



TAMIU RULE

33.04.99 L2: Use and Disposition of Electronic Communications

Last Updated: *New September 7, 2005*

1.0 GENERAL

- 1.1 Texas A&M International University recognizes the importance of the information technology to the scholarly pursuits, personal and professional development, work-related and service activities of the students, faculty and staff.
- 1.2 Use of the information technology resources of the University is a privilege and requires that individual users act in compliance with University Rules. The University provides access to its user community within guidelines established by Texas A&M International University. Users must respect the integrity of computing resources and facilities, respect the rights of other users, and comply with all relevant laws (local, state, federal, and international), University Rules, System Regulations and contractual agreements.
- 1.3 The University reserves the right to limit, restrict, or deny computing privileges and access to its information resources for those who violate University rules and/or laws.
- 1.4 This rule addresses, in general terms, Texas A&M International University's philosophy about computing use. Additional information can be found in Texas A&M University System Policies and Regulations, Texas A&M International University Rules, and the Texas A&M International University Student Handbook.
- 1.5 For the purposes of this rule, the authority and responsibility regarding the University's compliance has been delegated by the President to the Associate Vice President for Information Technology/CIO.

2.0 SCOPE

This rule applies to any electronic messages and communications created, received, retained, used, or disposed of using the Texas A&M International

University electronic mail system or network. This rule does not supersede any state or federal laws, or any other TAMUS policies regarding confidentiality, information dissemination, or standards of conduct.

3. DEFINITIONS

3.1 Electronic mail message:

A record created or received on an electronic mail system including brief notes and instant messages, more formal or substantive narrative documents, and any attachments which may be transmitted with the message.

3.2 Electronic mail receipt data:

Information in electronic mail systems regarding the date and time of receipt of a message, and/or acknowledgment of receipt or access by addressee(s).

3.3 Electronic mail system:

A computer application used to create, receive, retain and transmit messages and other records. Excluded from this definition are file transfer utilities.

3.4 Electronic mail transmission data:

Information in electronic mail systems regarding the identities of sender and addressee(s), and the date and time messages were sent.

3.5 Electronic media:

All media capable of being read by a computer including computer hard disks, magnetic tapes, optical disks, or similar machine-readable media.

3.6 Electronic record:

The information that is maintained in electronic format in a computer for computer processing and the product of computer processing of that information that satisfies the definition of a state record in the Government Code §441.180.

3.7 Electronic records system:

Any information system that produces, manipulates, and stores state records by using a computer.

3.8 Mailing list service:

An electronic mailing list hosting service (e.g., Listserv) used for discussions and announcements within a specified group of individuals. Subscribers to the service participate by sending information to and receiving information from the list using electronic mail messages.

3.9 Records Retention officer:

The person who administers the records management program established in each state agency under the Government Code, §441.183.

3.10 State record:

Any written, photographic, machine-readable, or other recorded information created or received by or on behalf of a state agency or an elected state official that documents activities in the conduct of state business or use of public resources. The term does not include:

- a. library or museum material made or acquired and maintained solely for reference or exhibition purposes;
- b. an extra copy of recorded information maintained only for reference; or
- c. a stock of publications or blank forms.

4. USAGE

- 4.1 Email is a mechanism for official communication within Texas A&M International University. Electronic mail (e-mail) should be used only for legitimate academic or state business. The University has the right to expect that such communications will be received and read in a timely fashion. Official email communications are intended only to meet the academic and administrative needs of the campus community. All University email correspondence must use official University-approved stationery and signature files.
- 4.2 It is a violation of University rules, including the Student Code of Conduct, for any user of official email addresses to impersonate a University officer, faculty/staff member, or student.
- 4.3 Personal use of e-mail is a privilege, not a right. Abuse of the privilege may result in appropriate disciplinary action. All e-mail is recorded and stored along with the source and destination addresses and message content. University administration has the ability and right to view employees' e-mail. Recorded e-mail messages are the property of the agency and therefore the taxpayers of the State of Texas. Thus, they are subject to the requirements of the Texas Public Information Act and the laws applicable to State records retention.
- 4.4 Personal e-mail should not impede the conduct of academic or state business and should only utilize incidental amounts of employee time. Personal e-mail should not cause the state to incur a direct cost in addition to the general overhead of e-mail.

- 4.5 E-mail should not be used for any personal monetary interests or gain. Employees should not subscribe to mailing lists or mail services strictly for personal use. Racist, sexist, threatening, or otherwise objectionable content is strictly prohibited.

5. RECORDS MAINTENANCE

- 5.1 It is the rule of Texas A&M International University to provide for the efficient, economical and effective management of electronic mail records in accordance with Texas Administrative Code (TAC), Title 13, Part I, Ch. 6, Subchapter C, Rules 6.91-6.97 (State Agency Bulletin Number One, Electronic Records Standards and Procedures). TAC Chapter 13, Section 6.92(b)(1), provides that the agency head or designated records retention officer must administer a program for the management of records created, received, retained, used, or disposed on electronic media.
- 5.2 Texas A&M International University desires to adopt a rule for that purpose and to prescribe guidelines and procedures for the management of electronic mail consistent with the Electronic Records Standards and Procedures and in the interest of cost-effective and efficient recordkeeping, including long-term records retention for the Archives of the State.

6. RETENTION REQUIREMENTS

- 6.1 Texas A&M University System's approved retention schedule lists the record series that are created and the retention period for each series. It is the content and function of an e-mail message that determines the retention period for that message.
- 6.2 All e-mail sent or received by an agency is considered a state record. Therefore, all e-mail messages must be retained or disposed of according to the A&M System's retention schedule. E-mail systems must meet the retention requirements found in TAC, Title 13, Part I, Ch. 6, Subchapter A, Rule 6.94(e). E-mail generally (but not always, see the Texas State Records Retention Schedule 2nd Edition for more information) falls into several common record series categories as defined in TAC, Title 13, Part I, Ch. 6, Subchapter A, Rule 6.10. These are:
 - 6.2(1) Administrative Correspondence, TAC, Title 13, Part I, Ch. 6, Subchapter A, Rule 6.10 (1.1.007) - Incoming/outgoing and internal correspondence, in any format, pertaining to the formulation, planning, implementation, interpretation, modification, or redefinition of the programs, services, or

projects of an agency and the administrative regulations, policies and procedures that govern them.

Subject to Archival review. Retention: 3 years.

- 6.2(2) General Correspondence, TAC, Title 13, Part I, Ch. 6, Subchapter A, Rule 6.10 (1.1.008) - Non-administrative incoming/outgoing and internal correspondence, in any media, pertaining to or arising from the routine operations of the policies, programs, services, or projects of an agency.

Retention: 1 year.

- 6.2(3) Transitory Information, TAC, Title 13, Part I, Ch. 6, Subchapter A, Rule 6.10 (1.1.057) - Records of temporary usefulness that are not an integral part of a records series of an agency, that are not regularly filed within an agency's recordkeeping system, and that are required only for a limited period of time for the completion of an action by an official or employee of the agency or in the preparation of an on-going records series. Transitory records are not essential to the fulfillment of statutory obligations or to the documentation of agency functions. Examples of transitory information are routine messages (can be recorded on any medium, such as hard copy message slips or in an electronic format on e-mail and voice mail); internal meeting notices; routing slips; incoming letters or memoranda of transmittal that add nothing of substance to enclosures; and similar routine information used for communication, but not for the documentation, of a specific agency transaction.

Retention: AC (after purpose of record has been fulfilled).

7. USER RESPONSIBILITIES

- 7.1 It is the e-mail system user's responsibility, with guidance and training from the Records Retention Officer, to manage e-mail messages according to the agency's retention schedule.
- 7.2 It is the responsibility of the sender of e-mail message within the agency's e-mail system and recipients of messages from outside the agency to retain the messages for the approved retention period. Names of sender, recipient, date/time of the message, as well as any attachments must be retained with the message. Except for listserv mailing services, distribution lists must be able to identify the sender and recipient of the message.

8. MAINTENANCE OF ELECTRONIC MAIL

Records created using an e-mail system may be saved for their approved retention period by one of the following:

1. Print message and file in appropriate hard copy file.
2. Place in folders and save on personal network drive or local hard drive.
3. Save to removable disk. 3.5" disks are not recommended for retention periods of more than one year due to the instability of this medium.
4. Transfer to an automated records management software application.
5. Managed at the server by an automated classification system.

9. DISPOSITION OF ELECTRONIC MAIL

The process for the legal disposition of state records (including electronic mail) is subject to the same documentation requirements as any other format or medium. This usually requires agency permission and some type of disposition log to adequately document disposition and destruction of electronic records.

In compliance with Title 13, Part I, Chapter 6, Subchapter C, Rule 6.94, Final Disposition of Electronic State Records, an electronic state record that is an archival record must be maintained by the agency through hardware and software migrations and upgrades as authentic evidence of the state's business in accessible and searchable form, except as otherwise determined by the state archivist. Also, staff must determine if an electronic mail record falls under transitory information [records series item number TAC, Title 13, Part I, Ch. 6, Subchapter A, Rule 6.10 (1.1.057)] on the agency's approved records retention schedule in order to encourage its prompt disposal after the purpose of the record has been fulfilled based on established procedures that address the disposition of an electronic mail record.

OFFICE OF RESPONSIBILITY

Office of Information Technology