



Granville County Email Policy

Adopted: August 5, 2019

Purpose

Granville County employees, elected officials, and volunteers rely on electronic mail (email) as a major communication tool to carry out government business. Most email messages have administrative, fiscal, legal, reference, and/or archival value. This policy ensures that records created, sent, and received through email are managed in accordance with established laws for creating, maintaining, and disposing of all government records. Following this policy will also help to ensure that email messages are available for public records requests. This policy and the mandates and guidelines within it are here to ensure effective management and retention of electronic messages.

Ownership of Email Messages

Any email messages created, received, and/or used on Granville County email systems are owned by Granville County. Employees of Granville County who use government equipment and systems should have no expectation of privacy.

Use of Personal Email Accounts

The use of personal email accounts to conduct official government business is strongly discouraged. If a personal email account is used for government business then employees, elected officials, and volunteers are required to forward all email messages to their government email account. It is very challenging to capture information from personal email accounts; due to legal requirements around public records and retention, government employees, elected officials, and volunteers that use personal email to conduct official business make it very difficult to comply with the law.

Elected officials and appointed members of committees must also abide by public record and open meeting laws. Members of governing boards who use personal accounts to conduct official government business should forward the email messages to the board's official record keeping entity so that proper and legal record keeping can take place.

It is the content of the email message and not the system or account used to create the email message that matters when it come to the legal framework involving public records and retention.

Volunteers Conducting Official County Business

Volunteers that conduct official Granville County business (any business related to their work as a volunteer with Granville County) should use official channels of communication with the public. Because Granville County emails are not guaranteed for volunteers, department heads should put measures in place to ensure that volunteers are not using personal email and messaging systems to conduct county business. While volunteer work that happens within Granville County departments is unpaid, it is still Granville County business, and therefore it is subject to laws such as public records and open meetings.

Emails as Public Records

An email message is public record when made or received pursuant to law or ordinance in connection with the transaction of public business by any department. North Carolina General Statutes 121-2(8) and 132-1(a) provide the following definition:

“Public record” or “public records” shall mean all documents, papers, letters, maps, books, photographs, films, sound recordings, magnetic or other tapes, electronic data processing records, artifacts, or other documentary material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of public business by an agency of North Carolina government or its subdivisions.”

Classifying Email Messages

Not every email message that enters or leaves the Granville County email system is a public record as defined by North Carolina General Statute (N.C.G.S.) 132. Some email messages may be public record but may also be considered confidential by statute and should be treated accordingly.

If an email message is not created or received as part of the business of government, it is considered to be non-record material. This includes personal messages, spam, and unsolicited emails.

Emails and Open Meeting Laws

The North Carolina Open Meetings Law provides the public with the right of access to the meetings of Granville County public bodies¹. A meeting of a public body is defined as a gathering of the majority of the members of a public body for the purpose of conducting Granville County business. Email exchanges could constitute a meeting of a public body. Therefore, elected officials and appointed members of public bodies should refrain from using electronic messaging as a meeting space for the majority of a public body to conduct Granville County business.

The North Carolina Open Meetings Law does not apply to professional staff of a public body.

Managing Retention and Disposition

Local governments are mandated by state law to manage and preserve records, including emails.²

¹ The North Carolina Open Meetings Law covers **public bodies**. The law defines a "public body" as any elected or appointed authority, board, commission, committee, council, or other body of the State, or of one or more counties, cities, school administrative units, constituent institutions of The University of North Carolina, or other political subdivisions or public corporations in the State that (i) is composed of two or more members and (ii) exercises or is authorized to exercise a legislative, policy-making, quasi-judicial, administrative, or advisory function.

² **§ 132-8.1. Records management program administered by Department of Natural and Cultural Resources; establishment of standards, procedures, etc.; surveys.**

A records management program for the application of efficient and economical management methods to the creation, utilization, maintenance, retention, preservation, and disposal of official records shall be administered by the Department of Natural and Cultural Resources. It shall be the duty of that Department, in cooperation with and with the approval of the Department of Administration, to establish standards, procedures, and techniques for effective management of public records, to make continuing surveys of paper work operations, and to recommend improvements in current records management practices including the use of space, equipment, and supplies employed in creating, maintaining, and servicing records. It shall be the duty of the head of each State agency and the governing body of each county, municipality and other subdivision of government to cooperate with the Department of Natural and Cultural Resources in conducting surveys and to establish and maintain an active, continuing program for the economical and efficient management of the records of said agency, county, municipality, or other subdivision of government. (1961, c. 1041; 1973, c. 476, s. 48; 2015-241, s. 14.30(s).)

§ 132-8.2. Selection and preservation of records considered essential; making or designation of preservation duplicates; force and effect of duplicates or copies thereof.

In cooperation with the head of each State agency and the governing body of each county, municipality, and other subdivision of government, the Department of Natural and Cultural Resources shall establish and maintain a program for the selection and

Backups

Granville County email system is backed up nightly. This backup includes all data stored within the email system (email messages, calendar, contacts, tasks, notes). Outlook settings, such as signatures and view settings, are stored on individual workstations and are not included in this nightly backup.

Access to Email Messages

Email messages are public records. All employees, elected officials, and volunteers must assume that all non-confidential information on government email systems is subject to public view. Confidential information is protected by the N.C.G.S. 132-1.2 or other applicable statutes. If email messages contain both confidential and non-confidential information and a public records request is received, an employee must provide access to the non-confidential information and redact the confidential information.

No employee should directly login to view another employee's email messages without proper notice and permission. Granville County strives to operate with transparency while also maintaining trust among its employees, elected officials, and volunteers. Department heads and supervisors should establish protocols for accessing emails of employees that will be out of the office for an extended amount of time.

Apart from vacation and extended leave protocols, supervisors of employees may submit a request to the County Manager to view an employee's email messages. All approved requests will be processed through the IT department. Apart from department heads, employees that wish to view another employee's emails must file a public records request. Any individual may request access to public records through procedures defined in N.C.G.S. 132-6 by application made to the legal custodian of the record as defined by N.C.G.S. 132-2 and 132-6.

Confidentiality

An email message having confidential information should not be shared unless proper, formalized security precautions have been established. This include confidential information covered by HIPAA (Health Insurance Portability and Accountability Act), information covered by FERPA (Family Educational and Rights to Privacy Act), social security numbers and other personal identifying information as defined in N.C.G.S. 132-1.10 and 14-113.20, and trade secrets as defined by N.C.G.S. 132-1.2.

Appropriate Use of Email Systems

The Granville County email system is provided to employees, elected officials, and volunteers to assist in carrying out government business. The Granville County provided email system should be used primarily to carry out government business. Inappropriate use of email messages can merit legal action. Inappropriate email messages can also result in negative reputation and publicity and lost productivity. Granville County staff, elected officials, and volunteers are discouraged from using Granville County email systems for anything other than official Granville County business.

preservation of public records considered essential to the operation of government and to the protection of the rights and interests of persons, and, within the limitations of funds available for the purpose, shall make or cause to be made preservation duplicates or designate as preservation duplicates existing copies of such essential public records. Preservation duplicates shall be durable, accurate, complete and clear, and such duplicates made by a photographic, photostatic, microfilm, micro card, miniature photographic, or other process which accurately reproduces and forms a durable medium for so reproducing the original shall have the same force and effect for all purposes as the original record whether the original record is in existence or not. A transcript, exemplification, or certified copy of such preservation duplicate shall be deemed for all purposes to be a transcript, exemplification, or certified copy of the original record. Such preservation duplicates shall be preserved in the place and manner of safekeeping prescribed by the Department of Natural and Cultural Resources. (1961, c. 1041; 1973, c. 476, s. 48; 2015-241, s. 14.30(s).)

After Hours Use of County Email Systems

Department heads will educate non-exempt employees on County email use in accordance with FLSA requirements.

Standardized Versions of County Email Systems

Maintain at least the minimum version supported by Granville County email service. Access of outdated email clients may be revoked.

Password Security

Passwords are an important part of email security. Employees, elected officials, and volunteers should comply with the Granville County Password Policy located in the Technical Policies section of the Granville County Information Technology Policy.

Staff Departure

When a public employee, public official, or volunteer separates from Granville County, a hold will be placed on the mail account of the individual until the account and computer can be reviewed for record content.

The Human Resources department will notify the IT department within the next business day of departing employees that have submitted their notice or been terminated from Granville County.

Technical Security

The security of an email system is a shared responsibility. Individual users should take all reasonable precautions to prevent the use of their email by unauthorized individuals. Users must assess risk before sending confidential information over an open network.

Email security training should be completed for all users with a Granville County email address. Please see the following section on training.

Training New Employees, Elected Officials, and Volunteers

New employees, elected officials, and volunteers with Granville County email accounts must be trained on the Granville County email policy within 30 days of their start date. All new employees, elected officials, and volunteers with Granville County email accounts must sign a form documenting that they have received the appropriate training and agree to comply by the Granville County Email Policy.