherwise captured and stored on a corporate repository.

### **Classifying Official Records**

Electronic messages that serve as Official Records must be classified according to the Records Classification and Retention Schedule, as all other Official Records.

### **Compliance:**

Southgate is committed to complying with this Policy in order to:

- Protect, defend and preserve its legal, economic, financial and competitive positions, rights and obligations;
- Support business decision-making;
- Protect and secure personal, confidential and sensitive information; and
- Meet stakeholder expectations.

### **Roles and Responsibilities:**

#### Clerk

The Clerk will:

- Be responsible for interpreting, approving and amending this Policy; and
- Adopt procedural controls and conditions to be established and followed for the capture of Records that are electronic messages.
- Provide advice, guidance, support and training to assist users in managing Electronic Messages and capturing Records into corporate repositories; and
- Conduct quality and compliance reviews as required to identify training needs and assess policy compliance.

#### Department Heads, Managers and Supervisors

All directors, managers and supervisors will:

- Actively support this Policy and the associated recordkeeping practices; and
- Affirm that Electronic Messages can qualify as Official Records, and

therefore fulfill evidentiary requirements.

- Follow this Policy and any related policies and procedures for all Electronic Message Records in the Department's custody;
- Ensure employees understand and apply effective electronic messaging system management in day-to-day operations; and
- Review electronic messaging systems and email boxes belonging to terminated and transferred employees, following guidance from the Clerk.

### Southgate Staff, Agents, Mayor and Members of Council

All Southgate Staff, Agents and Members of Council will:

- Apply best practice for managing Electronic Messages;
- Capture Electronic Message Official Records into a corporate repository; and
- Delete Transitory Records as soon as they are no longer required.

### Information Technology Representative

Information Technology Representative will:

- Provide corporate repositories to house Electronic Message Records; and
- Establish and administer a process for the review of electronic messaging systems and Southgate email boxes belonging to terminated and transferred employees, and support managers in addressing remaining Electronic Messages.

### **Related Documents:**

Southgate's Electronic Management Policy takes into consideration the following Related Policies, Standards and Documents:

Legal and Regulatory Requirements:

- Municipal Act, 2001, S.O. 2001, c. 25
  - Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M. 56
  - Other legislation as identified in the Southgate Records Classification and Retention Schedule
- Related Policies and Standards:
- Access and Privacy Policy
  - Use of Corporate Resource Policy
  - Council and Committee Code of Conduct
  - Electronic Records Policy
  - Employee Code of Conduct
  - Cell Use Policy
  - Records Classification and Retention Schedule

## **Attachment 1: Outlook Guidelines**

This guideline establishes best practice for managing Township Outlook mailboxes and addressing Official Records in email format and applies to all emails associated with a Southgate email address (i.e., firstinitiallastname@southgate.ca). All information processed, transmitted or stored on Southgate email servers is the property of the Township of Southgate.

Emails and their attachments are considered records and may serve as evidence of transactions and decisions just as Official Records in other formats and media.

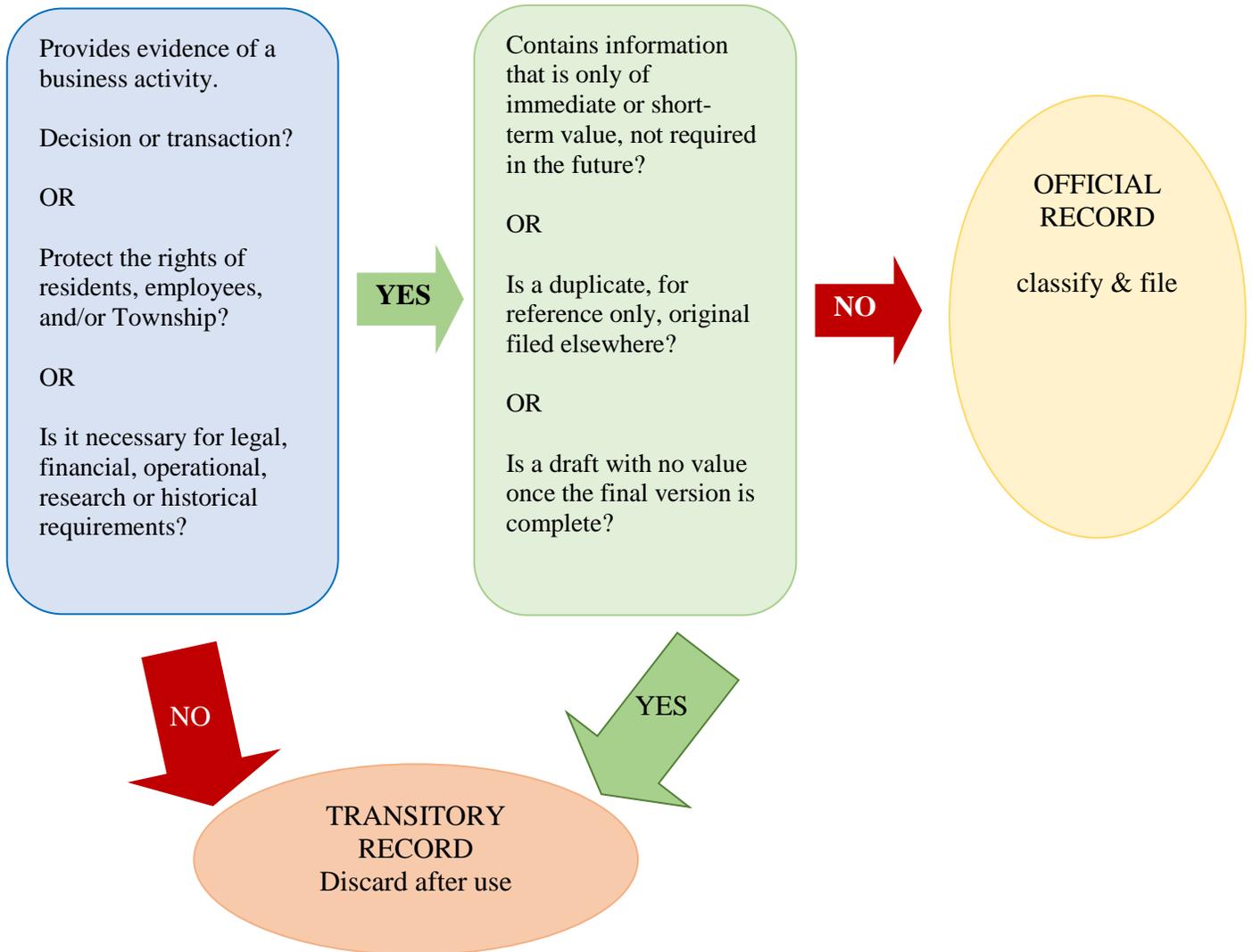
### **Procedure:**

1. Isolate attachments where the email message was only the vehicle for delivery (i.e., no commentary, advice or recommendations, or other substantial material in the body of the message), and proof of transmission date and time is not important. In these cases, the original email may be deleted after the attachment is isolated. Attachments should be stored along with other non-email records, according to the department convention.
2. Determine if the email is an Official Record or a Transitory Record. Consider an Official Record documents a business transaction, activity or decision and has enduring value. Official Records may set policies or procedures, or be required for legislative, regulatory, legal, fiscal or operational purposes. Some examples of Official Records in email format are: messages that initiate, authorize, approve or complete a business transaction; provide advice or recommendations to support decisions; commit Southgate to an action or expenditure; or, interact or communicate with external third parties.
3. Official Records in email format must be kept and organized according to department or Township convention. A Transitory Record does not document a business transaction, activity or decision and has only temporary value. Transitory Records do not set policies or procedures, and are not required for legislative, regulatory, legal, fiscal or operational purposes. They may only be needed for a limited time to complete a routine action or to prepare an Official Record. Some examples of emails that are Transitory Records ("transitory emails") are: personal messages, emails sent as an "FYI", messages on upcoming events or with minor administrative details, automated responses, unsolicited advertising, and message in which you are carbon copied (CC'd or BCC'd, i.e., not the primary recipient). Transitory emails can be deleted when they are no longer useful or needed (e.g., the accuracy or completeness of the action has been verified or deemed correct).

4. Organize Official Record emails to ensure accessibility (i.e., not on personal drives—H:\Drive or I:\Drive—or in mailboxes not accessible by other users).
  - a. It is recommended that Official Record emails be saved into the appropriate folder in the shared drive repository, or that emails and their attachments are printed and added to the physical file.
  - b. Note that Official Records in email format are subject to the same retention and disposition principles as all other Official Records. They must not be deleted by the end user, even if the user believes they are no longer needed or the retention is past.
5. Organize transitory emails while they are still useful. When they are no longer needed, transitory emails should be deleted. Transitory emails do not need to be incorporated into an accessible repository. It is recommended that users create a custom folder structure within their inbox to sort and manage transitory emails that they need to keep temporarily.
6. Review and clean up mailboxes regularly (e.g., once a week) to manage storage space used.
  - a. Delete transitory emails no longer needed. Transfer Official Record emails to their proper locations.
7. Where applicable, you may rename incoming email to make search and retrieval easier. The original subject can be replaced entirely or appended with a new title in brackets.

## Quick Reference:

Users need to distinguish between emails that provide evidence of business activities and have future value, and emails that have temporary or minimal administrative, legal or operational values. The below can assist users in identifying which emails are transitory and can be deleted and which are Official Records and must be retained.



## QUICK GUIDE TO EMAIL SORTING

GREEN	YELLOW	RED
<p><b>Official Records:</b></p> <p>Decisions, evidence, legal materials, advice, recommendations, and material of legal or historical significance</p>	<p><b>On-going need:</b></p> <p>Discussions, contact information, details, draft materials</p>	<p><b>Transitory:</b></p> <p>Short-term value, minor importance, convenience or reference copies, personal messages, general announcements, drafts of finalized procedures</p>
<p>Classify and retain in the Electronic Data Records Management System</p>	<p>Goes into a shared mailbox or other shared space until the project is complete</p>	<p>Delete when no longer useful</p>