

**NEW COLLEGE OF FLORIDA
REGULATIONS MANUAL**

CHAPTER 1 - General Provisions and Executive Affairs

1-1010 Records Retention and Destruction, Including Email and Electronic Documents

- (1) The College shall follow retention schedules established by the Department of State and intended for use by state, county, city, and special district public records custodians. The following General Records Schedules provide guidance on the most common types of College records:
 - (a) GS1-SL State and Local Government Agencies provides retention periods for the most common administrative records such as routine correspondence and personnel, payroll, financial, and legal records.
 - (b) GS5 Universities and Community Colleges focuses on records specific to higher education institutions.
- (2) Certain other General Records Schedules are applicable to program records of specific functional areas such as law enforcement, medical providers, and public libraries, each of which has unique program responsibilities and thus unique records retention requirements. Certain provisions in these select schedules may be applicable to the College as well:
 - (a) GS2 Law Enforcement, Correctional Facilities, and District Medical Examiners
 - (b) GS4 Public Hospitals, Health Care Facilities and Medical Providers
 - (c) GS15 Public Libraries
- (3) Email and Electronic Documents. All of the documents defined above can be in an electronic format such as email. Florida's public records law offers a challenge to the use of email because often email is exceptionally informal and efficient. Official email, whether public or transitory, may only be deleted after it has been retained for the correct period of time as determined by this regulation and applicable Records Schedules. It is the responsibility of the originator (sender/creator), whether it is a person, department, or division within the College, to retain email documents in accordance with this regulation and applicable Records Schedules. Any and all doubts as to whether to retain or delete an email or electronic record should be resolved in favor of retention of the record in accordance with the General Records Schedules.
- (4) Transitory Messages. Transitory messages are created primarily for informal or short-lived communication, as opposed to public records, which perpetuate or formalize knowledge. Transitory messages do not set policy, establish guidelines or procedures, certify a transaction, serve as a receipt, etc. The informal, time-limited nature of transitory messages can be compared to communications during a telephone conversation or in an office hallway. Transitory messages generally include, but are not limited to, voice mail, self-sticking notes, and email messages with short-lived or no administrative value that do not perpetuate, communicate, or formalize knowledge relating to the official business of the College.
- (5) Record Copy. By generally accepted practice, the sender's copy of a document is designated as the record copy. It is this copy to which record retention requirements apply. All other copies are regarded as duplicates and they can be disposed of when they have lost administrative value, or as otherwise set out in the applicable Records Schedules. However, email messages received from outside agencies or from the public are regarded as copies of record, and if their content qualifies

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them as public records, they must be retained. Retention schedules are based on a record's information content, not its format. Retention of most email records falls within the following two categories:

- (a) Retain until Obsolete, Superseded, or Administrative Value is Lost: This means that the records only have to be retained until they have served their administrative purpose. Examples of such records are:
1. Transitory Messages as defined above;
 2. Routine announcements and information, including notices of seminars or workshops, queries regarding processes or ideas, and general information regarding programs;
 3. Reference files that are general information files used in daily functions of the administrative area; and/or
 4. Meeting notices, statistical records, reading files, and recipient' inter-departmental memoranda.
- (b) Rule 1B-24.003, Florida Administrative Code, allows state agencies to dispose of all records with a retention value of "retain until obsolete, superseded, or administrative value is lost" without having to fill out a records disposition request. Both duplicates and master copies of records with this retention period may be disposed of by each department when, in the judgment of the department, they are obsolete, superseded, or have lost their administrative value. In applying this rule, any email messages created or received that fall under this retention period may be deleted at the user's discretion, under the above standards.
1. Email messages that have a longer retention period based on their content must be retained for the appropriate time period according to content.
 2. For related Regulations, see NCF Regulation 4-5012 Network Storage Use; Regulation 4-5013 Personal Data Files; and NCF Regulation 4-5015 Email Accounts.

Authority: Article IX, Sec. 7, Fla. Constitution; Fla. Stat. 257.36; State of Florida General Records Schedule GS1-SL for State and Local Government Agencies; State of Florida General Records Schedule for Public Universities and Colleges; Fla. Board of Governors Regulation 1.001

History: Adopted 04-27-02, as Policy 5-008; Revised and renumbered 02-20-10; Revised 09-11-10, 06-15-13, 02-24-17 (technical amendment)