


Governance & Ethics Committee

Item #2 Review and Discussion on Email Retention Policy


March 4, 2024

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Background

- The Email Retention Policy was included in the 2023 Governance and Ethics Committee workplan for discussion
- The City has two policies that provide background on public records and email retention:
 - Council Policy 046 (“Mayor and Council Public Record Policy”)
 - City Manager Directive (CMD) 42 Email Retention Policy



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Council Policy 046 – Mayor & Council Public Records

1. Includes emails, texts, messages, or social media comments pertaining to public business.
2. Only use official City email and text accounts for City business.
3. City provides devices for the conduct of City business.
4. Keep communications regarding City business out of personal accounts.
5. Forward communications regarding City business received on personal accounts to City accounts.
6. Communications related to an agenda item received before or during a Council meeting by a majority of the Council must be disclosed.
7. No campaign activity on City accounts or City devices.
8. If a request for records is received, a search for responsive records will be conducted.
9. Privacy or personal communications are addressed on a case-by-case basis and are generally not considered public records.

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CMD 42– Email Retention Policy

1. City follows a 90-day email retention policy that documents and treats email as “transitory communications”.
2. In general, transitory communications include transmittal letters, confirmations of receipt, scheduling, instant messaging, voicemails and other types of communications that do not have a material impact on City business.
3. City officials and staff are required to actively monitor and evaluate messages for the information they contain and for those email communications that are a public record, should be retained

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Options for Email Retention

1. Revise the 90-day email deletion policy to 2 years for Councilmembers to minimize the risk of records being inadvertently deleted and maximize compliance with the requirements under the retention schedule
2. Require Councilmembers to forward City records located on their personal accounts and devices to their City accounts or a cloud-based drive as repository for all their public records

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Additional Considerations/Related Issues

- PRA Trainings to clarify what constitutes “City Business” and “Transitory Records”
- PRA process improvements, including enhanced use of technology
- Update Current Retention Policy to implement document destruction policies
- Update Document Retention Schedule to better align with legal updates and best practices

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The image shows a graphic with a dark blue background on the left and a white background on the right, separated by a diagonal orange line. On the left, there is a circular seal for the City of Santa Clara, California. The seal features a central illustration of a mission building with a red roof and a bell tower, set against a green landscape and a blue sky with clouds. The text around the seal reads "CITY OF SANTA CLARA CALIFORNIA" at the top, "1852" in the center, and "THE MISSION CITY" at the bottom.