

TAHO

Tasmanian Archive + Heritage Office

State Records Guideline No 7

Managing Electronic Communications as Records

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Information Security Classification

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State Archivist

I Introduction

Electronic communication systems are now primary business tools for both internal and external communication and also expand the already high state of devolution of the records creation process within organisations. Electronic communications created or received by State and local government organisations are State records and must be managed in accordance with the provisions of the *Archives Act 1983*. Like records in other formats they are subject to legislation such as the *Freedom of Information Act 1991* and to other legal processes such as discovery.

Whether or not an electronic communication is a business record does not depend on its format or means of communication, rather it depends upon whether it was sent or received in the course of official business.

This guideline is supported by Recordkeeping Advice No. 4, Managing Electronic Communications as Records which provides further assistance for dealing with records in these systems. The Advice includes a checklist for identifying electronic communications that should be saved into the agency’s recordkeeping system.

I.1 Purpose

This guideline provides an explanation of the meaning and application of recordkeeping principles to the management of electronic communications. It sets out the principles for managing electronic communications and the roles and responsibilities of those managing these communications.

I.2 Authority

This guideline is issued under the provisions of Section 10A of the *Archives Act 1983*. Guidelines issued by the State Archivist under this Section set standards, policy, and procedures relating to the making and keeping of State records. This section also requires all relevant authorities to take all reasonable steps to comply with these guidelines, and put them into effect.

Keyword	Interpretation
MUST	The item is mandatory.
MUST NOT	Non-use of the item is mandatory.
SHOULD	Valid reasons to deviate from the item may exist in particular circumstances, but the full implications need to be considered before choosing this course.
SHOULD NOT	Valid reasons to implement the item may exist in particular circumstances, but the full implications need to be considered before choosing this course.
RECOMMENDS RECOMMENDED	The item is encouraged or suggested.

‘MUST’ and ‘MUST NOT’ statements are highlighted in capitals throughout the Guideline. Agencies deviating from these MUST advise TAHO of the decision to waive particular requirements.

Agencies deviating from a ‘SHOULD’ or ‘SHOULD NOT’ statement MUST record:

- the reasons for the deviation,
- an assessment of the residual risk resulting from the deviation,

- the date at which the decision will be reviewed, and
- whether the deviation has management approval.

Agencies deviating from a 'RECOMMENDS' or 'RECOMMENDED' requirement are encouraged to document the reasons for doing so.

2 Categories of electronic communications

Electronic communications created or received by State and local government agencies can generally be divided into three different categories:

- **business** – electronic communications which relate to the business of the agency and which must be retained as a records
- **short-term value** – electronic communications which are used to facilitate agency business but are of a trivial nature or of such short-term value that they do not support or contribute to the business functions of the agency
- **personal** – electronic communications of a personal nature that have no relevance to the business of the agency and therefore are not State records

These three categories are discussed in greater detail in the supporting Recordkeeping Advice No. 4, Managing Electronic Communications as Records.

3 Principles of managing electronic communications

A fundamental requirement when undertaking business activities is to effectively manage all information resources. These information resources include electronic communications produced and received in the day-to-day conduct of business.

The principal responsibility when managing electronic communications is to preserve records of business activities and transactions by:

- identifying those electronic communications that are business records and saving or, if necessary, migrating them into a recordkeeping system
- managing electronic communications generally as a normal part of day-to-day agency operations

Electronic communication technologies have limited capacity to retain the kinds of records that government agencies need in order to comply with all relevant regulatory requirements.

When important corporate records that are sent or received authorising financial or operational decisions or policy changes are lost, agencies face increased legal, financial, and social risks. They will not have evidence available to justify their actions and decisions or ensure that managers have access to appropriate and complete information when making decisions.

3.1 Electronic business communications should be accessible

An electronic communication which forms part of the business record should be able to be accessed by anyone who has sufficient authorisations. When systems are used that only enable an individual employee access to stored information that has relevance to agency business, the agency will need to develop alternative methods of providing access to that information.

For example, authorised staff should be able to access the information and evidence contained in emails or messages that are relevant to their business regardless of who sent or received the information. The nature of many electronic communications systems is such that they may only allow the recipient or the creator of messages to access those messages.

3.2 Electronic business communications should not be altered

It is important that electronic business communications cannot be altered (or that alterations can only happen in an authorised fashion), otherwise they may not be considered as reliable evidence of the transaction of which they are part and which they purport to document.

For example, many email systems allow users to alter their emails after they have been sent or received. In the event of a dispute about the content of a particular email, the ability to prove that the version of the email being advanced as the record is identical to the version that was sent or received is paramount. Thus, a method must be devised that ensures that business emails cannot be altered after dispatch or receipt, or, at least, that any such alterations cannot be made undetectable.

3.3 Electronic business communications should be classified

An important component of records management is classification. That is, business communications should be captured into recordkeeping systems so that they are related to other records (paper or electronic) deriving from the same business activity. If this is done, it is possible to build up a complete picture over time of events related to a particular business activity, client or project. If this is not done and related messages are scattered across the agency, it is very difficult to guarantee that all relevant information has been found.

For example, a call history log from a video conference may need to be captured in the agency's recordkeeping system along with a file note to record the content of the discussion.

3.4 Electronic business communications should be accessible and reliable for the long term

It is highly likely that electronic communications kept in their native format will be inaccessible in a very short space of time due to technological obsolescence. This may not be important for some records, which are not required for more than two or three years, but will be very important for some other records required for long term or permanent retention. Electronic business communications should be saved into a recordkeeping system to ensure they will remain accessible for as long as required.

4 Legal admissibility of electronic communications

Electronic communications are records and must be retained as evidence of business activity. Electronic communications are more likely to be acceptable to a court where it can be shown that the management of the communications has occurred in a systematic and comprehensive way. Thus, if an agency can demonstrate that it has instituted a management policy and procedures for electronic communications which are followed regularly by the majority of staff, a court is more likely to accept any records produced as evidence as being accurate and trustworthy.

5 Recordkeeping requirements

Recordkeeping systems are now increasingly in electronic rather than hard-copy formats. The practice of printing copies for filing should only be used in the absence of an electronic recordkeeping system. Electronic messages contain contextual information which may be lost in a printed copy. For electronic messages to be retained in their native format, the recordkeeping system in which they are captured must be one that has been designed and implemented to ensure that they are protected from deliberate and accidental alteration or deletion, and that appropriate access to them is supported for as long as required.

6 Recordkeeping responsibilities

Responsibility for the creation, management, and storage of electronic communications as records is shared between the people who create and receive them, those who manage government information and records, and those who manage the technology that transmits and stores them. These people include: users of messaging systems, records managers, information managers, system administrators, providers of messaging services, and senior managers.

6.1 Users of electronic communication systems

It is important that all employees and contractors preserve records by:

- identifying electronic communications that are business records
- ensuring that electronic business communications are captured into the agency's recordkeeping system
- destroying only short term value electronic communications
- managing electronic communications generally as part of their normal day-to-day practice

The responsibility of users of messaging systems is to create accurate and reliable records that adequately document the business of the agency to meet evidential and accountability requirements. This is a basic principle of good administrative practice.

All users of electronic communications need to understand that the messages they send and receive in the course of their work may be required or used as evidence. All employees are responsible for distinguishing

between electronic communications relating to the official business of the agency and those that are of a personal nature or have short-term value.

6.2 Information and Records Managers

Corporate records managers and business unit records managers should be responsible for:

- promoting an awareness of electronic communications as records
- articulating the requirements for capturing and maintaining electronic communications as records
- identifying classes of electronic communications of substantive value for capture into the agency's recordkeeping system
- advising on classes of electronic communications which are records of short term value and which may be disposed of under the authorisation of the Disposal Schedule for Short-Term Value Records DA No. 2158
- monitoring and auditing the capture and maintenance of electronic communications in the agency's recordkeeping system

6.3 System Providers and Administrators

The providers and administrators of messaging systems responsibilities are for ensuring that the technology works reliably, and effectively supports business requirements including:

- implementing appropriate security and protection measures for the transmission and storage of messages
- carrying out technical management of electronic communications, and monitoring and ensuring system reliability, including checking system generated transmission times

6.4 Senior Management

Senior management have overall responsibility to ensure the Agency complies with the *Archives Act 1983*. Senior managers should define and document policies for the management of electronic communications as records, and should ensure that these policies are implemented and maintained.

7 Education and Training

The systems which deliver electronic business communications to the desktops and other electronic communication devices of individual users have placed the responsibility for the capture of these records with individual employees. In addition to the implementation of policies and procedures to enable electronic communications to be captured into recordkeeping systems, agencies should educate individual employees about their responsibilities.

8 Definitions

agency - is used in this guideline to refer to all agencies, authorities, statutory offices, councils and other organisations that are subject to, and defined in, the *Archives Act 1983*.

disposal - involves either the destruction of records (including deletion); their transfer to the Tasmanian Archives and Heritage office for retention as part of the State archives; their transfer to another custodian; or some other process approved by the State Archivist which removes them from the custody of their creator or current keeper.

electronic communications - information that is created or received on messaging technologies and collaboration tools (frequently referred to as 'Web 2.0' applications). Currently, electronic messaging technologies include, but are not limited to, email, Instant Messaging (IM), mobile telephone-based Short Message Service (SMS), voicemail, Multimedia Message Service (MMS), Video Instant Messaging, Blogs and other collaborative workspaces, including internet based social networking facilities.

recordkeeping system - a system which captures, manages, and provides access to records through time. Recordkeeping systems can be either in an electronic or paper form.

short-term value records - duplicate, ephemeral, and other records that are of a trivial or transitory nature and do not support or contribute to the business functions of the agency.

State records - records of State government agencies/departments, State authorities, or local authorities. These public bodies are defined in Section 3 of the *Archives Act 1983*.

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Further Advice

For more detailed advice, please contact:

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9 Compliance checklist

1.	An agency policy for the management of electronic communications as records is implemented and maintained as part of the overall Information Management Policy.	Yes	No
2.	Individual employees are educated about their responsibilities for managing electronic communications as records.	Yes	No
3.	All employees are able to distinguish between messages relating to the official business of the agency and those that have short-term value or are of a personal nature.	Yes	No
4.	Electronic messages which form part of the business record can be read by anyone who has authorisation to access the records.	Yes	No
5.	Procedures are in place to ensure electronic business communications cannot be altered after dispatch or receipt.	Yes	No
6.	Electronic business communications are saved and/or migrated into a recordkeeping system and remain accessible for as long as required.	Yes	No
7.	Electronic business communications are classified and filed with other related documents (paper or electronic) deriving from the same business activity.	Yes	No