

21 March 1995

MEMORANDUM FOR Division Heads

SUBJECT: E-Mail Use and Record Keeping

1. After reviewing the use of e-mail by the Commission staff, we in legal have determined that the information processed in our e-mail system does not rise to the level of a "record" as defined in the Federal Records Act (44 U.S.C. 3301). This is chiefly because we do not conduct "official business" on the e-mail system, i.e., no final actions are constructed either on, or through the use of, e-mail. Consequently, we have no requirement either to implement a recordkeeping system (as outlined in 36 C.F.R. 1228.188 and 1234.28(a), or an e-mail back-up system (as described in 36 C.F.R. 1234.30).

2. So, your asking what this has to do with you. Well, in order for our opinion to remain valid, we must continue our current practice of using e-mail only for administrative correspondence and in the place of the intra-office intercom/phone (it is OK, however, to download a file from *MS Word* and send it via e-mail). Thus, please monitor the use of e-mail in your area of responsibility to insure that the current practice remains constant. Don't worry, there are currently no problems - this is just a bit of preventive law.


RALPH A. KAISER
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*Remember -
do we
need
something like
this?
If so we need to
provide letter examples
of what is OK and
what isn't OK.*

David