

## **Montana Judicial Branch**

### **E-Mail Protocol Upon Employee Departure**

#### **E-mail Requirements**

Pursuant to Judicial Branch Policy #1570, certain e-mails are public records and must be maintained as outlined in policy #1570. These retention schedules do not stop when an employee leaves employment with the Judicial Branch. Instead, the e-mails must be maintained in compliance within the retention schedule. However, in order to manage storage capacity, e-mails that are not required to be maintained should be deleted and others should be stored in more appropriate and accessible locations.

#### **Guidance**

Prior to an employee's last date of employment, the employee and supervisor must at a minimum:

- Review all e-mails in the employee's Outlook box and in compliance with Judicial Branch policies:
  - Delete routine and ministerial e-mails including information about scheduling meetings, exchanging information about office procedures, or information from trade, sales, or professional organizations.
  - For employees managing a caseload or cases, any e-mail referring to a particular case should be printed or electronically stored with the case. The e-mail can be deleted if it is stored elsewhere in a location where it can be accessed as needed. (For instance, information about a juvenile working with the juvenile probation office should be retained in the juvenile's file not in an employee's e-mail.)
  - E-mails covering any fiscal responsibilities such as contracting information, invoices, grants, or similar documents should be in the appropriate fiscal file for ease of access.
  - Employees in a supervisory role should consult the Human Resources Office regarding the appropriate retention process for any correspondence or records pertaining to supervised employees. This is

especially critical with e-mails that may contain personal information such as a description of employee's reason for needing leave.

- Employees with e-mails containing documents or information meeting the definition of judicial deliberations should not retain these e-mails if the judicial officer no longer needs the information. If the judicial officer still needs the information, it should be retained by the judicial officer. Generally, this will only apply to law clerks and judicial assistants.
- Upon departure, an employee's e-mail box will likely only contain routine correspondence or general correspondence assuming the other documents requiring retention are placed in the appropriate location (electronic or hard copy) to allow for ease of access.
- If there is any question about whether an e-mail should be retained, the employee should default to maintaining it.

### Capturing the Outlook Box:

- Following the employee's departure, the supervisor will receive an automated notice the employee's Outlook files are available for 30 days. Prior to end of the 30 days, the supervisor must contact the IT Help Desk for assistance in retaining the Outlook files. The Outlook files will be stored centrally by the OCA and can be accessed as needed by staff in the line of supervision or through a valid public information request.

### Purging Outlook Boxes:

- On a monthly basis, IT staff will query the stored e-mails against the date of retention and will delete those boxes that are three or more years older. Given the deletion schedule, it is critical the employee and supervisor carefully review all e-mails and ensure those with longer retention schedule are moved as described previously.

Questions should be directed to the Human Resources Office.