

## **Business/Non-Instructional Operations**

### **Office Services/Records and Reports**

#### **Electronic Communications Use and Retention**

This policy applies to the retention, storage, and destruction of electronic information and records within the District and does not supersede any state or federal laws, or any other District policies regarding confidentiality, information dissemination, or standards of conduct. Generally, electronic information should be used only for legitimate District business; however, brief and occasional e-mail messages may be sent and received pursuant to policy 4118.4/4218.4 and policy 4118.5/4218.5.

Electronic communications is transmittal of a communication between two or more computers or electronic devices, whether or not the message is converted to hard copy format, whether or not the message is viewed upon receipt or stored for later retrieval, and whether or not the transmittal is through a local, district or global computer network.

Electronic communications, including records made with other software and sent in e-mail, which are sent or received by the Board of Education or District employees pertaining to the business of the schools may be subject to public disclosure and inspection as public records under the Connecticut Freedom of Information Act and discovery in litigation as evidence in support of a claim. The Superintendent or his/her designee shall be responsible for implementing administrative regulations concerning the placing of a “hold” on electronic and paper records that may reasonably be anticipated to be subject of discovery in the course of litigation.

Use of electronic mail should conform to the same standards of judgment, propriety and ethics as other forms of school business-related communications.

The District is obligated to respect and, where necessary, to protect confidential data. The Board recognizes technical and legal limitations may restrict the District’s ability to protect confidentiality. Electronic communication is recognized as similar to a paper document for legal purposes. The Board understands it may be legally compelled to disclose electronic information including business or personal use of e-mail to community members in accordance with the Freedom of Information Act. Such information will be disclosed to governmental authorities or, in the context of litigation, to other third parties. E-mail may also contain information that should be retained in the official records of the District.

Electronic communication on District computers or electronic communication systems shall be retained only as long as necessary. The same record retention policy that applies to paper records applies to electronically stored information, including e-mail communications. Therefore, like paper records, the content and function of an electronic record, including e-mail communications, determines the retention period for that document and will be retained in accordance with the *Management and Retention Guide for State and Municipal Government Agencies* (General Letter 98-1) administered by the Connecticut State Library, Public Records Administrator.

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#### **Electronic Communications Use and Retention (continued)**

In addition to the Board's retention guidelines, all District employees have a duty to preserve all paper records and electronic information, including records and electronic information that might otherwise be deleted or destroyed, that relate to any matter that is currently in litigation or may be anticipated to involve litigation. The Superintendent or his/her designee shall develop administrative regulations to preserve such records and electronically stored information that could potentially be related to any matter currently in litigation or which may be anticipated to result in future litigation.

The responsible authority for the maintenance and security of records shall be the Superintendent of Schools or his/her designee. The Superintendent shall designate a Records Custodian who will be responsible for implementation of District policies and administrative regulations pertaining to the preservation of paper records and electronically stored information, including e-mails and to respond to requests to inspect electronic mail pursuant to the Freedom of Information Act.

When security of certain financial, student, and other confidential information must be maintained, employees shall take appropriate security measures such as the use of personal identification passwords and/or encryption codes. Employees shall safeguard the confidentiality of passwords and codes and shall take reasonable steps to insure that computer terminals do not become available for unauthorized use.

Users are responsible for appropriate access to and use of electronic mail systems. Illegal or improper use of the electronic mail systems, including, but not limited to, pornography, obscenity, harassment, solicitation, gambling and violating copyright or intellectual property rights are prohibited.

Use of the electronic mail systems for which the District will incur an expense without written permission of a supervisor is prohibited.

Violation of this policy shall constitute just cause for appropriate disciplinary action.

- (cf. 4118.4/4218.4 – Electronic Monitoring)
- (cf. 4118.5/4218.5 – Acceptable Computer Network Use)
- (cf. 9327 – Electronic Mail Communications)
- (cf. 9330 – Board/School District Records)
- (cf. 5125 – Student Records; Confidentiality)

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#### **Electronic Communications Use and Retention (continued)**

Legal Reference: Connecticut General Statutes  
The Freedom of Information Act.  
1-15 Application for copies of public records.  
1-200 Definitions.  
1-210 to 1-213 Access to public records.  
1-211 Access to computer stored records.  
1-214 Public contracts as part of public records.  
1-225 to 1-240 Meetings of public agencies.  
7-109 Destruction of documents.  
10-15b Access of parent or guardians to student's records.  
10-154a Professional communications between teacher or nurse & student.  
10-209 Records not to be public.  
10-221 Boards of education to prescribe rules.  
11-8a Retention, destruction and transfer of documents.  
11-8b Transfer or disposal of public records. State Library Board to adopt regulations.  
31-48d Employers engaged in electronic monitoring required to give prior notice to employees.  
46b-56 (e) Access to Records of Minors.  
Connecticut Public Records Administration Schedule V - Disposition of Education Records (Revised 1983).  
General Letters 98-1, 96-2 and 2001-1 of the Public Records Administrator Record Retention Schedules Towns, Municipalities, and Boards of Education.  
Federal Family Educational Rights and Privacy Act of 1974 (section 438 of the General Education Provisions Act, as amended, added by section 513 of P.L. 93-568, codified at 20 U.S.C.1232g.).  
Department of Education 34 C.F.R. Part 99 (May 9, 1980 45 FR 30802) regs. implementing FERPA enacted as part of 438 of General Education Provisions Act (20 U.S.C. 1232g) parent and student privacy and other rights with respect to educational records, as amended 11/21/96.  
Rules 34 and 45 of the Federal Rules of Civil Procedure (2006 Amendments).  
USA Patriot Act of 2001, PL 107-56, 115 Stat. 272, Sec 507, 18 U.S.C. §2332b(g)(5)(B) and 2331.  
PL 107-110 "No Child Left Behind Act of 2001" Sections 5208 and 9528.

Policy adopted: April 4, 2017

NEWTOWN PUBLIC SCHOOLS  
Newtown, Connecticut

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##### **I. Records Custodian**

These regulations are designed to assist in implementation of Board Policy #3543.31 regarding the retention of electronic records and information. These regulations supplement and do not replace District policy relating to student records.

The Superintendent of Schools shall designate a Records Custodian who will be responsible for implementation of District policies and regulations for the retention of records, including e-mails and electronically stored information.

##### **II. Definitions**

- A. **E-mail** is a means of sending messages between computers using a computer network or over a modem connected to a telephone line. This information consists primarily of messages, but may also include attachments such as calendars, directories, distribution lists, sound recordings, photographs, images, word-processing documents, spreadsheets, and other electronic documents. E-mail is stored in a digital format rather than on paper and is retrievable at a future date.
- B. **Electronically Stored Information** is information that is fixed in a tangible form and is stored in a medium from which it can be retrieved and examined. It can consist of writings, drawings, graphs, charts, photographs, sound recordings, images, and other data or data compilations stored in any medium from which information can be obtained into useable form.
- C. **Public Records** are any recorded data or information relating to the conduct of the public's business prepared, owned, used, or received by a public agency, whether such data or information is handwritten, typed, tape-recorded, printed, photostatted, photographed or recorded by any method.

##### **III. E-Mail Classification**

The same record retention policy that applies to paper records applies to electronically stored information, including e-mail communications. Therefore, like paper records, the content and function of an electronic record, including e-mail communications, determines the retention period for that document. The District will comply with all of the minimum standards set forth in the Municipal Records Retention Schedules, as issued by the Office of the Public Records Administrator for the State of Connecticut.

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##### **III. E-Mail Classification (continued)**

Further guidance on the retention of e-mail messages sent and received by school officials is provided by classifying e-mails into one of three categories. Retention guidelines for each of these categories are as follows:

**Transitory** Transitory messages are not essential to the fulfillment of statutory obligations or to the documentation of District functions. Employees and Board elected officials who receive or retain transitory communications may delete them at will without obtaining prior approval from the Records Custodian.

**Less than Permanent** Messages other than transitory messages may fall into the category for less than permanent or permanent retention based on the District records policy. Follow the retention period for equivalent hard copy records as specified in the District's records retention guidelines. The retained record must be in hard copy or in an electronic format which can be retrieved and interpreted for the retention period. When there is doubt over the retrievability of an electronic record during the duration of that record's retention, the record should be printed out. Electronic records falling into the Less than Permanent category may be deleted only after making and retaining a hard copy or after obtaining signed approval from the Office of the Public Records Administrator. Either the hard copy or the electronically stored information must be retained for the minimum retention period as set out in the Municipal Records Retention Schedules.

**Permanent** Records must be retained permanently. The electronic record may be deleted after a hard copy printout is made or after it is stored as microfilm that meets microfilm standards issued in General Letter 96-2 of the Public Records Administrator. The retained information must be readable without further decoding.

##### **IV. Retention of Electronic Records**

E-mail and electronically stored information will be archived by the District for their required retention period using method(s) approved by the Records Custodian, which may include the following:

1. Print message or record and store in appropriate hard copy file.
2. Place in computer folders and save on hard drive.
3. Save to a removable disk which is then stored in an appropriate location.
4. Transfer to an automated records management software application.
5. Manage at the server by an automated classification system.

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**IV. Retention of Electronic Records (continued)**

The Records Custodian will be responsible for working with the District Systems Administrator to implement a schedule and system for reviewing electronically stored information. This review shall occur at least annually. No system wide process for automatic deletion of electronic information will be implemented without notice to any individual who may have such information and each such individual will verify that they have reviewed and archived information that must be retained. Following this review, all e-mails and/or electronically stored information that have not been archived according to District policies and procedures shall be designated for deletion or archiving, and the affected District employees will be notified about the procedures to be followed to implement this process. The Records Custodian or his/her designee shall follow up with notified employees to ensure compliance.

Additionally, the Records Custodian, working with the District Systems Administrator, shall ensure that any process for automatic deletion of electronic information from the system will not delete information stored in folders and/or system locations that have been designated as appropriate for archiving electronically stored information.