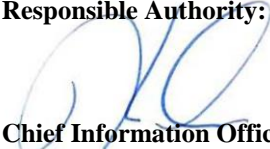
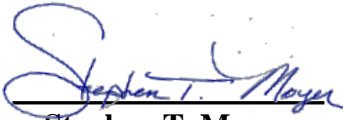
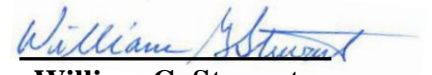


Executive Directive



Title: Electronic Mail Retention	Executive Directive Number: ADM.035.0004 REVISED
Related MD Statute/Regulations: Correctional Services Article, § 2-103; State Finance and Procurement Article, §§3-401 — 3-413 and §§3-701— 3-705; State Government Article §§10-608 – 611, Annotated Code of Maryland ; COMAR 14.18.02	Supersedes: Executive Directive Number: ADM.035.0004 Dated September 4, 2015
Related Publications: Department of Budget and Management, Office of Information Technology (OIT), Information Technology Security Policy and Standards	Responsible Authority:  Chief Information Officer, Information Technology and Communications Division
Related ACA Standards: 4-4100 4-ALDF-7D-22	Effective Date: March 20, 2017 Number of Pages: 4


Stephen T. Moyer
Secretary


William G. Stewart
Deputy Secretary
for Administration

.01 Purpose.

This directive continues policy and procedures and assigns responsibilities for the retention of electronic mail stored on a Department of Public Safety and Correctional Services (Department) computer system.

.02 Scope.

This directive applies to all units of the Department.

.03 Policy.

- A. The Department provides computer systems to assist employees in performing Department-related duties and responsibilities.
- B. The Department shall comply with State regulatory requirements, and other licensing and contract requirements for computer systems, programming, and e-mail storage.
- C. The Department shall establish safeguards to ensure that computer systems and related programming are properly maintained to ensure maximum efficiency and effectiveness.

.04 Definitions.

- A. In this directive, the following terms have the meanings indicated.
- B. Terms Defined.
 - (1) Computer system.

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- (a) “Computer system” means an electronic, magnetic, optical, or other data processing device or system that performs logical, arithmetic, memory, or storage functions.
- (b) “Computer system” includes any data storage facility or communications facility that is directly related to or operated in conjunction with a device or system.
- (c) “Computer system” includes:
 - (i) A standalone system or may consist of several inter-connected systems; and
 - (ii) A device capable of accessing the Internet for the purpose of creating, sending, or receiving messages or information.
- (2) “Department e-mail” means e-mail that contains information related to Department or unit administrative and operational responsibilities.
- (3) Electronic mail (e-mail).
 - (a) “Electronic mail (e-mail)” means the electronic transfer of text, images, or other media over the Internet through an intermediate telecommunications system that is created, sent, received, or stored in a format that may only be accessed by using a computer or a device capable of accessing the Internet.
 - (b) “Electronic mail (e-mail)” includes attachments to e-mail.
- (4) Employee.
 - (a) “Employee” means an individual assigned to or employed by the Department in a full-time, part-time, temporary, or contractual position.
 - (b) “Employee” includes:
 - (i) A volunteer;
 - (ii) An intern; or
 - (iii) A University of Maryland contract employee.
- (5) “Exchange server” means a component of the Department computer system used to process and store e-mail.
- (6) Record.
 - (a) “Record” means any documentary material in any form created or received by a unit in connection with the transaction of public business.
 - (b) “Record” includes:

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- (i) Written materials, e-mail, books, photographs, photocopies, publications, forms, microfilm, tapes, computerized records, maps, drawings, and other materials in any format; and
- (ii) Data generated, stored, received, or communicated by electronic means for use by, or storage in, an information system or for transmission from one information system to another.

.05 Responsibility/Procedures.

A. The Chief Information Officer (CIO), Information Technology and Communications Division (ITCD), or a designee, is responsible for:

- (1) Establishing, documenting, distributing, and maintaining procedures necessary to control storage of e-mail on a Department computer system;
- (2) Establishing a Department system to store and retrieve Department e-mail compliant with federal and State law and regulatory requirements for storage retention, and disposal of electronic documents.
- (3) Establishing and maintaining a records retention schedule that includes provisions for email retention according to requirements of the State Archives.

B. E-mail ownership.

- (1) Except for Department e-mail that contains attorney-client and medical privileged communications, e-mail with or without attachments created, sent, received, or stored on a Department computer system is the property of the Department and an employee has no expectation of privacy.
- (2) The Department may access, review, copy, or delete e-mail stored on a Department computer system and may legally disclose the information to a properly authorized person.

C. E-mail Retention.

- (1) If an employee requires access to an e-mail deleted or removed from the employee's Department e-mail, the employee may contact the CIO, or a designee, to obtain access to the requested e-mail after obtaining the employee's supervisor's written permission.
- (2) If an employee stores Department e-mail on a non-Department computer system, the employee's non-Department computer system may be subject to court required discovery of Department e-mail, thereby subjecting all personal information on the non-Department computer system to review.
- (3) Unless a longer period is required by State law, Department e-mail, including attachments, shall be retained for a period of 7 years from:
 - (a) For e-mail received, the date the e-mail was received; or
 - (b) For all other e-mail, the date the e-mail was created.

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- (4) In accordance with §.05A(2) of this directive, the CIO shall coordinate with the Maryland Department of Information Technology (DoIT) to ensure all Department e-mail is retained for the period established under §.05C(3) of this directive.

D. An employee violating Department policy and procedures established by this directive:

- (1) Is subject to Department disciplinary action according to the Department's Standards of Conduct; and
- (2) May be subject to criminal prosecution or civil action.

.06 Attachment(s)/Links.

- A. Link to [COMAR 14.18.02](#) Records Retention and Disposition Schedules
- B. Link to Maryland State Archives – [Records Management](#)

.07 History.

This directive replaces Executive Directive Number: ADM.035.0004 dated October 4, 2013 and supersedes provisions of any other prior existing Department or unit communication with which it may be in conflict.

.08 Correctional Facility Distribution Code.

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