

Section 16. E-mail backup and retention

The Montgomery County e-mail system is served by a GroupWise e-mail server. This server maintains a database of electronic communication between employees of Montgomery County. As a database, it follows the procedures outlined in previous sections regarding the backup and restore of a database. (See Section 12 for additional details.)

The e-mail contained within the e-mail system will follow all legal and regulatory requirements with regards to e-mail retention, storage, and deletion. (See section 17 for details.) Current policy states that all e-mails will be stored within the e-mail server for a period of 60 days before being removed to archival storage.

E-mail Policy for Terminated/Resigned Employees

For purposes of controlling security, and to help keep the cost of GroupWise maintenance down, any employee who has left employment with Montgomery County (through voluntary resignation or termination) will be removed from the GroupWise e-mail system within two weeks of their last day of employment.

In order to implement this policy, the Montgomery County Data Processing staff will run a report from the Payroll system listing all newly terminated/resigned employees at the beginning of every month. The GroupWise accounts for employees listed on that report will be marked to expire within two weeks. At the end of the month, a separate report of expired GroupWise accounts will be generated, and any expired accounts will be removed.

If the supervisor, department head or appointing authority requests to maintain the employee's account beyond the two week period, a service request will need to be submitted to keep that account open. The supervisor, department head or appointing authority who submits the request will be asked to provide a termination date for the account, and the account will be set to expire upon that date.

Any account kept open beyond the time period recommended by Data Processing will be subject to licensing fees to maintain that inactive account. The license fee will include annual maintenance for that license and will be charged every year until the account is terminated.

Section 17. Legal and Regulatory Requirements for Electronic Records Retention

On December 1, 2006, the Federal Rules of Civil Procedure were amended to expressly provide that electronically stored information is discoverable in litigation filed in federal court. As a result, when a lawsuit is filed against an individual or office in federal court, the office is obligated to preserve not only relevant hard-copy documents, but also all relevant electronically stored documents and information, including e-mail and voice-mail. While the Ohio rules of court do not yet expressly provide for the discovery of electronically stored information, such a requirement may be reasonably implied for actions pending in state court, as well as those pending in federal court.

Documents that should be preserved

In the event of a lawsuit against an individual or office, all documents, including electronically stored documents, that may relate to the lawsuit should be preserved. If there is doubt whether a category of documents is relevant, the Assistant Prosecuting Attorney handling the case should be consulted.

What is meant by “Electronically Stored Information”

The term “electronically stored information” refers to e-mails, voice-mails, documents kept on computers, and the like.