

# OHIO BOARD OF PSYCHOLOGY

## POLICY AND PROCEDURE MANUAL

### SECTION 10: ADMINISTRATIVE POLICIES AND PROCEDURES

#### POLICY 10.20: RETENTION AND DESTRUCTION OF RECORDS IN EMAIL FORMAT

PRIOR DATE EFFECTIVE: APRIL 14, 2016

EFFECTIVE: JULY 18, 2019

#### REVIEWED AND APPROVED



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References: Board record retention schedules PSY-91, PSY-92, PSY-93, PSY-94; *Guidelines for Managing Email, 2010*, Ohio Electronic Records Committee

#### Purpose

This policy serves to provide guidelines relative to the retention and destruction email messages.

#### Definitions:

**Email messages:** Electronic documents created and sent or received in a computer system.

**Records:** "Records" [as defined in ORC 149.011 (G)] include any document, device, or item, regardless of physical form or characteristic, created or received by or coming under the jurisdiction of the Board and which serves to document the organization, functions, policies, decisions, procedures, operations, or other activities of the Board.

**Non-record emails:** Email messages that do not meet the criteria as "records" in the ORC, including but not necessarily limited to:

**Personal correspondence:** Email messages not received or created in the course of state business. For example, "Can I grab you some lunch?" "Do you need a ride home?"

**Non-state publications:** Publications, promotional materials from vendors, and similar materials that are "publicly available" to anyone.

**Transient Retention:** Much of the communication via e-mail has a very limited administrative value. For instance, an e-mail message notifying employees or members of an upcoming meeting would only have value until the meeting has been attended or the employee receiving the message has marked the date and time in his/her calendar. Transient messages do not set policy, establish

guidelines or procedures, certify a transaction or become a receipt. The informal tone of transient messages might be compared to a communication that might take place during a telephone conversation or conversation in an office hallway.

**Intermediate Retention:** E-mail messages that have more significant administrative, legal and/or fiscal value but are not scheduled as transient or long-term. These may include (but are not limited to): General Correspondence: Includes internal correspondence (letters, memos); also, correspondence from various individuals, companies, and organizations requesting information pertaining to agency and legal interpretations and other miscellaneous inquiries. This correspondence is informative (it does not attempt to influence agency policy). Routine Correspondence: Requests for routine information or publications provided to the public by agency which are answered by standard replies.

**Long-Term Retention:** E-mail messages that have significant administrative, legal and/or fiscal value. These may include Executive Correspondence: Correspondence of the head of an agency dealing with significant aspects of the administration of their offices. Correspondence includes information concerning agency policies, program, fiscal and personnel matters; Board policies and procedures, including published reports, unpublished substantive reports and policy studies.

**Record retention schedules:** A records management tool that specifies the content of a given series of records, the length of time it shall be retained, its possible formats, and the method(s) of destruction or transfer to another state entity. The Board's record retention schedules that include email messages as a medium include, but are not limited to:

- PSY-91 Transient Documents
- PSY-92 Correspondence, General
- PSY-93 Correspondence, Executive
- PSY-94 Correspondence, Routine

## **Policy**

It is the policy of the Ohio Board of Psychology (Board) to manage records and non-record material consistent with Board retention schedules, DAS policy, and public records law. This policy serves to provide guidance to all Board members and staff members relative to the classification and handling of email messages.

Email messages (including attachments) and items stored on any other electronic or machine-readable medium (e.g., computer drives, data discs and microfilm) may be public records. It is the content of a record, not its medium, which determines whether a document is a "record" of a public office, and determines its schedule for retention and destruction. Emails that contain one of the following are generally not subject to disclosure: medical records; investigation correspondence; privileged communication with Board counsel; security and infrastructure records; and, hearing preparation (strategy) records. In addition, records, the release of which is prohibited by state or federal law, including trade secrets (e.g. licensure examinations) are not subject to public disclosure.

When determining how long a record must be maintained, record retention schedules of the Board require the identification of the **content** of the record.

**Schedules for Retention and Destruction:**

**(1) May delete at will—"Non-records"**

- i. Personal Correspondence: Any e-mail not received or created in the course of state business, may be deleted immediately, since it is not an official record: the "Let's do lunch" (not a State-business lunch) or "Can I catch a ride home" type of note.
- ii. Non-State Publications: Publications, promotional material from vendors, and similar materials that are "publicly available" to anyone, are not official records unless specifically incorporated into other official records. In the electronic world, this includes list serve messages (other than those you post in your official capacity), unsolicited promotional material ("spam"), files copied or downloaded from Internet sites, etc.

**(2) May delete when no longer of administrative value**

- i. Any email received by member of the Board from Board staff or when a staff member is in the same email string
- ii. Transient Record (PSY-91) emails: Includes any email or which serves to convey information of temporary importance in lieu of oral communication. Includes but not limited to: meeting scheduling; informal replies like "Thank you"; and, oral examination scheduling.

**(3) May delete after 6 months**

- i. Intermediate retention email messages including:
  - a. Correspondence, General (PSY-92). Internal correspondence (memos, non-policy explanations, letters); Correspondence from external parties seeking information pertaining to the Board, its laws/rules/policies, and other miscellaneous inquiries. This correspondence is informative (not an attempt to influence agency policy).
  - b. Correspondence, Routine (PSY-94). Electronic requests for routine information or publications received from the public by Board office staff and replies from staff to such requests

**(4) Retain 2 years then transfer to State Archives**

- i. Executive Correspondence (PSY-93). Correspondence authored by the Executive Director or a member of the Board dealing with significant aspects of the administration of the Board. Correspondence includes information concerning agency policies, program, fiscal and personnel matters.

**Responsibilities of Staff and Board Members**

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- (1) Board members may delete any email sent to or received from a staff member when it no longer serves any administrative value for the Board member because the staff member has responsibility for maintaining and deleting email messages sent to and received from Board members.
- (2) If an email has been printed, it may be destroyed when no longer of administrative value. Confidential records shall always be destroyed in a manner to safeguard their confidentiality.
- (3) Emails between or among Board members and not including a Board staff member and judged by the members to be classified as "intermediate retention" can be deleted after 6 months.
- (4) Emails between or among Board members and not including a Board staff member and judged by the members to be "executive correspondence" should be retained for 2 years and then forwarded to the Executive Director for review and potential forwarding to State Archives.
- (5) The content of an electronic document determines whether or not it is a public record and the board's corresponding retention obligation. The Executive Director should be consulted if there are questions about retention, destruction, or issues related to public records.