



## ADMINISTRATIVE DIRECTIVE

Title: Electronic Communications Retention & Storage  
Issuing Department: Technology Services  
Effective Date: November 21, 2023  
Reviewed: Town Clerk, Legal, Technology Services  
Approved: Terry S. Rozema, Town Manager  
Type of Action: Revision

### 1.0 PURPOSE

Communication through electronic means is an essential part of communicating in today's world. Electronic communication and information management tools are being used by nearly every employee at the Town of Marana. This Administrative Directive sets forth the Town of Marana's policies governing the use and storage of electronic communications.

### 2.0 DEPARTMENTS AFFECTED

All Town of Marana departments, employees and appointed and elected officials.

### 3.0 REFERENCES

- 3.1 A.R.S. §§ 41-151.14 – 41-151.23: State and local public records management
- 3.2 A.R.S. § 38-421: Stealing, destroying, altering or secreting public record
- 3.3 A.R.S. §§ 39-121 *et seq*: Public records law
- 3.4 A.R.S. § 38-431 *et seq*: Open meeting law
- 3.5 Town of Marana Personnel Policies and Procedures, Policy 5-4: Use of communications systems and equipment
- 3.6 Town of Marana Personnel Policies and Procedures, Policy 1-2: Code of Ethics
- 3.7 Town of Marana Administrative Directive: Public Records Request Procedures
- 3.8 Town of Marana Administrative Directive: Litigation/Legal Holds

## 4.0 DEFINITIONS

- 4.1 Backup: E-mail mailbox data copies created on a daily basis for the purpose of disaster recovery.
- 4.2 Electronic Communication: Electronic mail (e-mail), electronic calendars, instant messaging, text and short message service (SMS) messaging, social media posts or messaging, chat features found in online or software applications and similar means of communication. Electronic communication includes all contextual information, metadata, attachments and linked items accompanying the electronic communication, such as audio files, video files, photos, documents or other text-based files, embedded objects or information, images and hyperlinks. Electronic communication does not refer to Voice-over Internet Protocol (VoIP), telephone communications, telephonic voicemail, video conferencing or video telephony.
- 4.3 Non-Records: Messages that do not meet the statutory definition of a record as defined in A.R.S. § 41-1350. Destruction of non-record electronic messages does not need to be reported on a Report/Certificate of Records Destruction form.
- 4.4 Records: Messages that are considered to be official records as defined in A.R.S. § 41-1350. Official records include any document or piece of information, regardless of its physical or digital format, created or received by the town in the course of normal business operations that provides evidence of organizational processes, policies, functions, decisions or any other government activity that uses public funds. Official records may require short-term storage, long-term storage or a combination of both.

## 5.0 POLICIES AND PROCEDURES

5.1 Retention and Disposition of Electronic Communications as Public Records. Retention and disposition of public records is determined by the Arizona State Library, Archives and Public Records, Records Management Division, in accordance with Arizona state statutes. A record's retention schedule is based upon the legal, administrative, historical, fiscal or informational value of the record, not on the format of the record.

5.1.1 "Electronic communication" refers to the format of the record, not its content or value. Thus, electronic communications cannot be assigned blanket retention periods because they are not a type of record or record series. Rather, the value – and therefore the retention period – of an electronic message is determined by its content.

5.1.1.1 For example, an electronic communication (such as an e-mail or instant message) whose content solely concerns the scheduling of an upcoming meeting likely would not be considered an official record as defined by A.R.S. § 41-1350. On the other hand, a citizen complaint attached to an e-mail would be an electronic communication considered to be an official record and therefore would be subject to records retention and disposition requirements.

5.2 Employee Expectations.

It is the responsibility of every town official and employee to retain any electronic communication, depending on its nature and content, as required by the public records retention and disposition schedules. Town officials and employees must retain record electronic communications, to the greatest extent possible, in a way that preserves all

contextual information, metadata, attachments and links associated with the electronic communication; and the communication must be stored together with all contextual information, metadata, attachments and links for chain of custody purposes. Department records coordinators and the Town Clerk's Office, in conjunction with the Technology Services Department, are available to assist with the establishment and maintenance of appropriate record storage locations for electronic communications.

### 5.3 Department Expectations.

Each town department shall appoint a records coordinator who will work with the Town Clerk's Office and his or her respective department head to ensure proper management and disposal of records, including compliance with this directive. Records retention and disposition schedules that apply to town records are available from designated department records coordinators, the Town Clerk's Office and online at the Arizona State Library's website.

5.3.1 Electronic communications considered to be official records must be maintained and destroyed in the same manner as a paper record. Retention and destruction shall be performed according to the corresponding record series on either a department's custom Retention Schedule or the State's General Schedule. For questions regarding records retention, please contact the appropriate department records coordinator or the Town Clerk's Office.

### 5.4 Short-Term Retention of Record Electronic Communications.

For records management purposes, many of the town's electronic communications are short communications that function much like phone calls and are considered to be non-records. For the sake of administrative convenience, e-mails with a retention period of 120 days or less will be maintained in the town's primary e-mail system. At the end of 120 days, all messages will be permanently deleted. It is the responsibility of each individual employee and appointed or elected official to ensure that any record e-mail messages that must be retained beyond 120 days and are in the employee's e-mail application, including in the employee's inbox or in any subfolders, are moved to proper storage locations before the end of the 120-day period.

5.4.1 It is also the responsibility of each individual employee and appointed or elected official to ensure that any other forms of record electronic communication required to comply with retention and disposition schedules are moved to proper storage locations as soon as practicable after their origination or, at a minimum, prior to their deletion from the device, webpage or software application they originate on.

5.4.2 Should any existing electronic communication of an employee or appointed or elected official become the subject of a litigation hold, the communication, together with all contextual information, metadata, attachments and links associated with the communication, must be preserved and retained even if the communication does not qualify as an official record under A.R.S. § 41-1350. Such preservation and retention must continue until the litigation hold is lifted, or, if the communication qualifies as an official record, until the end of the appointed records retention schedule. Preservation and retention pursuant to a litigation hold will be initiated by and coordinated with the Legal Department.

## 5.5 Long-Term Retention of Record Electronic Communications

Electronic communications requiring long-term retention must be maintained in proper storage locations to ensure compliance with state records retention and disposition requirements. Please contact the appropriate department records coordinator or the Town Clerk's Office for assistance in establishing and maintaining storage locations for electronic communications. Additionally, Technology Services staff will work with individual departments to identify a technology solution when a department requires a shared storage location for electronic communications to minimize duplication of electronic communications storage within departments.

5.5.1 In addition to other methods of electronic communications storage, e-mail messages requiring long-term retention (more than 120 days) may be maintained in archive folders by those employees given access to archive folders for the town's archival e-mail system.

5.5.2 Only department heads, assistant/deputy department heads, management staff and project management staff will be permitted to maintain long-term archive folders upon request with a valid business justification.

5.5.3 Employees who are not department heads or management-level staff but believe they need longer term storage capability for electronic communications should notify their direct supervisor to determine whether they also require long-term archive folders or other technology solutions for long-term storage. The employee shall complete an electronic communications records long-term storage request form, which must be signed by the employee's supervisor and department head/deputy director. The form will then be forwarded to the Town Clerk's Office and Technology Services for approval. For Development Services staff, the records long-term storage request form will be forwarded to the Development Services Records Manager and Technology Services for approval.

## 5.6 Public Records Requests

***Any electronic communications may be subject to the public records law (A.R.S. §§ 39-121 et seq) and to public disclosure. In accordance with Policy 5-4 of the Town of Marana Personnel Policies and Procedures, employees should have no expectation of privacy regarding the use of the town's systems and equipment or the transmission, receipt or storage of information in these systems or equipment.***

## 5.7 Backup

The Town of Marana creates "backup" records of e-mail and calendar records on a daily basis. Backups that encompass other electronic communications, such as the instant messaging function found in the Microsoft 365 application, are also created by the town. The primary purpose of creating these backups is for disaster recovery in the case of system failure, not for purposes of public records retention. The backups are retained for the limited period of time required by law for backup data.

## 6.0 RESPONSIBILITIES

6.1 All employees and appointed and elected officials are responsible for understanding the procedures as outlined in this directive and all other applicable town policies and procedures regarding the use of electronic communications.

- 6.2 It is the responsibility of every town official and employee to retain any electronic communication, depending on its nature and content, as required by the public records retention and disposition schedules.
- 6.3 Department records coordinators and the Town Clerk's Office, in conjunction with the Technology Services Department, are available to assist with the establishment and maintenance of appropriate record storage locations for electronic communications.
- 6.4 All employees and appointed and elected officials are responsible for using electronic communications systems responsibly in the interest and furtherance of the public's business.
- 6.5 Technology Services and the Town Clerk's Office will ensure proper training for new employees and on-going training for existing employees on a regular basis.

## 7.0 ATTACHMENTS

Electronic Communications Records Long-Term Storage Request Form

**REVISION HISTORY**

	<i><b>DESCRIPTION OF CHANGE</b></i>	<i><b>DATE</b></i>
<b>OR</b>	Original Release	11/15/2010 (Resolution No. 2010-23)
<b>REV</b>	Revision	11/21/2023 (Resolution No. 2023-118)

**Caution:** A copy of this Administrative Directive is an uncontrolled document. It is your responsibility to ensure you are using the current version. The electronic version is the only acceptable and controlled Administrative Directive.