

June xx, 2015

TO: Heads of Federal Agencies

SUBJECT: Guidance on Managing Electronic Messages

EXPIRATION DATE: Expires when revoked or superseded

1. What is the purpose of this Bulletin?

This Bulletin provides records management guidance for electronic messages. Specifically, this Bulletin applies to text messaging, chat/instant messaging, messaging functionality in social media tools or apps, voice messaging, and similar forms of electronic messaging systems. There are a wide variety of systems and tools that create electronic messages. This Bulletin will help agencies develop strategies for managing their electronic messages.

This Bulletin replaces the [FAQ About Instant Messaging](#). This Bulletin does not contain guidance for email. For general guidance on email and social media, see Question 10.

2. What are electronic messages?

The Federal Records Act was amended in November 2014 and added a new definition for electronic messages at 44 U.S.C. 2911. The law states, “The term ‘electronic messages’ means electronic mail and other electronic messaging systems that are used for purposes of communicating between individuals.”

Electronic messaging systems allow users to send communications in real-time or for later viewing. They are used to send messages from one account to another account or from one account to many accounts. They can reside on agency networks and devices, on personal devices, or be hosted by third party providers.

The following table includes a non-exhaustive list of types of electronic messaging and examples.

Types of Electronic Messaging	Examples
Chat/Instant messaging	Google Chat, Microsoft Lync, IBM Sametime, Novell Groupwise Messenger, Facebook Messaging
Text messaging, also known as Multimedia Messaging Service (MMS), Short Message Service (SMS)	iMessage, SMS, MMS on devices, such as Blackberry, Windows, Apple, or Android devices whether personally or agency-owned
Voicemail messaging <ul style="list-style-type: none">• Can have voicemail sent to email as an attachment.• Messages can be sent or received	Google Voice, voice to text conversion

from landline or mobile phones	
Other messaging platforms or apps, such as social media or mobile device applications. These include text, media, and voice messages.	Twitter Direct Message, Slack, Snapchat, WhatsApp, Pigeon, Yammer, Jive, or other internal collaboration networks

3. Can electronic messages be Federal records?

Electronic messages created or received in the course of agency business are Federal records. These records must be captured and managed in compliance with Federal records management laws, regulations, and policies.

The Federal Records Act (44 U.S.C. 3301 as amended by Pub. L. 113-187) defines Federal records as:

...all recorded information, regardless of form or characteristics, made or received by a Federal agency under Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the United States Government or because of the informational value of data in them....

4. Can electronic messages created in personal accounts be Federal records?

Employees create Federal records when they conduct agency business using personal electronic messaging accounts or devices. This is the case whether or not agencies allow employees to use personal accounts or devices to conduct agency business.

The Federal Records Act (44 U.S.C. 2911 as amended by Pub. L. 113-187) states:

(a) IN GENERAL.—An officer or employee of an executive agency may not create or send a record using a non-official electronic messaging account unless such officer or employee—

(1) copies an official electronic messaging account of the officer or employee in the original creation or transmission of the record; or

(2) forwards a complete copy of the record to an official electronic messaging account of the officer or employee not later than 20 days after the original creation or transmission of the record.

Electronic messages created or received in a personal account meeting the definition of a Federal record must also be forwarded to an official electronic messaging account within 20 days.

Personal accounts should only be used in exceptional circumstances when official accounts are unavailable. Agencies must provide clear instructions to all employees on their responsibility to capture electronic messages created or received in personal accounts to meet the requirements in the amended Federal Records Act.

5. What are some of the records management challenges associated with electronic messages?

Agencies may face the following challenges with managing electronic messages:

- The use of multiple electronic messaging systems and types of devices to communicate adds complexity to recordkeeping;
- Concern about ownership and control of the records created in third-party systems, such as Facebook or Twitter;
- Identification of appropriate retention periods within large volumes of electronic messages;
- Capture of complete records, including metadata, in a manner that ensures their authenticity and availability;
- Development and implementation of records schedules, including the ability to transfer and permanently delete records, apply legal holds, or perform other records management functions;
- Expectations that all electronic messages are both permanently valuable and immediately accessible;
- Production of electronic messages when required for FOIA, discovery, or any other type of investigation, including on personal devices; and
- Handling of electronic messages containing personally identifiable information (PII).

In addition to records management statutes and regulations, other information management statutes and obligations, such as the Freedom of Information Act and e-discovery obligations apply to electronic messages and have implications for their management.

6. What are some best practices for managing electronic messages?

Agencies may use the following best practices to identify, manage, and capture electronic messages:

- Develop policies on electronic messages that address some of the challenges listed above.
- Update policies when new tools are deployed or the agency becomes aware that employees are using a new tool.
- Train employees on the identification and capture of records created when using electronic messaging accounts, including when employees use their personal or non-official electronic messaging accounts.

- Configure electronic messaging systems to allow for easy and automated capture of electronic messages and metadata. Removing reliance on individual users will increase ability to capture and produce messages.
- Use third-party services to capture messages, such as a service that captures all email, chat, and text messages created through agency systems.
- Ensure electronic messages, including metadata, can be exported from the original system.

7. What should agencies consider when developing policies on the use of electronic messages?

Electronic messaging is a fluid, evolving technology and new tools are always being created. Agencies constantly balance the concerns of providing practical records management guidance with the needs of employees to use the best tools available to conduct agency business. Simply prohibiting the use of electronic messaging accounts to conduct agency business is difficult to enforce and does not acknowledge the ways employees communicate.

NARA recommends agencies actively provide the appropriate communication tools to employees to complete their work. By providing these tools, agencies maintain more control over the systems. Agencies can then determine a strategy to manage and capture content created in those systems. Agencies run the risk of employees conducting business on personal accounts when they do not provide these tools.

Records management staff should work with legal staff, information technology staff, and any other relevant stakeholders in the policy making process. This ensures the agency's overall information management strategy includes records management.

8. What possible approaches could agencies use to manage electronic messages?

Agencies are responsible for determining the best possible approaches to managing electronic messages. Agencies should determine a minimum time frame to keep electronic messages in order to meet ongoing business, audit, and access needs. Electronic messages should be kept electronically in a searchable and retrievable manner.

Agencies should capture content from electronic messaging accounts whether administered by the agency or third-party providers. The ability to capture will be dependent on the configurations of the electronic messaging system. By setting a capture point and determining a minimum time frame, agencies remove the need for employees to make message by message record determinations. If any record is created or received on a personal account, it must be forwarded to an official agency system within 20 days.

Agencies must have records schedules that cover electronic messages. If an existing authority does not cover records, agencies must develop a new disposition authority. Keep in mind the General Records Schedules provide disposition authority for administrative records common to all Federal agencies. Electronic messages may have short-term, long-term, or permanent value and will need to be scheduled and managed accordingly. By law, unscheduled records must be treated as permanent.

Agencies should consider adopting a Capstone approach to scheduling and managing electronic messaging accounts. They may implement policies and technology to capture all electronic messages in certain Capstone positions for permanent retention. Similarly, agencies may implement policies and technology for the temporary retention of non-Capstone officials' electronic messages. Extending the Capstone approach may help agencies with the challenges of managing electronic messages.

Agencies will need to transfer permanent electronic messages to NARA in accordance with the guidance in place at the time of the transfer.

9. How do agencies report the loss of electronic messages?

In accordance with the Federal Records Act (44 U.S.C. 2905(a) and 3106) and its implementing regulations (36 CFR Part 1230), when an agency becomes aware of an incident of unauthorized destruction, they must report the incident to the Office of the Chief Records Officer for the U.S. Government. The report should describe the records, the circumstances in which the unauthorized destruction took place, and the corrective steps being taken to properly manage the records in the future. If NARA learns of the incident before the agency has reported it, NARA will notify the agency and request similar information. The goal of this process is to ensure that the circumstances that may have led to the loss of Federal records are corrected and that similar losses do not occur in the future.

10. What other NARA guidance is available for email and social media?

For related guidance about email or social media, see the following:

- [2014-06](#): Guidance on Managing Email, September 15, 2014 as transmitted by [OMB M-14-16](#)
- [2014-04](#): Revised Format Guidance for the Transfer of Permanent Electronic Records, January 31, 2014
- [2014-02](#): Guidance on Managing Social Media Records, October 25, 2013
- [2013-03](#): Guidance for Agency Employees on the Management of Federal Records, Including Email Accounts, and the Protection of Federal Records from Unauthorized Removal, September 09, 2013
- [2013-02](#): Guidance on a New Approach to Managing Email Records, August 29, 2013

11. Whom do I contact for more information?

Agency staff should contact their [agency records officers](#) and office of general counsel to discuss records management issues for electronic messages. Your agency's records officer may contact the [NARA appraisal archivist](#) with whom your agency normally works.