**EXHIBIT A**

**SISKYOU COUNTY**

**ELECTRONIC COMMUNICATIONS**

**RETENTION POLICY**

**Adopted: April 2, 2024**

**Effective: January 1, 2025**

**Summary**

County communication systems, including email and text messaging, are intended to be used only as a method of communication. County communication systems are not intended to be, and may not be, used for the storage or maintenance of county records.

Electronic messages should be routinely deleted unless the sender or the receiver would have retained the writing had it been sent in any other form.

**Effective Date of Policy**

This policy shall become effective on January 1, 2025. It is intended that between the adoption date of this policy and its effective date, County personnel will be trained and prepared for implementation of the policy.

**Prospective application**

The “auto delete” policy described below shall only apply to electronic communications that originate after the effective date of this policy. All electronic communications created before the enactment of this policy should be retained or deleted by the individual user or department in accordance with the below stated rules.

**Default two year (24 months) Deletion Period**

Electronic communications, including emails and text messaging, will be automatically deletedfrom county systems after two years (24 months) days. This auto-delete policy applies to messages within all folders (inbox folders, sent file folders, draft file folders, etc.) stored on active email servers.

County email systems will also be configured to automatically delete messages that have been marked for deletion by users but are still sitting in their “deleted items” folders for more than seven (7) days on active email servers.

It is the responsibility of the user to ensure that all messages that should be saved beyond the 90-day deletion period are saved prior to automatic system deletion.

**Deciding which Messages to save**

The content of an electronic message determines whether or not it should be saved. In general, employees and other users, should save all messages that have **lasting value**. A message has **lasting value** if it is important, beneficial, or useful to employees in carrying out their responsibilities. An example of a **lasting value** message might be an email template used to create a weekly report. The individual user will need to save this email template from the active server to avoid the automatic 90-day deletion period.

Examples of **lasting value** messages:

* Messages that contain reports, recommendations, policies, procedures, guidelines, or templates;
* Messages that have operational value (are required by a department to perform its primary function);
* Messages that detail administrative actions taken or planned;
* Messages that have legal or evidentiary value (are required to be kept by law);
* Messages that are subject to a litigation hold or internal investigation (see “**Litigation Holds**” below);
* Messages subject to a **Public Records Act** Request.
* Messages that have fiscal value (are related to financial transactions of the county);
* Messages that are required to be saved for financial reporting and audits;
* Messages that have historical significance (are of long-term value to document past events);
* Messages that have vital value (are critical to maintain to ensure operational continuity after a disruption or disaster);
* CEQA related documents.

**Messages related to Projects or Approvals subject to the California Environmental Quality Act**

Messages relating to projects or approvals subject to the California Environmental Quality Act (CEQA) should be retained from the point of project conception to 180 days following the date of the project’s approval. If, following project approval, a CEQA project becomes the subject of a legal challenge, then these records will thereafter become the subject of a Litigation Hold (see “Litigation Holds” below). Messages related to projects or approvals subject to CEQA will include, but not be limited to, internal and external correspondence about the project, associated environmental analysis, exemptions, environmental impact reports and drafts, mitigation monitoring, negative declaration, notices of completion and determination, and statements of overriding considerations.

**Messages that should be deleted**

Electronic messages **without lasting value** should be read and promptly deleted once their usefulness has ended. These types of messages are often referred to as **transitory messages.** An email from a co-worker about what to eat for lunch is an example of a **transitory message**.

Examples of **transitory messages**:

* Messages announcing only the date and time of a meeting.
* Internal requests for information.
* Personal messages unrelated to county business.

**End User Responsibilities**

It is the individual responsibility of the user to ensure that all messages with **lasting value** are saved from the active email server prior to the automatic 90-day deletion period.

All users of county communication systems are expected to:

1. Regularly check for new messages;
2. Routinely save messages with **lasting value** according to your department’s policy;
3. Delete **transitory messages** once their usefulness has ended.

**How Long Should a Message Be Kept
Transitory messages** should be promptly read and deleted. However, if the content of a message makes it a **permanent record**, the message should be preserved indefinitely. If the message has **lasting value**, but is not a **permanent record**, then the message should only be preserved for the required retention period.

The required retention period is determined by the content of the message and is set forth in the county’s document retention schedule. The default retention period for messages with **lasting value** is two years. [A copy of the county’s document retention schedule can be found here](https://cosiskiyoucaus.sharepoint.com/%3Ab%3A/r/sites/SiskiyouEmployeeConnection/County%20Policies/CCL_20200615_RecordRetentionSchedule.pdf?csf=1&web=1&e=hWfa9F) (Resolution 20-37).

**Possible Disclosure as a Public Record**A **public record** is defined as “any writing containing information related to the conduct of the public’s business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.” [[1]](#footnote-1)

Put another way, a **public record** is any record the County is required to disclose upon receiving a **Public Records Act** request.

Users of county communication systems are advised that saved messages may potentially be subject to public disclosure, regardless of whether they are messages with **lasting value** or **permanent records**. Consequently, all messages that exist in a user’s current mail folders (inbox folders, sent file folders, draft file folders, etc.) may also be subject to public disclosure, even if the user never intended to save the messages.

Depending on the content of the message, legal exemptions may apply which prohibit or allow withholding of certain specified types of records.

**Litigation Hold**When there is pending or threatened litigation against the County or its employees, the law imposes a duty to preserve all documents and records, which includes electronic messages, relevant to the pending or threatened litigation. Messages subject to a **litigation hold** have **lasting value** and must be saved until further notice from the County Counsel.

A **litigation hold** overrides any other record retention policy or schedule that may otherwise call for the transfer, disposal, or destruction of related documents until the **litigation hold** has been cleared. Messages subject to a **litigation hold** must be saved from the active email server prior to the automatic 90-day deletion period.

**Text Messaging**

Any employee or official who sends or receives a text message that has **lasting value** on either a county-owned or a private device shall immediately forward the text message to his or her county e-mail account.

**Photographs on Cellular Devices**

Any employee or official who takes a photograph that has **lasting value** on either a county-owned or a private device shall immediately send the photograph to his or her county e-mail account.

**Electronic Message Attachments**

Attachments should be retained or deleted based on the content of the attachment itself, not the message which transmits the attachment. Attachments should be retained if they constitute a document with **lasting value**.

If you have any questions regarding this Policy, please contact the County Administration Office or County Counsel.

1. See [Government Code §7920.530](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=6252.&lawCode=GOV) and §7922.570. [↑](#footnote-ref-1)