



RECORDS COORDINATOR
ALL-HANDS
MARCH 14, 2024

NORTH
Dakota
Be Legendary.

Information Technology

AGENDA

- Presentation/Discussion: Managing State Records in Email
- News from Records Management
- Questions

MANAGING STATE RECORDS IN EMAIL

How can we make email management easier?

According to the Wall Street Journal, even though it's been common in workplaces for nearly 40 years, email was still reported as the #1 struggle for Records and Information Managers in 2023, followed by social media, website content, and collaboration tools such as Microsoft Teams and Cisco WebEx.



DEFINING THE ISSUE

- First email was sent in 1971
- Today twice as much email is sent in a day as USPS delivers in a year.
- Average professional receives 121 emails per day.
- 60% of business-critical information is stored within messaging systems

Why are we sending so much email?

- It's easy
- It's less formal
- It's nearly instantaneous
- It's convenient
- Illusion of privacy/ownership
- It's engrained in our business culture

BENEFITS TO EMAIL MANAGEMENT

- Cybersecurity
- Ready access to important information
- Litigation Mitigation
- Storage Reduction
- Regulatory compliance
- Saves time and frustration



OBSTACLES TO EMAIL MANAGEMENT

- Too busy
- It's not my job/not part of my metrics
- Why should I care about what is and isn't a record?
- Just in Case/CYA retention mindset
- Ownership Illusions
- Lack of training or education
- Not an organization priority



BUSINESS ISSUES

- Email storage costs
 - Minimum 400 GB email per month per 1,000 users!
 - Costs to back up
 - Each TB of email (3-6 months worth) costs \$100k /yr to manage
- Lost productivity due to not managing email
- Loss of information or time due to limited access
- Email retrieval costs/cost to restore from backup

LEGAL AND REGULATORY ISSUES

Legal Issues

- eDiscovery for a Fortune 500 company costs an average of \$750k per case
- Courts may not accept in email format
- Litigation could result from breaches or bad behavior
- Open records in statute

Regulatory and RIM Issues

- Emails can be records, based on content
- Email has to be accessible today and tomorrow
 - Formats for email systems and attachments
 - Media and hardware issues
- Could be state and federal regulations that aren't being met

IS IT A RECORD?

An email is a record if:

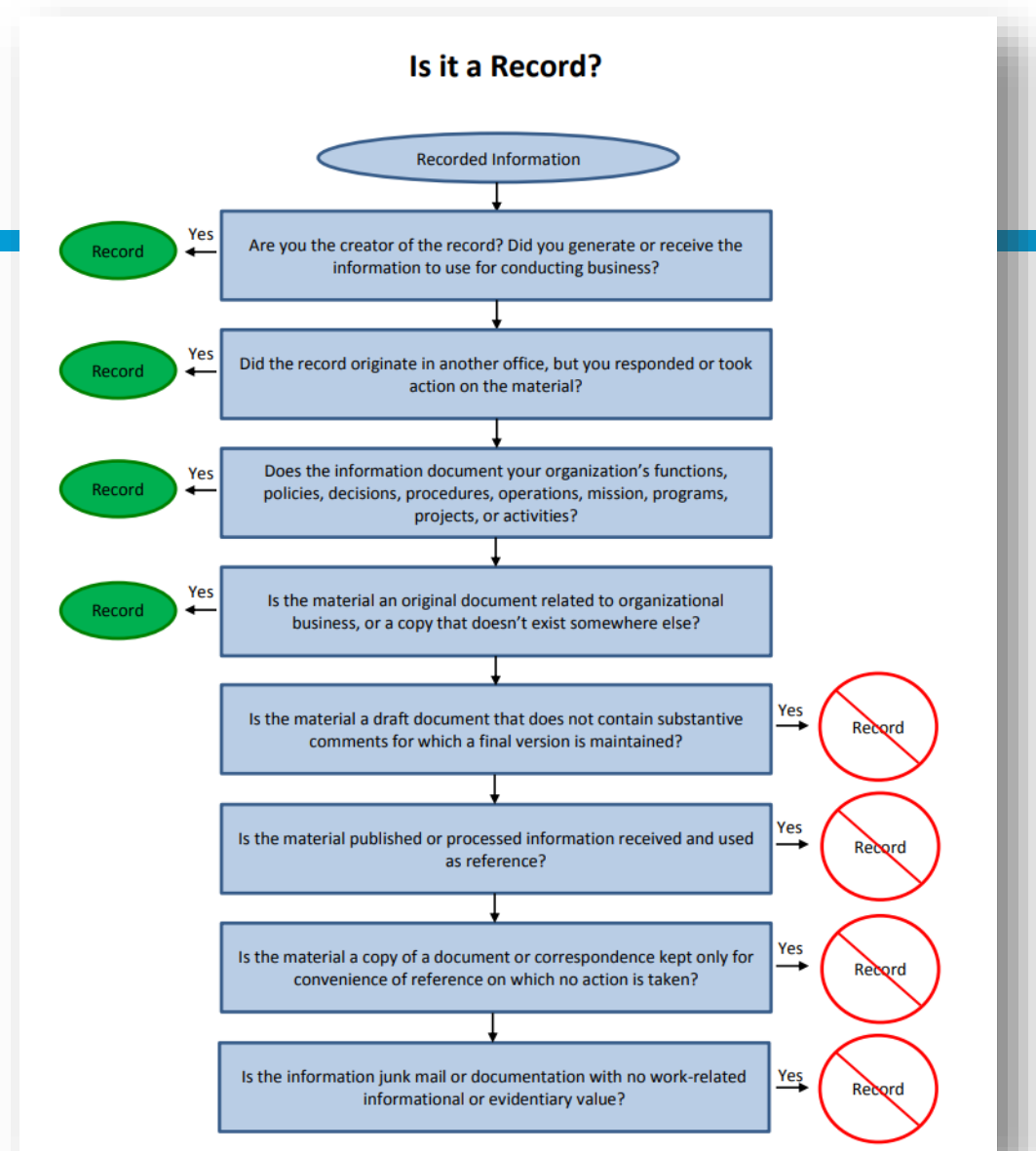
- It meets the definition in statute (NDCC 54-46-02) and provides administrative, legal, audit, fiscal or historical value, regardless of physical form or characteristic
- It was created or received in the transaction of official business
- It is evidence of official policies, actions, decisions, or transactions
- The attachment is a record (may not need to archive both)



IS IT A RECORD?

An email is not a record if:

- It is not business-related or provides no business value
- It is spam, an advertisement, or simply informational/reference
- It is in draft status (with exceptions)



[is-it-a-record.pdf \(nd.gov\)](#)

EMAIL IN ND CENTURY CODE

- [NDCC 54-46](#) Records Management
 - defines records as a “document, book, paper, photograph, **electronic mail or communication**, sound recording or other material, regardless of physical form or characteristics, made or received pursuant to law or in connection with the transaction of official business activities, policies, or decisions that provide administrative, operational, fiscal, historical, audit, or business value.”
- [NDCC 44-04](#) Duties, Records and Meetings
 - 44-04-17.1 includes a variation of this definition
 - 44-04 also includes open records laws

RECENT LAW CHANGES

■ 66th Session, 2019

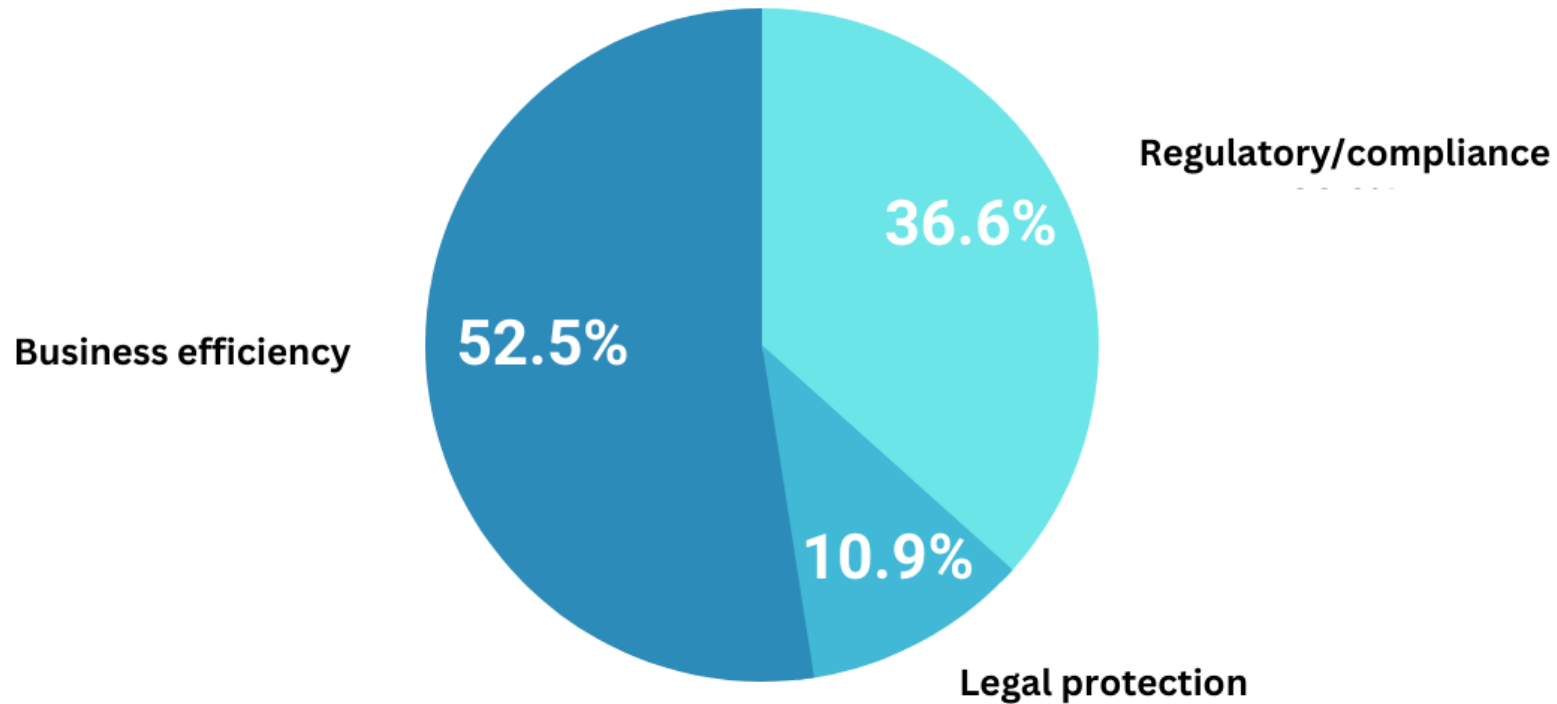
- Amendments to NDCC 44-04-18 (SB 2221) exempted the legislative branch of government, legislative assembly, the House of Representatives, the Senate, or a member of the legislative assembly from open records law, including personal files and emails.

■ 68th Session, 2023

- Amendments to NDCC 54-46 (HB 1528) specifically defined emails as records if the content fits the definition of a record and mitigates the risk of loss or deletion of state records in email and personal files due to unexpected departure of personnel holding a supervisory position or above by establishing retention requirements for state agencies.

EMAIL RETENTION BASICS

What is your TOP reason for retaining email?



EMAIL RETENTION BASICS

- Email retention refers to the process of retaining emails as records within your organization:
 - Involves determining the length of time that emails should be retained or archived before being permanently deleted, considering regulatory and legal/statutory reasons.
- Emails that are records (based on content) should be stored outside of email program (Outlook, etc) with like records and disposed when the retention period for that record type is met.
- Emails that do not need to be stored as records should be considered transitory and deleted as soon as possible.

EMAIL RETENTION BASICS

- Email records must be kept through the retention period for the applicable record series.
- Attachments may form part of the email record:
 - Some systems store attachments separately
 - Determine whether both the message, attachment or both need to be archived
- Be conscious of file naming conventions, format, metadata, and access controls when storing emails as records.



IT RETENTION POLICIES IN PLACE

- NDIT-managed email boxes:
 - 93-day deletion on Deleted Items (MS default)
 - 30-day deletion on deactivated email boxes (MS default)
 - 1-year retention for Agency Heads in State Agencies (54-46-08)
 - Certain items can't be retained in email by federal law
 - Currently not many other controls (such as time or size limits)
- University system and other state entities with their own IT may use the same or have different policies in place.

OPEN RECORDS IN EMAIL

- All records in the possession of a public entity regarding public business are open records.
- Public business means:
 - “**All matters** that relate or may foreseeably relate in any way to . . . the performance of the public entity’s governmental functions, including any matter over which the public entity has **supervision**, control, jurisdiction, or **advisory power**; or...the public entity’s **use of public funds**.”



OPEN RECORDS IN EMAIL

- Examples of email records that are generally open:
 - Records on state devices, including:
 - Cell phones, computers, tablets
 - Public business records on personal devices, including:
 - Cell phones or tablets (email, messages, photos)
 - Computers (email, documents, etc)

DATA CLASSIFICATION FOR EMAIL

- Sensitive information in email considerations:
 - Privacy
 - Security
 - Business Need
 - Alternative methods

NDIT [Data Classification Policy](#)

Common Data Type Classifications

The following table summarizes the classification of common data types:

	Low Risk	Moderate Risk	High Risk
Data Types	<ul style="list-style-type: none">• Prepared Open Record Data• Publicly Available Data	<ul style="list-style-type: none">• Operational Data• PII• Public Employee Personnel Information• Trade Secrets	<ul style="list-style-type: none">• CJJ• Computer Password and Security Information• FTI• Financial Information• High Risk PII• PCI-DSS• PHI / HIPAA• Security Vulnerabilities and Risk Assessments• SSA• State Tax Information• Student PII / FERPA

Table 2 Data Type Classification Examples

EMAIL BEST PRACTICES

- **Act Quickly – Flag, Reply, Move or Delete**
 - If you don't have time to read it thoroughly, flag for later and move on
 - Delete junk/spam/items that don't need action or saving right away
 - Use a "To Do" folder or label for action items (including moving records out)
- **Review in Bulk – Block time**
 - review emails that needed more time
 - execute items that are "To Do" from earlier
 - be practical and mindful about keeping "CYA" emails and keeping items in folders
- **Leverage Technology**
 - use rules, flags, labels and other features of your email software to your advantage

EMAIL BEST PRACTICES

- Use good email etiquette to create better emails.
 - Be clear and concise! Keep emails short, focused, and on one topic when possible.
 - Use standard fonts, colors and sizes for business emails.
 - Use capitalization and punctuation appropriately.
 - Don't abuse "high importance" or similar options, only use when truly necessary. Be mindful that other's priorities may be different than yours.
 - Avoid sending personal/non-business emails from your work account or device. If you do, always keep it professional—remember your emails aren't private.



THE 5 RULES TO

E-MAIL ETIQUETTE



Keep it short

Easy to read, short and clear. Shrink sentences and list items. Save everyone's time by linking to the resources instead of leaving everyone to find them individually.



Reply to all

Always Reply to all by default. The most common mistake amongst teams is lack of communication. Check that everyone relevant is included. Carbon Copy those who don't need to take action.



Descriptive subject

The subject of an email describes its content and attachments in a short sentence.



Searchable emails

How will you be able to find this email after a month? Think about which keywords you would search and include them.




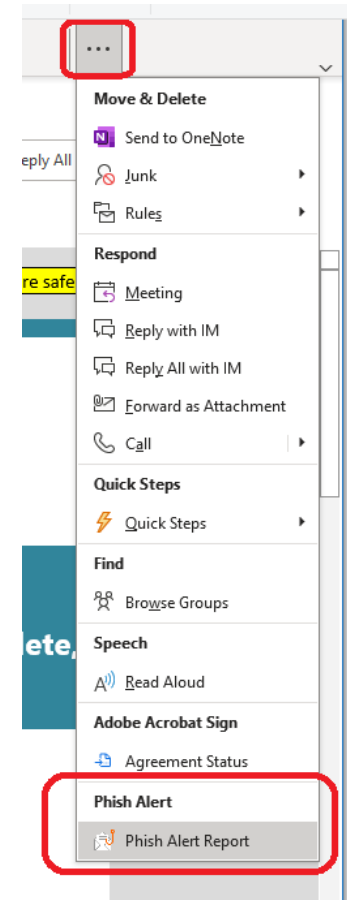
Keep it organized

If there is already a related email, reply to it. If it has a different subject create a new one.

EMAIL BEST PRACTICES

■ Be diligent!

- Email is the most vulnerable place in our environment. Scammers are getting better at tricking us every day!
 - Act quickly but be thorough. We are obligated to protect our citizen data.
 - Watch for common phishing tricks: [7 Most Common Phishing Attacks](#)
 - Report emails you suspect are phishing attacks: 
 - Stay Cyber-Safe: [Defend ND | NDIR Cybersecurity](#)
 - Be aware of what you are sending, sharing and storing in email.



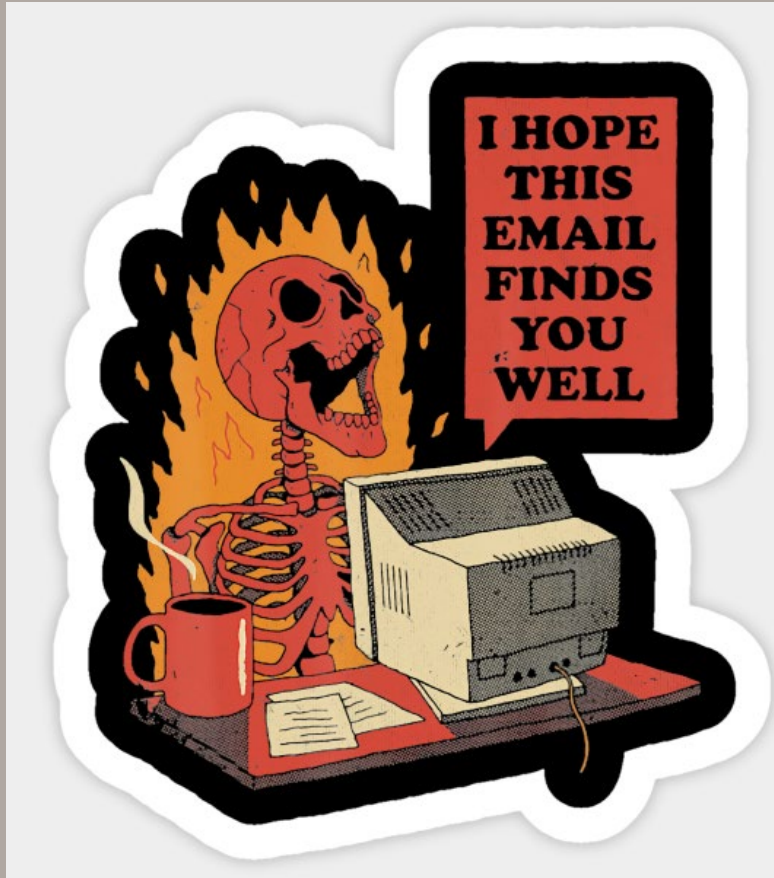
EMAIL TIPS AND TRICKS - RESOURCES

- [17 Strategies To Manage Emails \(With Benefits and Tips\) | Indeed.com](#)
- [23 Email Management Best Practices and Tips \(hiverhq.com\)](#)
- [10 Essential NEW Microsoft Outlook Tips & Tricks for 2024 \(youtube.com\)](#)
- [7 Microsoft Outlook tips and tricks for better email management | Zapier](#)
- [20 Outlook tips for increasing productivity | ITPro](#)

KEY TAKEAWAYS

The benefits greatly outweigh the obstacles of good email management!

- **Stay on top of your inbox:** Act on the ones you can quickly. Block time to manage the rest.
- **Reduce risk:** Identify and store state records outside of email with like records and manage retention there. Delete transitory emails as quickly as possible. Don't keep anything in your inbox you no longer need.
- **Comply:** Ensure you are complying with all state laws around email, including following the state records management program, retention, and open records laws.
- **Write better emails:** Practice email etiquette to ensure you're being clear and concise to save time for you and the recipients and provide easy searchability should you or others need to find emails again.
- **Be aware:** Think about what you are sending and sharing in email, especially sensitive data. Protect North Dakota's citizens, yourself and other state employees by using good judgement.
- **Be diligent:** Watch for email scams and phishing attacks and report suspicious activity right away.



Questions

NEWS FROM RECORDS MANAGEMENT

- Records Management Program Reviews
- Enhancements to RMS
- ND ARMA Chapter Spring Seminar 2024
 - Social: Monday 4/29, 6:30-9pm at Laughing Sun Brewing in Bismarck, dinner provided
 - Seminar: Tuesday 4/30, 8am-1pm at Basin Electric in Bismarck, lunch provided
- Next meeting: June 2024 – Submit any topic ideas!

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