

ADMINISTRATIVE ORDER NO. 153

Pursuant to the authority granted to the City Administrator in Section 2-300, BMCC, the following policy is hereby established as the City of Billings Capstone Email Policy and becomes effective August 10, 2023.



Chris Kukulski, City Administrator

CAPSTONE EMAIL POLICY

Email as Public Record

Email may be a public record if it meets the definition of Title 2, Chapter 6: Public Records of the Montana Code Annotated (MCA 2-6-1002(13)). As a public record, email must be identified, managed, retained, and made publicly accessible like public records in other physical formats.

Access to public records created or received using email is subject to the public records regulations of the State of Montana Public Records (MCA 2-6-1001 et seq.). Access may be obtained through the City of Billings' procedures for requesting official records as provided by Administrative Order 51, as amended from time to time. Official Public Records Requests must be processed through the City Clerk's office.

Staff receiving a request from an outside entity should direct the requestor to the City Clerk or to the City Website to complete an official Public Records Request. Requestors should be encouraged to be specific and provide details when completing the request.

Retention

As of the effective date of this Administrative Order, the City of Billings has adopted, and will follow, a Capstone Approach to its email record retention. Proper retention and deletion of email records is outlined by Montana Retention Schedule **30 Email Managed Under a Capstone Approach**.

All City of Billings' emails (sent or received) are saved to an Email Vault until purged in accordance with our retention policies. Emails retained on the Email Vault are available for review by authorized City staff and to meet legal obligations including, but not limited to, Public Records Requests.

Emails contained within the Email Vault will be managed in accordance with the City of Billings Records Retention Policies. The City of Billings utilizes **Email Managed Under a Capstone Approach Retention Schedule 30** to manage email retention.

Capstone Approach:

The Capstone Email Approach determines email record retention based on the work and/or position of an employee at the City of Billings instead of by the content of individual emails. Developed by the federal government, this approach assumes certain positions will interact with permanent records and, therefore, preserving their email as permanent will capture all permanent records for retention. Email

accounts that are not designated as capstone accounts will follow a temporary retention period of 3, 7, or 10 years.

Under the Capstone Approach, retention is managed and applied on the back end. The Email Vault automatically preserves all City of Billings' emails (sent or received) and applies retention based on an employee's designation under Retention Schedule 30 **Email Managed Under a Capstone Approach**. It is important to note that the Email Vault has already preserved a copy of all emails, and emails available on the Email Vault can be restored if deleted from an end-user's email account.

Capstone Official:

Under the Capstone Approach, a Capstone Official is an elected official, director, department head, or appointed officer, **or** a high-level assistant who performs functions on behalf of named Capstone Officials under the officials' name (i.e., an assistant authorized to send email from an account bearing a Capstone Official's name) **or** another position designated by an agency for Capstone retention.

Email Managed Under a Capstone Approach Retention Schedule 30 establishes guidance for determining Capstone Officials and Non-Capstone Employees. Each department collaborates with the City Clerk's office in Administration to determine the designation for all positions within the department and communicate those designations to IT. Each department is responsible for communicating with IT and the City Clerk's Office in Administration when a new employee needs an email address and a retention designation as well as when an employee changes positions (and therefore retention designation) within the city.

Litigation Holds:

In the event of a litigation hold, email may be preserved longer than its retention period. When the City is notified of a litigation hold, the proper procedure will be followed by the department(s) affected. After identifying the scope of email records included in the litigation hold, the department will contact IT, and IT will implement the hold within the Email Vault. Once a litigation is complete, and the department is notified that the hold is no longer necessary, they will communicate with IT to remove the email hold.

Requirements to Manage E-mail Using the Capstone Approach

This records retention schedule applies **only** to local government agencies that implement a Capstone Approach as described in this retention schedule. Local government agencies who have not formally adopted the Capstone Approach must use General Schedule 1 or Municipal Schedule 8 to manage e-mail records.

In order to utilize the Capstone Approach, local government agencies must:

1. Formally adopt the Capstone Approach for managing e-mail as official policy and designate the level the approach will be used in the organization (organization wide, department level, office, etc.) For guidance see:
 - [NARA's Capstone Training and Resources](#)
 - [NARA's E-mail Specific Guidance and Resources](#)
2. Identify the official repository for e-mail records managed under the Capstone approach. This can be an e-mail archive, records management application, the live system or other technology. All other version of email can be considered non-record and disposed.
3. Designate the point/time of official capture (the time when e-mail is locked down for disposition.)
4. Develop a list of Capstone Officials and Non-Capstone Employees.
5. Describe how e-mail will be captured, maintained, searched and retained under the policy.
6. Develop a procedure and/or planning document to assure permanent access to Capstone Officials' email, and commit to planning and budgeting for the migration of email records to new storage media, formats and or systems in order to avoid loss due to media decay or technology obsolescence.
 - For guidance, see Code of Federal Regulations (CFR), [Title 36, Part 1236](#)
7. Develop a procedure to update and maintain lists of Capstone Officials and Non-Capstone employees.
8. Develop a procedure to halt automated disposition of e-mail records in the repository for litigation/regulatory holds.

System requirements:

The system/technology used to manage e-mail under the Capstone Approach must be able to:

- include attachments to e-mail messages at capture
- support retention of the message content and required metadata (To, From, Date/Time.)
- allow for identification and designation of individual accounts as either permanent (Capstone) or temporary (Non-Capstone)
- allow all accounts associated with a Capstone official to be identified and managed. For example, multiple accounts used by an individual and/or accounts management on behalf of a Capstone official can be identified and managed.
- support routine updates to account designations. Since agencies will be responsible for managing accounts, account designations must be updated during staff changes, when new positions are created, and/or when individuals serve in an "acting" capacity.
- support the identification and management of lists which identify the sender and addressee(s) of messages including distribution lists and bcc.
- allow for the application of disposition rules based on the account designations (for example, those accounts designated as "Non-Capstone" can be assigned the proper retention period).
- allow for "Non-Capstone" email to be fully destroyed in compliance with disposition rules, schedules, and other requirements.
- allow for permanent email (and associated metadata, attachments, etc) to be exported and transferred or migrated to new recordkeeping systems. Local governments should use Administrative Rule [44.14.202](#)

"STORAGE REQUIREMENT FOR ELECTRONICALLY STORED DOCUMENTS WITH GREATER THAN TEN YEAR RECORD

Schedule #30-- Email Managed Under a Capstone Approach

RETENTION (LONG-TERM RECORDS)" as guidance to manage Capstone officials' e-mail messages in order to ensure Capstone official e-mail records are accessible permanently.

- facilitate and support the application of record/litigation holds, at both the individual email and account levels to halt disposition as appropriate.
- Facilitate and support the production of e-mail to respond to discovery and public records requests.
- Automated culling of non-record material (for example spam, read receipts, appointment confirmations, etc.)

Local Government agencies are reminded that this retention schedule should not be implemented in isolation, and should be supplemented with agency-wide policies and training.

Under the Capstone Approach, email can be managed at an account level, at a mailbox level, in personal folder files, or other ways. This retention schedule applies to all email, regardless of how the email messages are managed or what email technology is used. Email, in the context of this retention schedule, also includes any associated attachments. This retention schedule may apply to records affiliated with other commonly available functions of email programs such as calendars/appointments, tasks, and chat.

Local government agencies have discretion to require that certain individual email messages be cross-filed elsewhere outside of the Capstone repository pursuant to agency policies and business needs. Retention of these messages is subject to General Schedule 1 or Municipal Schedule 8.

Schedule No. **30**

Montana Local Government
Records Committee

Capstone Approach for Email Records

Prepared and Published by the
Montana Local Government Records Committee

LAST REVISED – April 2017

MONTANA LOCAL GOVERNMENT RETENTION AND DISPOSITION SCHEDULE

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*RM 60 is a records disposal request form issued by the Local Government Records Committee. "No RM 60 required" means that the records do not need to be submitted to the LGRC disposal subcommittee for approval before being disposed unless the records are over 10 years old.

MONTANA LOCAL GOVERNMENT RETENTION AND DISPOSITION SCHEDULE**Schedule 30: Email Managed Under a Capstone Approach**

Email Records Managed Under a Capstone Approach			
Item #	Record Series Title and Description	Retention and Disposition	Citation/Comments
	<p>service; involve mechanical crafts, or unskilled, semi-skilled, or skilled manual labor; respond to general requests for information; involve routine clerical work; and/or primarily receive nonrecord and/or duplicative email.</p> <p>b. Supervisory/Project Management positions Mid-level supervisory functions and/or positions responsible for major capital project management</p> <p>c. All other positions</p>	<p>b. 10 years, RM 60 required.</p> <p>c. Retain 7 years; No RM 60 required.*</p>	
4.	<p>DESIGNATIONS Records documenting the designation of positions/accounts for e-mail retention purposes</p> <p>a. Capstone Officials b. Non-Capstone Employees</p>	<p>a. Permanent b. 10 years, RM 60 required</p>	
5.	<p>NON-RECORD EMAIL Non-record e-mail culled and not designated for retention (ie. spam, e-mail blasts, read/open receipts, out-of-office replies, etc.)</p>	Dispose at will	