

## **Bylaws of the Board**

### **Electronic Mail Communications**

The Board of Education believes when used properly, electronic mail (“e-mail”) is an effective communications tool for Board members. The main goal of e-mail is to expedite the passage of information. E-mail gives Board members quick access to one another. Communication among Board members via e-mail should conform to the same standards as other forms of communication (e.g., Board and committee meetings), consistent with the Freedom of Information Act.

### **Guidelines for Board E-Mail Usage**

The Freedom of Information Act mandates that all meetings of public bodies such as the Board of Education be open to the public. It is the policy of the Board of Education that e-mail shall not be used in such a manner as to deprive the public of the rights given to it under the Freedom of Information Act. For this purpose, this bylaw sets forth guidelines for the uses intended to be made of e-mail by Board members when communicating with other Board members. These requirements apply regardless of whether a Board member uses Board, District or private e-mail or messaging accounts to conduct public business.

In addition, these requirement apply not only to e-mail but also all electronic messages. Electronic messages include e-mail, fax, instant messaging (IM), text messaging (SMS), and web-based messaging services. Electronic messages may be transmitted by a variety of mediums, including computers and mobile computing and messaging devices.

1. E-mail, like other written forms of communication relating to the conduct of the public business is subject to the Freedom of Information Act and subject to disclosure.
2. Board members shall not use e-mail as a substitute for deliberation at public meetings, and/or shall not vote informally on any issues.
3. E-mail should be used to pass along factual information.
4. Security of e-mail communication cannot be assured. Board members shall not reveal their passwords to anyone else. If any Board member has reason to believe a password has been lost or stolen, or that e-mail is being accessed by someone without authorization, he/she shall notify the Superintendent, who will notify the District’s technology specialist.
5. Personnel issues and other sensitive subjects should never be discussed on-line. The confidentiality of employee data, student data, and other sensitive subjects must always be maintained.
6. E-mail messages should not be deleted or otherwise destroyed except in a manner consistent with law. In other words, Board members shall retain any e-mail messages that are: (1) the subject of a Freedom of Information Act request; (2) potentially relevant to litigation that the district is a party to or to anticipated litigation or to any subpoena;

(3) required to be retained by the records retention schedule established by the State Library/Public Records Administrator ([www.cslib.org/publicrecords/retschedules.htm](http://www.cslib.org/publicrecords/retschedules.htm)).

Any usage contrary to the aforementioned shall be reported immediately to the Superintendent and may result in the suspension and/or revocation of system access.

### MANAGEMENT OF ELECTRONIC MESSAGES

In accordance with state records retention guidelines, the following provides detailed information about characteristics unique to electronic messages and guidelines on how to manage/retain electronic messages:

- Record Copy: The record copy is the original or official copy of a record.
- Records Custodian: The records custodian is responsible for retaining the record copy. Generally, the sender is the person responsible for retaining the messages sent within an organization such as the District. However, if the sender is from outside an organization (e.g., a member of the public), the recipient is the custodian for that specific record.
- Copies/Duplicates: Many electronic messages are disseminated to groups of personnel, which results in the proliferation of multiple copies of the same communication (a key indicator is the use of 'CC' or 'BC' in e-mail). Because the sender of the message is usually responsible for the record copy, the recipient(s) may destroy their copy at will.
- Threads: Similar to conversations, a thread is a string of electronic messages. After a thread is completed, the records custodian may retain only the last message (as long as it includes the prior messages) as the official record copy.
- Metadata: Metadata (data about data) is used to ensure authenticity, reliability, and integrity of electronic records. An example of metadata is the transmission information describing an e-mail (date and time the message was sent, sender/recipient). If electronic messages are printed to hard copy for permanent retention, the associated metadata should be included with the hard copy.
- Attachments: If the electronic message is a record and contains attachments, the attachments should be retained as part of the record. In these cases, the retention period should be the retention requirements of the message, or the retention requirements of the attachment, whichever is longer.
- Deletion vs. Destruction: In most computer operating systems, the deletion of a record does not physically erase the record. Likewise, simply emptying the trash or recycle folder does not permanently remove the record. In addition, other copies of the message may reside on backup storage tapes after the record should have been destroyed (the media upon which the record resides should be destroyed or overwritten).
- Backups: Backup systems or tapes are not acceptable for the retention of electronic messages. Backups should only be used to protect vital records in the event of a disaster or to retrieve a record due to loss of data.

### **Accessing E-Mail**

Each Board member will be responsible for providing off-site hook-up and for paying all consumable expenses associated with e-mail usage (for example, office supplies, reproduction, and printing). In the event a Board member elects not to access e-mail, a hard copy of all e-mail directed to "the Board" will be placed in the Board packet delivered via courier, and will also be available at the Board of Education Central Office.

Legal References: Connecticut General Statutes

1-18 Disposition of original documents

1-200 et seq, The Freedom of Information Act

7-109 Destruction of documents.

11-8 Records management program.

11-8a Retention, destruction and transfer of documents.

General Letter 2009-2, Advisory Opinion of Public Records Administrator on “Management and Retention of E-mail and other Electronic Messages.”

Rules 34 and 45, Federal Rules of Civil Procedure