

## **DISTRICT ELECTRONIC MAIL COMMUNICATIONS AND RETENTION POLICY**

### Section 1. Statement of Policy.

The Board and District staff will take reasonable and appropriate steps to ensure that all forms of electronic communication, including electronic mail (“e-mail”) which are used in the performance of District business shall be legal, ethical, and in conformance with the standards presented below.

### Section 2. Implementation

#### 2.1 District provided e-mail addresses.

a. The Executive Director shall ensure that each member of the Board of directors and every member of the District staff is provided with an electronic mail address (“dedicated e-mail address”) which comports with the District’s domain name. The initial issuance shall take place no later than ten business days after the election or appointment of a new director, and not less than ten (10) business days after a new staff member is hired.

1. All recipients of a dedicated e-mail address shall keep the Executive Director apprised of any password for the account, and each recipient agrees to notify the Executive Director within ten (10) business days of any change made to the password for that individual’s dedicated e-mail address.
2. All recipients of dedicated e-mail addresses understand, recognize and agree that the e-mail account corresponding to each dedicated e-mail address shall have no reasonable expectation of privacy, as District staff may be required to access each e-mail account periodically for reasons which include, without limitation, responding to requests for records under the Public Records Act, to respond to validly issued subpoena or court order.
3. Use of electronic text messaging for the conduct of Board or District business shall be strongly discouraged, and staff and Board members shall use best efforts to avoid the use of electronic text messaging on personal devices for the conduct of District or Board business except in cases of significant urgency or public health or safety emergency where no other form of communication is readily available.

b. All electronic mail used for the conduct of District business, or business of the Board of Directors shall be conducted exclusively through the use of sender's dedicated e-mail address. The use of dedicated e-mail addresses for personal reasons or for matters unrelated to District or Board business shall not be permitted.

1. All Board members and District staff are encouraged to keep and maintain a personal e-mail account, and to refrain from using his/her personal e-mail account for the conduct of any District or District Board business. Notwithstanding the preceding sentence, this provision does not encourage or authorize the conduct of personal business through personal e-mail by Staff during normal District working hours.

## 2.2 Enforcement

a. Members of the Board recognize that the use of electronic mail carries with it the danger of deliberating on matters of board business outside the construct of a Board meeting, contrary to the requirements of the Ralph M. Brown Act ("Brown Act"). Board members shall not use e-mail as a means to communicate the same or an identical message to more than one Board member at a time, in order to comply with the requirements of the Brown Act.

1. Each Board member agrees to promptly bring any deviation from the requirements of subsection (c) above to the attention of the Executive Director, or to the General Counsel for the District.

2. The Board shall have discretion to enforce this policy through the use of written reprimand or censure or any other reasonable and appropriate means consistent with bringing individual Director violations of this policy to an end.

b. The Executive director shall be authority to enforce this policy as to District staff through the use of the employee disciplinary process, and that repeated violations of this policy may be grounds for disciplinary action up to and including termination of employment.

### 2.3 E-mail Retention.

- a. The District will keep and maintain a system of e-mail retention which complies with existing document retention statutes (Government Code Section 60200), and ensures access to district records and information, while avoiding the costs and burdens of maintaining unnecessary materials.
- b. General. All District generated and received e-mails shall be kept for at least 2 years from the date sent or received. Specific categories or types of District e-mail listed separately below shall be maintained as follows:
  1. Generic e-mails, not specific to a particular District project or initiative, and not related to District policies, accounting and finance, or human resources or litigation matters, may be deleted from the District e-mail accounts after ninety days from date of receipt. The District shall establish and maintain space to archive such e-mails on the incoming e-mail server for the remaining duration called for in Section 60200
  2. Human Resources related. All e-mails related to human resources matters, including, without limitation, individual employment issues, salary and benefits matters, working conditions, employee performance reviews, and any disciplinary or promotional matters, shall be kept maintained for 2 years following the end of the individual's work tenure with the District. The District shall be allowed to archive such e-mails two years after the e-mail was sent or received.
  3. Contract Related.
    - A. All e-mails related to Agreements with Vendors, professional or consulting services providers, as well as all e-mails related to community healthcare contracts ("grants") shall be kept and maintained for four (4) years after expiration of the term in the particular agreement.

- B. All e-mails related to any public work of improvement undertaken by the District, including without limitation new or remodeled construction projects, shall be kept by the District for 10 years after completion of the public work of improvement.
- 4. Accounting and Finance. All e-mail communications between the District and its auditors, bookkeepers or financial consultants regarding district financial reports and records shall be maintained for 5 years following the close of the Fiscal year to which each e-mail pertains.
- 5. Intergovernmental communications. All e-mails sent and received between the District and other governmental entities (local, state, federal) which are unrelated to any other District initiative, program or operation shall be maintained for 2 years following the date sent or received.
- 6. Litigation. All e-mails related to litigation involving the District as a party shall be kept for 4 years following the date of entry of final judgment.
- 7. Public Communications. All communications to and from members of the public, which are unrelated to any other District initiative, program or operation (including all public records act requests, requests for agendas, and press inquiries) shall be maintained for 3 years following the date sent or received. These may be archived on the District server after 2 years from date sent or received.
- c. The District Board shall reserve the right to periodically review and modify this retention policy on an as-needed basis. Review of this retention policy shall occur not less than quadrennially.