



SCDC POLICY

NUMBER: ADM-15.14

TITLE: E-MAIL RETENTION, BACKUP, AND ARCHIVAL

ISSUE DATE: February 14, 2022

RESPONSIBLE AUTHORITY: DIVISION OF RESOURCE AND INFORMATION MANAGEMENT

POLICY MANUAL: ADMINISTRATION

SUPERSEDES: ADM-15.14 (April 11, 2014); NEW POLICY

RELEVANT SCDC FORMS/SUPPLIES: NONE

ACA/CAC STANDARDS: 4-ACRS-7D-05, 4-ACRS-7D-06, 4-4100, 4-4101

STATE/FEDERAL STATUTES: South Carolina Public Records Act (Code of Laws of South Carolina, 1976, Sections 30-1-10 through 30-1-140, as amended); South Carolina Freedom of Information Act (Code of Laws of South Carolina, 1976, Sections 30-4-10 through 30-4-165, as amended).

PURPOSE: To address the general responsibilities of e-mail management and to outline the default archiving, retention, and backup schedules.

POLICY STATEMENT: All Agency e-mail correspondence is subject to public records statutes including the Freedom of Information Act (FOIA), may be legally discoverable and may be cited as evidence in legal proceedings. The Division of Resource and Information Management (RIM) will set and maintain schedules for e-mail retention, backup, and archiving to assist in compliance with these statutes.

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SPECIFIC PROCEDURES:

1. OWNERSHIP OF E-MAIL CORRESPONDENCE:

1.1 The South Carolina Department of Corrections (SCDC) legally owns all e-mail correspondence sent and received using Agency e-mail accounts.

1.2 Users should have no expectation of personal privacy when using e-mail or other Agency computing resources.

2. ACCEPTABLE USE:

2.1 Access to Agency e-mail accounts is provided as a tool to assist Agency employees acting in their respective official capacities, by facilitating communication with co-workers, lawmakers, vendors, and others as needed to conduct the business of the Agency.

2.2 Personal use of the e-mail system should be avoided, and excessive personal or inappropriate use may result in corrective action, up to, and including termination. Examples of inappropriate use include:

- Any illegal purpose;
- Transmitting threatening, obscene, or harassing materials or messages;
- Unauthorized distribution of confidential data or information;
- Interfering with or disrupting network users, services, or equipment;
- Private advertising of products or services;
- Installing copyrighted software or computer files illegally.

2.3 By their use of an Agency e-mail account, users implicitly acknowledge the Agency's right to review e-mail correspondence at any time, with or without cause.

2.4 Users who access Agency e-mail accounts using mobile devices must secure those devices with a password or other means of authentication, and must have them configured to timeout and to require re-authentication after no more than 15 minutes of inactivity, and erase all data if the password is entered incorrectly more than ten (10) consecutive times. Loss of any mobile device configured to access an Agency e-mail account should be reported to the RIM help desk immediately. (4-ACRS-7D-05, 4-4101)

3. RETENTION SCHEDULE:

3.1 The Division of RIM will periodically schedule the automatic deletion of e-mail correspondence over 90 days old from all e-mail accounts. This will include both sent and received messages.

3.2 Users will have access to recover deleted messages for a period of 30 days after deletion.

3.3 Managers may request access to e-mail accounts for employees who are on extended leave, or for those who have terminated employment with the Agency, if the request is made within seven (7) days following deletion of their e-mail account.

3.4 The Division of RIM will maintain an archive of all e-mail correspondence to provide users historical message search capability and assist the Agency in meeting statutory requirements regarding records retention and electronic discovery. (4-ACRS-7D-06, 4-4100)

- The archive will preserve a copy of all e-mail messages sent and received by Agency e-mail accounts on or after November 1, 2011 for a period of five (5) years. All e-mail messages over five (5) years old will automatically be deleted from the archive on a daily basis, unless a "legal hold" has been placed on the message.
- Inbound messages that are blocked by the message gateway as bulk unsolicited e-mail (SPAM) are never received by Agency e-mail accounts, and are thus not stored in the archive.
- All e-mail messages in the archive will be fully indexed by message content, including attachments, and will be searchable via a web browser interface. Full text searches may be conducted on the archive and may be restricted to certain senders, recipients, dates/times, etc. These searches include the message headers, subject, body, and content of any attachments. The resulting messages may be forwarded via e-mail or exported to a file, either individually or in groups.
- All users will have access through a web site to conduct these searches on e-mail messages they sent or received.
- Access to search the entire archive must be approved by the Division Director of RIM, and will be granted to only those users responsible for investigations, legal discovery, or maintenance of the archive system.

- All access to the system, including details of all the searches performed, will be maintained in an audit log.

4. BACKUP AND RECOVERY:

4.1 The Division of RIM will maintain backup copies of the e-mail server database for a period of fifteen (15) days.

4.2 The Division of RIM will maintain one (1) backup copy of the e-mail archive, updated daily.

4.3 These backups are maintained solely for backup and disaster recovery purposes, and are not part of the e-mail retention schedule referenced above.

5. PUBLIC RECORDS:

5.1 The South Carolina Public Records Act (Code of Laws of South Carolina, 1976, Sections 30-1-10 through 30-1-140, as amended) mandates the use of retention schedules to manage records of South Carolina public entities. The act does not discriminate between media types, so electronic records are covered under the act. Record retention schedules are based on the content of the record, not how the document is created or transmitted. Examples of public records include:

- Policies and directives;
- Work schedules and assignments;
- Drafts of documents circulated for approval or comment;
- Any document that initiates, authorizes, or completes a business transaction;
- Final reports or recommendations;
- Correspondence, memos, or messages about Agency business; and
- Agendas and meeting minutes.

5.2 The e-mail archiving service is not intended to replace the requirement that users manage the retention of public records that are transmitted by e-mail, but may be used as a tool to assist in the process. Agency employees are responsible for categorizing and retaining public records sent or received via e-mail, and should print and manually file any public records with a retention schedule of over five (5) years, as follows:

- Message sent from outside the Agency - Retained by the user who receives the e-mail, unless the user is not authorized to respond and forwards the message to another user for response.
- Message sent from inside the Agency - Retained by the sender, if the message is complete and unaltered. If the message is altered (responded to, edited, attachments added), the receiver is responsible for maintaining the message.

6. E-DISCOVERY AND INVESTIGATIONS:

6.1 Users should be aware that e-mail messages, including personal communications, may be subject to discovery proceedings in legal actions and may be used in investigations without notice or consent.

6.2 The Office of General Counsel will designate staff to place "legal holds" on archived e-mail messages to preserve evidence relating to imminent or ongoing legal actions, as required by the Federal Rules of Civil Procedure.

6.3 The Office of General Counsel will designate staff to search the archive as necessary to respond to discovery requests, subpoenas, FOIA requests, etc. The Office of General Counsel will determine what messages are not subject to discovery due to attorney-client privilege and/or what confidential information will be redacted from messages provided.

6.4 *The Deputy Director of the Office of Investigations and Intelligence (OII)* will designate staff to search the archive as necessary to perform criminal and civil investigations. User notification or consent is not required and messages are subject to search with or without cause.

6.5 The Division of RIM will perform searches of the archive to verify the proper operation of the system and will assist the staff referenced above as necessary.

6.6 All access to the e-mail archive system, as well as details of all searches performed, will be maintained in an audit log. This log will be available to the General Counsel and *Deputy Director of OII* at any time upon their request.

7. DEFINITIONS:

Backup - A process of copying data to secondary storage media as a precaution in case the original storage media fails.

Electronic mail (e-mail) - A message (including all headers and attachments) sent, received, or stored within an electronic internet mail system.

E-mail archive - The collection of e-mail messages, including all headers and attachments, stored electronically for long-term preservation and search/retrieval.

Freedom of Information Act (FOIA) - The South Carolina Freedom of Information Act (Code of Laws of South Carolina, 1976, Sections 30-4-10 through 30-4-165, as amended) supports government accountability by ensuring the right of citizens to inspect or copy public records, subject to certain limitations designed to protect private and confidential information.

Legal hold - A temporary suspension of document retention destruction policies for documents that may be relevant to a current or anticipated law suit.

Retention - The period of time a message, document, or file will be kept before it is destroyed.

South Carolina Public Records Act - The South Carolina Public Records Act (Code of Laws of South Carolina, 1976, Sections 30-1-10 through 30-1-140, as amended) supports government accountability by mandating the use of retention schedules to manage records of South Carolina public entities.

User - Anyone who accesses and uses SCDC information technology resources.

SIGNATURE ON FILE

s/Bryan P. Stirling, Director

Date of Signature

ORIGINAL SIGNED COPY MAINTAINED IN THE OFFICE OF POLICY DEVELOPMENT.