



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington, D.C. 20240

DIRECTOR'S ORDER NO. 103

Subject: Electronic Mail and Management of Electronic Records

Sec. 1 Purpose. This Order establishes policies and procedures for the appropriate use of electronic mail (email) and the preservation of electronic records.

Sec. 2 Scope. This Order applies to all employees of the Fish and Wildlife Service.

Sec. 3 Policy. All Service employees and contractors are required by the Federal Records Act (44 U.S.C. 3301) to make and preserve records that document the organization, functions, policies, decisions, procedures, and essential transactions of the Service. You must properly store and preserve records, ensure they are available for retrieval, and schedule them for disposal in accordance with approved disposition schedules. This applies to all records--paper and electronic--including email messages and attached files.

Sec. 4 Definitions.

a. 44 U.S.C. 3301 defines **records** as all books, papers, maps, photographs, machine readable materials, or other documentary materials, regardless of physical form or characteristics that are:

(1) made or received by an agency of the United States Government under Federal law or in connection with the transaction of public business, and

(2) preserved or appropriate for preservation by that agency or its legitimate successors as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informational value of data in them.

b. **Nonrecords** are informational material that does not meet the definition of a record; e.g., extra copies of documents kept for convenience; reference stocks of publications; blank forms, formats, or form letters; documents that do not contain unique information or that were not circulated for formal approval, comment, or action; or documents that provide no evidence of agency functions and activities.

Sec. 5 Responsibilities.

a. Managers and supervisors will:

- (1) Know and enforce the rules of behavior contained in this Order and in 270 FW 7.
- (2) Protect Service assets from waste, fraud, and abuse.

b. All employees will:

(1) Use the email system in accordance with this Order and 270 FW 7. Employees who misuse email are subject to disciplinary action.

(2) Be familiar with records management principles and be able to distinguish between record and nonrecord materials.

(3) Review email messages at least weekly and act on them promptly. Move messages that warrant recordkeeping to an appropriate archive file (see section 7). Nonrecord messages will be deleted promptly. When you delete messages, they are available on the email system backup tape for up to 30 days. During that time, messages continue to exist as temporary records and are subject to review and possible release under the Freedom of Information Act. You cannot delete any email message, including any message on a backup tape, that is involved in an active FOIA request, appeal, or litigation, unless the message (including transmission and receipt information) has been appropriately preserved in hard-copy form, or the request, appeal, or litigation has been completed.

(4) Report improprieties in the use of email to the appropriate authority.

Sec. 6 Appropriate Use of Email.

a. The email system is for official use and is best used for quick, informal communications. Email systems within the Service are not private. Do not use email to transmit sensitive information unless the information is encrypted to prevent interception or reading by unauthorized persons. IRM coordinators can provide information on encrypting email. All email messages may be reviewed by your supervisor or by network administrators, email managers, or other support staff as necessary to maintain effective communications.

b. Apply the same standards to email as to other forms of communication. Do not use profanity, racial or ethnic slurs, sexually harassing language, or slander.

c. The following actions are prohibited:

(1) Any form of partisan politics. This does not apply to Presidential appointees who have received Senate confirmation.

(2) Personal commercial activities or any venture related to private gain or profit. This includes offering service or merchandise for sale or ordering non-work related services or merchandise from online vendors.

(3) Religious activities, including news letters, fund raising, proselytizing, prayer exchange, or activities related to the management of a religious institution.

(4) Any illegal activity as well as any activity prohibited by other Federal or Service policy or that could bring discredit to the Service.

(5) Accessing, retrieving, or printing text or graphic information that exceeds the bounds of generally accepted standards of good taste and ethics.

(6) Engaging in any activity that would compromise the security of any Government information system.

Sec. 7 Preserving Email Records.

a. Some email messages constitute official records of the Service. Others communicate information that is not necessary to document the conduct of Government business. Official records have a scheduled timeframe for which they must be kept, while nonrecords may be disposed of at the user's discretion.

b. Do not use your email inbox or message log to maintain and file official records. Unless other procedures have been established for preserving email records, each employee will establish archive files for each significant project, case, issue, and/or program on which he or she works. Email messages that are official records will be filed in the appropriate archive subject file.

c. Each employee must determine if an email message/attachment meets the definition of a record. Email documents are records when they are created or received in the transaction of agency business, are appropriate for preservation as evidence of the Service's or Department's functions and activities, or are valuable because of the information they contain. See 283 FW 2 (Records Disposition) for guidance on maintenance and disposal of records. If there is uncertainty about the status of a document, treat it as a record and consult with the records management officer for guidance. Examples of email records include, but are not limited to:

(1) Unique, valuable information developed in preparing reports, studies, and position papers that reflect actions taken while conducting agency business.

(2) Unique, valuable information on programs, policies, decisions, directions, and essential actions.

(3) Statement of policy or the rationale for decisions or actions.

(4) Documentation of conversations during which policy was formulated, decisions and commitments reached, or other activities were planned.

d. Email documents are temporary records or nonrecords when they provide no evidence of agency functions and activities or lack information of value. Examples include, but are not limited to:

(1) Copies of memorandums or text sent for information rather than action.

(2) Messages that have only temporary value, such as a meeting time change.

Sec. 8 Corresponding with the Public.

a. Regulatory notices published in the Federal Register should include an email address for submitting comments. The email address will be in addition to, not in place of, a regular postal address. The office issuing the notice will make arrangements to ensure that comments are received and filed as official records.

b. In coordination with the local post office administrator, all Washington Office divisions/offices and Regional Offices will establish a general office email address for handling and storing email messages from the public and the corresponding responses. These addresses will be used for referring inquiries received by Web_Reply, other Service Web sites, and other publications. More than one person will have access to the mailbox.

c. Employees will respond promptly to email from the public. All email from members of the public will receive at least an acknowledgment that the email was received. Email will be treated the same as letters and telecopies when determining whether or not a further detailed response is required. If a response is required and the topic cannot be addressed by the person receiving the email:

(1) Acknowledge receipt of the email and copy the person (office mailbox) who will provide the final response, or

(2) If unsure of where to refer inquiries or comments, forward them to the Correspondence Control Unit using the email address WEB_Reply. Regional Offices that receive significant amounts of email from the public will establish similar policies and procedures to ensure prompt replies.

d. File email exchanges with the public as official records in an appropriate subject archive file.

Sec. 9 Preservation of Other Electronic Records. Until further guidance is provided by the National Archives and Records Administration, see 282 FW 4 (Electronic Records) and 283 FW 2 (Records Disposition) for guidance on the creation, maintenance, and disposal of records.

Sec. 10 Effective Date. This Order is effective immediately. It will expire on December 31, 1999, unless amended, superseded, or revoked. The contents of this Order will be incorporated into Parts 270 and 283 of the Fish and Wildlife Service Manual.

/sgd/ JAMIE RAPPAPORT CLARK
DIRECTOR

Date: September 14, 1998