

Get your email-retention policy in gear

By Heinan Landa

When first enacted in 2006, amendments to the Federal Rules of Civil Procedure that concerned the discovery of “electronically-stored information” adjusted the definition of discoverable material and made it possible for parties involved in a lawsuit to demand the exchange of documents that existed only in electronic form. To prepare for such a situation, associations should adopt a standardized, policy-based, email-retention plan that works in concert with email-archiving software and email-backup systems.

Archiving or Retention?

Archiving is a practice; retention is a policy. Email archiving is the process of moving emails from your mailbox to a place where they are easier to store. The purpose is to keep emails for as long as possi-

ble while still making them accessible. Of many possible solutions, one of the most popular is software that scans emails for subjects and attachments and creates a pointer for these messages on the email server but then stores the full email messages on a separate server. Emails are still searchable, but space is saved.

Email retention is a process that deletes email on a regular basis. The purpose of email-retention policies is to comply with regulations and to mitigate the risk of discovery expenses in lawsuits. Email-retention policies range in extensiveness.

The Policy

Developing an email-retention policy can be daunting, but here are tips for what to include. The policy should

- Specify types of documents employees can send via email, guidelines for content, and enforcement measures;
- Incorporate relevant regulations;
- Identify positions with specific or differing retention requirements;
- Work with your existing email archiving and backup systems;
- Contain information about employee access to archived messages;
- Include a method for validating that all messages are archived;
- Be provided to each employee; employees should sign a copy noting that they have read and understand the policy.

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