

What is e-mail?

Electronic mail (e-mail) is a means of exchanging messages and documents using computers. A complete e-mail message includes the contents of the communication, the transactional information (dates and times that messages were sent, received, opened, deleted, etc.) and any attachments.

Is e-mail a public record?

E-mail messages are public records if they are created or received as part of performing a public employee's official duties.

The Michigan Freedom of Information Act (FOIA) (1976 PA 442, as amended) defines a public record as "a writing prepared, owned, used in the possession of, or retained by a public body in the performance of an official function, from the time it is created."

I sometimes use my home computer and personal e-mail account to conduct government business. Am I creating public records?

Yes. Records created in the performance of an official function must be managed the same way as those created and received using government computer resources.

What is a Retention and Disposal Schedule?

Michigan law requires that all public records be inventoried on an approved Retention and Disposal Schedule that identifies how long the records must be kept, when they must be destroyed and when certain records can be sent to the State Archives of Michigan for permanent preservation. Public records cannot be destroyed unless disposal is authorized by an approved Retention and Disposal Schedule.

Is there a Retention and Disposal Schedule that covers municipal public records?

Yes. General Retention Schedule #8 covers municipal records. If a municipality maintains records that are not listed on General Retention Schedule #8, a specific schedule must be created to address the retention of those records before they can be destroyed. The State of Michigan Records Management Services is available to advise municipalities about Retention and Disposal Schedules and records management issues. Additional information is available from the Records Management Services' website, <http://www.michigan.gov/recordsmanagement/>.

Does all e-mail have the same retention period?

No. Just like paper records, e-mail records are used to support a variety of business processes. E-mail messages must be evaluated for their content and purpose to determine the length of time the message must be retained in accordance with the appropriate Retention and Disposal Schedule.