

Guidelines on Retention Scheduling Public Records Stored on Electronic Messaging Platforms

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Introduction

These guidelines include suggested action steps for creating retention and disposition policies for public records created via electronic messaging systems in formats such as text, chat, instant messages and voice messages. Electronic messaging allows for real time exchange of digital information and for storage of the information for later use. Various providers, such as Google, Zoom and Microsoft include chat and instant messaging resources in their collaboration platforms. Chat and instant messaging are available via social medial platforms like Facebook. Also, Internet service providers, telecommunications firms and information technology businesses offer text messaging for users of mobile devices such as smart phones and tablets, as well as facilities to record and store voice messages.¹

Applicability of Public Records Law

The foundation for this document is the legal imperative expressed in the State's public records law ([N.J.S.A. 47:3 et seq.](#)). That is, irrespective of medium, all records that are generated and received during governmental operations in New Jersey are public records and subject to the State's records management and archival requirements. Records generated and received via electronic messaging platforms are therefore subject to the State's public records law.

Audience

Generally, these guidelines are designed for professionals who work in records and information management capacities and who have some familiarity with the State's records management program as described in the [State Records Manual](#). However, generalist managers and administrative support staff may also find the guidelines useful.

Notes on Scope and Foundation for this Document

This document covers retention scheduling for electronic messaging. It does not cover the management of electronic mail or social media.

Guidance on managing email may be found in the [State Records Manual](#) (pages 39-48).

[The State's Guidelines on Retention Scheduling Public Records Stored on Social Media Platforms](#) address social media. **The social media guidelines form the foundation for dealing with electronic messaging as well. The reader will note that the processes and methods set forth in this document track those found in the social media guidelines.**

¹ See the National Archives and Records Services' [Guidance on Managing Electronic Messages](#) and [Electronic Messages White Paper](#). While now somewhat dated, they still provide useful insights into defining and managing

electronic records. The State of North Carolina also provides helpful guidance in this area in its publication [Best Practices for Electronic Communications Usage in North Carolina](#).

Key Contacts

The contact for the records management topics covered below is the New Jersey Division of Revenue and Enterprise Services' Records Management Services Unit (RMS): 609-777-1020 or 609-292-8711. Guidance on preservation of permanent and historical records can be obtained from the State Archives: 609-633-8304 or 609-292-6260.

Action Steps

1. Inventory Electronic Messaging Platforms

Start the retention scheduling process by inventorying and documenting all the electronic messaging services and platforms employed by the agency – for example, accounts/sites using Facebook, TEAMS, Zoom, Google Workspace, mobile telephone and other voice communication services that include voice recording, etc. Describe the content that resides on each platform and the organizational functions that each one addresses – for instance, dissemination of scheduling information, emergency notices, constituent services, ideation, meeting dialogues, etc.

2. Conduct a Value Assessment(s)

Based on the descriptions and functional purposes of the platforms, assign values to the content (records) they contain. Following are value dimensions that could be assigned. The value dimensions are tied to a simple range: low (records with little or no lasting retention value); medium (records with some short-term – less than 10 years, retention value); and high (records with greater than 10 years retention value).

Note that records may bridge or overlap the value dimensions. For example, a particular electronic messaging service/platform may contain content that has both informational and planning and decision support/knowledge management values. If this occurs and the overlapping dimensions have different (higher/lower) values with respect to retention and disposition, the recommended policy decision would be to assign the higher value to the content.

Value dimensions a and b below are likely to be the two most common dimensions that agencies encounter.

- a. General Information (retention value – low). Electronic messaging services are frequently used for the exchange routine information such as meeting reminders, general questions/answers shared among staff on technical matters or simple requests for the return of a telephone or online call. Content generated for such purposes likely has no lasting value, and can therefore be classified as routine/non-sensitive in nature.

- b. Operational Information Exchange (retention value - low to medium). Electronic messaging can augment dialogue among agency staff, service providers and constituents. For instance, chats may serve to enhance information exchange among participants in online meetings and as a customer support channel for an agency contact center. Records

produced in this category can include exchanges such as general feedback, question/answer streams, ratings, voting, likes/dislikes, etc. These records may also have secondary uses such as operational research on the effectiveness and efficiency of customer support programs and online service offerings.

- c. Transactional and Operations Management (retention value - low to medium). Electronic messaging may connect with an agency's service delivery processes. For example, agencies may use texts and chats to deliver tailored electronic content or private links (links to content directed to a specific individual) in response to document filing or information access requests.
- d. Planning and Decision Support/Knowledge Management (retention value - medium to high). Electronic messaging may aid executives and specialized staff (technologists, public information officers, legal advisors, budget analysts, etc.) who develop plans and rules that guide the actions of the entire organization from a long term or strategic perspective. In this context, electronic messaging can contain valuable information including intra-agency and external discussions and information on a wide range of topics including: economic trends; policy research; constituent sentiment; legal issues; evolving products/technologies that impact agency operations; prevailing political trends; and changes in societal perspectives. Electronic messages may also support collaborative efforts aimed at idea development and product or service innovations via feedback from individual citizens, organizational actors and various other stakeholders.
- e. Legal/Compliance (retention value – high). This is an encompassing category which, *depending on the agency's mission*, may envelope all the prior categories. It relates to the management of records, in all forms, for adherence to statutory and regulatory record-keeping requirements. Agencies that employ electronic messaging in tightly regulated contexts should be aware that legal, contractual and rules-based requirements may attach to the records generated/stored by the electronic messaging service/platform. Agencies may be compelled to produce records in this category in discovery processes associated with litigation, audits and internal investigations.
- f. Historical (retention value - high). Historical records hold long-term or permanent research value. They serve to preserve our intellectual heritage and to document important social, political, economic and cultural developments. Thus, they have enduring relevance. Over time, some portion of electronic messaging will document significant events, and/or trends in an aspect of human development, and/or record time- and context-bound perceptions/attitudes about significant human endeavors.

3. Assign Retention and Disposition Policies to the Records

Based on the value assessments conducted in Action Step 2, assign retention and disposition policies to all electronic messages that the agency generates and stores. This may be done by creating new agency-specific records retention schedule items (record series) or using existing

records series.

For information on how to create new agency specific record series, consult the [State Records Manual, pages 10 – 13](#). Note that RMS can assist in establishing on-going authorizations for disposition, which will enable agencies to dispose of low value content routinely for renewable time periods (6 months or year) without having to submit requests for individual disposition actions. Contact RMS for assistance in setting up on-going disposition authorizations.

Following are suggestions for use of existing general record series and disposition policies that align with the value dimensions discussed in Action Step 2.

For county and local agencies and authorities, Table 1 lists suggestions for use of existing general record series and disposition policies that align with the value dimensions discussed in Action Step 2. State agencies must follow the State General Records Retention Schedule.

State agencies should follow the General Schedule items listed in Table 2.

All agencies should bear in mind that litigation hold requirements may apply to electronic messaging. As with all public records, hold orders will have the effect of tolling disposition actions on responsive electronic messaging records.

Table 1

Record's Value	Examples Existing Record Series	Disposition
General Information (Low)	<i>Electronic Administrative Resource Files</i> – for example, meeting reminders, exchange of web links (URLs) on technical topics, routine announcements about agency events or relevant news articles, etc.	Retain until no longer needed for administrative purposes/destroy
Routine Information Exchange (Low-Medium)	<p>For low value, <i>Electronic Administrative Resource Files</i> -- for example, chat logs and dialogues associated with routine operational meetings</p> <p>For medium value: <i>Correspondence, Internal</i> – for example, routine exchanges relative to the processing and disposition of routine customer service issues</p> <p>OR</p>	<p>Retain until no longer needed for administrative purposes/destroy</p> <p>1 year/destroy</p>

		3 years/destroy **(use of data migration recommended; see next action step)
Transactional and Operations Management(Low-Medium)	<p>For low value, <i>Electronic Administrative Resource Files</i>, for example, confirmations of receipt and completion of document/application filings or information access service requests</p> <p>For medium value: <i>Correspondence, External</i> -- for example, customer feedback relative to public programs or service quality</p> <p>OR</p> <p><i>Administrative Subject File</i></p>	<p>Retain until no longer needed for administrative purposes/destroy</p> <p>3 years/destroy **(use of data migration recommended; see next action step)</p> <p>3 years/destroy **(use of data migration recommended; see next action step)</p>
Planning and Decision (High)	<i>Correspondence, Policy</i> -- for example, exchanges among mid to senior level staff regarding the development, progress or status of a public program or function	25 years with archival review **(use of data migration and long-term repositories required; see next action step)
Legal/Compliance (High)	<i>Correspondence, Policy</i> -- for example, exchanges regarding decisions to award of contracts and directives relative to compliance with regulatory and/or compliance regimes	25 years with archival review **(use of data migration and long-term repositories required; see next action step)
Historical (High)	Permanent based content and context – for example, exchanges between top level administrators regarding key issues affecting the State, including State-wide emergencies, sensitive investigations, executive staff appointments, etc.	Permanent with archival review **(use of data migration and long-term repositories required; see next action step)

Table 2

Record Series	Examples Existing Records that Can be Included in this Series	Retention/Disposition
<p>Schedule G100000-014-3000-0001</p> <p>Electronic Communications Records</p> <p>General/Routine Information Communications</p>	<p>Records in this series include the exchange of routine information such as meeting reminders, general questions/answers shared among staff on technical matters pertaining to operations or projects, or simple requests for the return of a telephone or online call. Records in this series can also include general feedback, question/answer streams, ratings, voting, likes/dislikes, etc.</p>	<p>1 Year/Destroy</p>
<p>Schedule G100000-014-3000-0002</p> <p>Electronic Communications Records</p> <p>Operational Information Exchanges</p>	<p>Records produced in this series encompass the same types of communications listed under 3000-0001, but in this case, the records are specifically targeted for secondary uses such as operational research on the effectiveness and efficiency of customer support programs and online service offerings.</p>	<p>3 Years/Destroy</p>
<p>Schedule G100000-014-3000-0003</p> <p>Electronic Communications Records</p> <p>Service Transactions</p>	<p>These types of records involve service transactions such as delivery of digital content in the form of reports and other public documents, and work order entry and tracking information.</p>	<p>3 Years/Destroy</p>
<p>Schedule G100000-014-3000-0004</p> <p>Electronic Communications Records</p> <p>Electronic Communications Records - Planning, Decision Support And Knowledge Management</p>	<p>These records relate to collaborative exchanges specifically targeted for the planning and development of new or substantially modified public programs. The series does not include exchanges or information derived therefrom used for adjusting or enhancing routine public services.</p>	<p>25 Years/Archival Review</p>

4. Choose Modes of Storage for Electronic Messages with Consideration of Policies Controlling Use of Platforms and Devices

By way of background, it is common for agencies to use third party contractors, including cloud and cellular service providers, for electronic message storage. Also, depending on the nature of the messaging system and service, individual employees may store messages on their agency-assigned devices and/or possibly on their own devices.

Contractors may offer varying levels of service, quality and storage capacities that could change over time. This can make the underlying storage technologies and service levels for the agency's electronic messaging program uncertain and unstable. Likewise, use of privately owned devices

is fraught with complications, ranging from exposure to records loss to challenges with responding to access requests associated with discovery, audits, investigations and Open Public Records (OPRA).

- a. Given the backdrop above, when addressing storage solutions for electronic messaging, agencies should consider the following policies:
 - Prohibit use of private devices for the exchange of public records (any message dealing with official agency business).
 - Prohibit or at least strongly discourage use of electronic messaging for public records with retention periods greater than three (3) years or generally, any messaging that involves investigations, audits, the formulation of public policy and/or administration of legal processes such as contracts.
 - For all electronic messaging contractors, including those who provide voice message recording services, employ contractual provisions that address public records retention and disposition requirements. (See example language for Cloud-based platforms listed in the RMS Cloud storage guidelines, [State Records Manual, page 115](#)).
- b. Choose appropriate storage solutions or mix of solutions.
 - Trusted Digital Repository (Preferred). Implement a collection tool that allows the agency's centralized information technology and/or records management program to perform scheduled extraction and migration of electronic messages from all sources to an agency-owned or controlled trusted digital repository.² A trusted digital repository enables the agency to store digital records, including electronic messages, in formats that assure access, use and analysis of the records for the entire length of their retention periods.³ Such functionality is critical for long-term and permanent records and recommended for records that must be maintained for three (3) years or more.

The trusted digital repository can be an agency owned computer storage facility and/or a Cloud-based platform, either of which meets or exceeds the requirements listed in the RMS Cloud storage guidelines ([State Records Manual, page 115](#)).⁴⁷ For long-term or permanent storage requirements, the repository should use file formats that are compatible with long-term/permanent storage. After records are successfully migrated to the trusted digital repository, the agency may delete the migrated content from the source platform.

² The Sedona Conference published an accessible discussion of collection software in the context of small case discovery efforts. See The Sedona Conference. (2022). *Primer on Managing Electronic Discovery in Small Cases*, The Sedona Conference, Phoenix, AZ. The publication includes references to the Sedona Conference's more expansive guidance on the discovery life-cycle and resources used to support it.

³ The Research Library Group/Online Computer Library Center (RLG/OCLC) provides a formal, encompassing definition of trusted digital repository in its publication entitled [Trusted Digital Repositories: Attributes and Responsibilities](#). As noted in the narrative, while trusted digital repositories focus on long-term and permanent storage, for purposes of this guideline, short-term records may also be included for ease of administration.

⁴ The Cloud storage guidelines are useful because they address many requirements for long-term records storage and access. The RLG/OCLC publication cited in the previous footnote also provides valuable information on these and other key characteristics, as does the OCLC's publication entitled [Trustworthy Repositories Audit & Certification: Criteria and Checklist](#).

Also, use collection tools that extract/archive metadata associated with each targeted electronic message. As defined by the National Archives and Records Service (NARA), *metadata* are data elements that “provide administrative, descriptive, and technical information that describe the structure and content of electronic records.”⁵ Examples of metadata for electronic messages include authors name, cellular phone number, organizational affiliation, recipient names/cellular phone numbers, subject line, date created/sent, etc.

With regard to file formats used for long term storage, use standards and guidelines published by the New Jersey State Archives. As of the publication of these guidelines, the Archives had drafted a table of preferred and acceptable formats, but had yet to publish it. Check with the Archives on the status of the table (609-633-8304 or 609-292-6260).

- Centralized Agency Collaboration Platform. Agency collaboration platforms such as Office 365/TEAMS and Google Workspace provide tools that enable agencies to set enterprise, organization-wide retention/disposition policies for messaging streams like chats and other digital communications. Use these tools whenever possible. Also consider moving messaging streams with long-term retention values to a trusted digital repository as described above.
- Back-ups and Data Export/Import. If the agency’s electronic messaging platform contains records with medium to long-term value, and does not accommodate retention/disposition management or collection tools, migrate the content periodically to a trusted digital repository via importation of back-ups or through the use of data export/ import applications. Be sure to test the back-up/recovery tools and export/import applications.
- Service Provider Platforms. If the agency uses a platform that operates separate from its centralized collaboration and storage facilities and it is not possible to set up a trusted digital repository, consider relying on the messaging service provider exclusively. This approach is viable only if the records involved do not have long term retention value. Ensure that the provider has back-up/recovery tools in place to guard against data loss, or that there are data import/export applications that can be used to make accessible copies of the records.

⁵ See NARA Bulletin 2015-04, [Metadata Guidance for the Transfer of Permanent Electronic Records](#). NARA’s guidelines on file formats for transfer of permanent records and metadata for transferred files may also prove helpful in determining file format and metadata requirements for trusted digital repositories.

- Individual Devices. In cases where employees are creating and storing message streams on individual devices that are not automatically synchronized with an agency-controlled repository, institute a policy that highlights the need for employees to attend to retention and disposition directly. As part of the policy, require periodic copying of messages that have longer term retention value (for purposes of this presentation, two years or more) to a designated repository. Ideally, this would be accomplished through the use of a collection tool made available to employees (see discussion under (Trusted Digital Repository). If it is not possible to employ a collection tool, cutting and pasting message streams is a possibility, but be aware that this approach is limited and may not allow for the capture of metadata that is critical for access, discovery and research purposes.⁶

5. Implement the Retention and Disposition Program

After completing the four preceding steps, choose to conduct the retention and disposition program via:

- a. The standard disposition authorization process (State Records Manual, pages 10 – 13);
 - b. The on-going disposition authorization process (contact RMS for assistance in setting up an on-going authorization); or
 - c. A combination of the processes for different sites.
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⁶ Internet searches will surface examples of these policies. Some examples include policies promulgated by [New York City](#), [The State of Washington](#) and the [University of Oregon](#).

SUMMARY OF ACTION STEPS

The Action Steps Contained in the Guidelines
(Conceptual Approach to the Retention and Disposition Program)



