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08 July 2004

## **GUIDANCE AND PROTOCOL ON THE HANDLING OF E-MAILS**

I should like to thank you and other colleagues for your comments on the draft e-mail guidance I sent out back in February.

- The inter-departmental working group – whose representatives were drawn from DCA, The National Archives, FCO, MOD, Home Office, DTI and the Cabinet Office – have revised the guidance to take into account the helpful comments that were received. I am grateful to all those who played a part in the working group. The final version of this particular guidance is attached at Annex A.

Most colleagues, while offering helpful drafting changes, greeted the guidance with enthusiasm. Some have noted that they already have or are developing guidance along similar lines, which is good news. Other departments may now wish to adopt the attached guidance or adapt it to their own needs. I should stress, however, that this guidance is not meant to replace existing authoritative and much more detailed guidance put out by The National Archives<sup>1</sup> or even the more detailed guidance that some departments have already introduced. It is meant to deal with the high level issues about content, status etc in a succinct way and many of you have been kind enough to recognise this and to welcome it. One colleague made the point, with which I agree, that in issuing of the guidance departments may use the opportunity to alert staff to the fact that security considerations may dictate that other means of communication may be preferable on some occasions.

On a final point, the guidance recommends that departments consider introducing a limit on the time that e-mails may be kept outside a record keeping system before automatic deletion. As, however, a colleague has commented, there is a balance to be struck between an automatic deletion policy and the need to avoid the destruction of key information that has not been properly archived. I feel sure that this is a risk that could be minimised, if not eliminated, through sensible record management procedures.

<sup>1</sup> "Guidelines on Developing a Policy for Managing Email" produced by, and available from, TNA, Ruskin Avenue, Kew, Surrey TW9 4DU



If anyone really wishes to discuss this at a Wednesday morning meeting we can do so but my view is that this has been dissected sufficiently and we ought now to use it or amend it as suits.

A copy of this letter and attachment goes to Wednesday morning colleagues.

*Yes means  
Andrew*

Andrew Turnbull



## GUIDANCE ON E-MAILS

This guidance is intended to address issues, common to most departments, which have arisen through the dramatic growth in the use of e-mails in conducting departmental business. It applies to all e-mails from any source for any purpose that are held on the departmental system. It applies equally to internal and external communications and relates to all e-mails while they are held on departmental systems whether they are held in a managed electronic environment (an electronic records management system) on shared drives or on individuals' personal drives.

Increasingly e-mails are taking the place of 'loose minutes' and decisions are frequently relayed via e-mail messages, often in just a few words. The apparent informality of this means of communication does not alter the status of the information being conveyed. Such e-mail messages are clearly part of the corporate record of a department and there is no distinction between information recorded in an e-mail and that conveyed by any other means.

This guidance does not represent a change from established practice and procedure. It is aimed at dispelling some of the confusion that exists over the status of e-mails and other non IT-related issues and should be read in conjunction with any existing departmental guidance.

In summary, e-mails should be drafted with care and attention, filed in a department's records management system or otherwise deleted. The guidance covers: status; content; disclosability; responsibility; and storage/destruction

### **Status**

There is no distinction between data recorded and conveyed in an e-mail and that conveyed by other means such as loose minutes, submissions and letters. All e-mails generated, or received, by members of a department, including any attachments, are public records and therefore are subject to departmental records management policies and procedures. The fact that they are public records does not mean that they will be kept for ever. Most will be destroyed; some after a very short period, in accordance with standard record keeping procedures. But if the sender or recipient of the e-mail, including copy addressees, decides it needs to be kept for more than a very short period it must be put into the departmental official record keeping system. Where an electronic records system has yet to be introduced the e-mail will need to be captured by some other means, for example printing it out and putting it on the relevant paper file.

E-mails and their attachments may be subject to copyright laws, intellectual property rights and other statutory or non statutory obligations and due care must be taken when publishing them, for example by making a copy available on a website. Where there is any doubt the author should first be consulted.

### **Content**

E-mails are a convenient and immediate means of communication but should be constructed with care and with regard to the uses to which they could be put. The content should be kept short, polite and factual. They should be read over before being sent. E-mails with lots of mistakes are unprofessional. Long messages may be better conveyed by documents which are either attached to e-mails or, for internal e-mails, by links to the document in a department's electronic record keeping system. Care must be taken to draw attention to any sensitivity or protective markings attaching to the information. Care also needs to be taken over distribution lists to avoid unnecessary copies being circulated. The sender has no

control over the future use of data conveyed in an e-mail and so must exercise care in deciding how widely to distribute the message. Personal comments and judgements should only be included where these are germane to the issue in hand. Above all, nothing should be written in an e-mail that cannot be justified.

### **Disclosability**

As e-mails which are kept are part of the public record, they are liable for disclosure in response to information access requests under, for example, the Data Protection Act (DPA), the Code of Practice on Access to Government Information and, from January 2005, the Freedom of Information Act. or to Public Inquiries and other government enquiries. internal and external e-mails are liable to be disclosed in civil litigation and criminal proceedings and, as such, should not contain statements which are unlawful, libellous, defamatory, inflammatory or are otherwise likely to embarrass a Department should they be made public. A department may be liable for negligent advice by e-mail just as through other means of communication. Therefore, any advice given by e-mail should be subject to the same rigorous controls as it would be by any other method of communication. It should also be noted that an internal e-mail in one department may have to be disclosed in proceedings involving another.

Incoming and outgoing e-mails are covered by the DPA so that e-mails in personal mailboxes and deleted items boxes are potentially disclosable, in part or as a whole, in response to a subject access request if they contain relevant personal data, just as much as e-mails saved into an electronic records management system. Copies on back-up systems may also be liable for disclosure.

### **Responsibility**

Within the framework of departmental records management and information policies and procedures. responsibility lies with the e-mail originator and recipient for deciding whether an e-mail is to be retained as being of business interest and as part of the corporate record; or, alternatively, whether it is of short term interest and therefore can be deleted immediately. Individuals who breach departmental rules can make themselves personally liable.

### **Destruction of E-mails**

If the message conveyed contributes to full understanding of a decision; results in action being taken; or forms a significant part of the 'story, it must be kept. If not, it should be deleted. Those e-mails not required 'for the record' should be deleted as soon as they have ceased to be of use. E-mails that are added to the department's electronic record management system must be deleted from inboxes or other storage areas immediately they successfully have been added to the official record. Personal, ephemeral and other e-mails not added to the official record keeping system should be deleted as soon as they have ceased to be of use. Individual members of staff are responsible for doing this.

In accordance with existing guidance it is strongly recommended that departments consider introducing a limit on the time that e-mails may be kept outside an official record keeping system before automatic deletion (some departments, for example, delete e-mails after three months).