



## City of Crystal Lake

**TO:** All City Employees  
**FROM:** Gary J. Mayerhofer, City Manager  
**RE:** Administrative Directive - #2005-12 Electronic Mail Retention

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### **Purpose:**

Provide for the secure and efficient use of the City's electronic mail (E-mail) system in accordance with the Freedom of Information Act (FOIA) and the Local Records Act.

Per administrative directive #2004-01 *Electronic Communications*, employees have no expectation of privacy in communications with the use of the City's e-mail system, including the creation, entry, receipt, storage or transmission of data.

### **Procedure:**

#### Freedom of Information Act (FOIA)

The intent of this Act is to allow all persons access to full and complete information regarding the affairs of municipal government. An e-mail message might be classified as a "public record" under FOIA. Documents stored on computers could be subject to FOIA as records regardless of physical form or characteristics, even though the records are personal correspondence, downloads for personal use, records of sites visited, etc.

#### Local Government Records Act (50 ILCS 205/1 et seq.)

A "public record" under the Local Government Records Act means:

- any book, paper, map, photograph, digitized electronic material or other official documentary material,
- regardless of physical form or characteristics,
- which is made, produced, executed or received by all parts, boards, departments, bureaus and commissions of any municipal corporation,
- pursuant to law or in connection with the transaction of public business,
- or as evidence of the organization, function, policies, decisions, procedures or other activities of any local government agency.

#### Guidelines for Public Records Identification

Many email messages are informal, temporary communications that do not qualify as "public records"; however, the content of some e-mail messages may constitute a

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more formal, public record and must be retained according to established retention schedules. Therefore, employees and other agents have the same responsibility for email messages as they do for any other public record and must distinguish between official, public records and informal, non-record information. To assist employees in determining a public record, employees should consider the following possible characteristics of a public record:

- Created or received in connection with the transaction of public business;
- Results from some action or transaction that clearly relates to the official work of City government or City departments;
- Provides substantive evidence of an official City decision, function, program, policy or procedure;
- Provides substantive evidence or documentation of the formulation of official decisions or actions;
- Any document, which is created, executed, obtained or controlled by an employee of the City of Crystal Lake in connection with the transaction of public business;
- Memorandum recommending legislative action or changes in City policy or procedures;
- Records memorializing the operations and actions of the City Council or of a City department or employee;
- Correspondence responding to inquiries and requests from members of the public for City service.

Examples of documents that would ordinarily not be considered to be records include routine memos between City employees scheduling meetings or other ordinary activity, and other communications that are routine and non-substantive in nature.

#### Disposal of E-mail Public Records

Employees wishing to delete an e-mail message that is a public record must first print the e-mail in a hard copy format. E-mail messages that are public records can only be permanently disposed of in accordance with an approved records retention schedule determined by the Local Record Commission.

**Responsibility:**

All City employees shall have the responsibility of familiarizing themselves with this directive and adhering to it. Each employee is responsible to recognize those e-mails classified as "public records", under FOIA and the Local Records Act, and to properly preserve and dispose of those records.

Established: 12/2005

Review By: 12/2007

Revised: \_\_\_\_\_