

DARPG Guidelines on Email Management in the Government of India

Dear all,

The Department of Administrative Reforms which is part of the Ministry of Personnel, Public Grievances and Pensions has issued a set of guidelines for officers of the Central Government about the use of emails in office. The complete text of the guidelines is accessible at: <http://darpg.nic.in/arpq-website/ereference/e-mail-mgmt.doc>

I have listed below the highlights of these guidelines:

1) The purpose of using emails in Government Departments is to:

- Disseminate **information**
- Share records and reports within and between work groups
- Share agendas and minutes
- Circulate draft documents
- Coordinate meetings, appointments and work schedules and
- Support informal/**formal** approval processes.

Note: The Guidelines do not specifically mention that it may be used for communicating with people in general. We do not know what is the nature of email traffic with Central Government officers for official purposes. The above listing gives the impression that it may be very low for several departments and high for others like Finance.

2) References to RTI Act:

a) With effective records management system in place, it [emails] can also be used extensively to handle requests for information under the Right to Information Act, 2005. (para 2.1)

b) E-mail messages created in the conduct of Government business are official records and are the property of the Government of India. They are retained as evidence of business activities and to meet legislative, and government/departmental business requirements. All e-mail messages created or received by employees using the Government of India e-mail systems may be accessed as part of a legal discovery process or Right to Information request. (para 5.1)

c) E-mail messages may contain evidence of business decisions, actions, and transactions. Rules of disclosure are the same as for paper records and mean that departments may be obliged to provide access to e-mail messages in the event of a legal dispute or as part of RTI request. This can include messages on hard copy, on hard drives or on networks. **In terms of the Public Records Act, 1993, the e-mail messages are records and are to be managed accordingly.** (para 6.2)

d) The Right to Information Act, 2005 also provides that all records that are appropriate to be computerized are, within a reasonable time and subject to availability of resources, computerized and connected through a network all over the country on different systems so that access to such records is facilitated. Thus, the electronic records management is now a statutory obligation. (para 6.2)

Note: The RTI Act includes 'emails' within the definition of information under section 2(f). The fact that emails are the property of GOI ensures that no individual officer will be able to claim copyright protection on emails. I have heard that some countries allow copyright protection for official emails. I have not been able to find out which countries have such systems.

3) Emails are whose responsibility?:

Individual employees are responsible for creating, using, communicating and sharing e-mail messages in accordance with their respective Departmental instructions. They are also responsible for ensuring that e-mail records are kept as evidence of business activities and that these e-mail records are available to meet legislative and departmental business and **accountability requirements.** [para 5.1(l)]

4) Privacy and Security:

Not all the Government of India e-mail systems have security features such as encryption. E-mail should be used with the assumption that messages may be read by someone other than the intended recipient and users should not assume or have an expectation of privacy or security of their e-mail and confidentiality issues should be considered when choosing e-mail as a means of communication and the employee using e-mail for communication should follow the Departmental Security Instructions issued by the Ministry of Home Affairs. (para 6.2.2)

Note: It is good that privacy protection is not available to officers using emails in the performance of their official responsibilities.

5) Determining which e-mail messages are records: (para 7.1)

The following are broad parameters to identify which e-mail messages are considered Government of India records:

- Messages detailing the position or business of any department;
- Messages initiating, authorizing or completing a business transaction;
- Messages received from external sources that form part of a departmental record;
- Copies containing more or less information than the original record;
- Original messages of policies, procedures, guidelines and standards.

Where the records do not exist elsewhere:

- Messages related to work schedules and assignments;
- Agenda and minutes of meetings;
- Briefing notes;
- Final reports and recommendations.

6) Are e-mail drafts considered records?: (para 7.1.2)

The decision to retain e-mail drafts depends on the content of the draft and its function. Drafts showing the approval processes are considered records under the Government of India's records management policy. Therefore, they must be retained and filed by the originator along with any other records that support the approval process.

Note: This is simply fantastic as in many European countries it is not possible to access drafts of official emails or documents if they have not been completed yet. Their laws have an exemption barring disclosure of drafts of hard copy documents also. As the Indian RTI Act does not have such an exemption technically it must be possible to access drafts of emails. Extending this argument further, theoretically it is possible to access drafts of documents prepared by officials in hard copy even before they are finalised. I think this links very well with section 4(1)(c) of the RTI Act which requires proactive disclosure while formulating important policies.

7) Filing emails: (para 7.3)

It is not necessary to keep more than one format of an e-mail record. However, the version kept will depend on the departmental policy. For example - if a copy of the e-mail message has been printed and filed or copied in some other system with the requisite details, the original messages may be deleted. Subject to the Departmental internal instructions, the e-mail user has the following three options:

- Retain the e-mail in the e-mail system
- Copy the mails with the requisite details and delete the original version.
- Print the mails alongwith the requisite details and file. The electronic version may be deleted.

Electronic messages, pertaining to the conduct of Government of India business, must remain intact in terms of their content, context and structure:

- **Structure:** e-mails retain their layout and format together with links to attachments and related documents
- **Content:** what information is contained in the message
- **Context:** documents who was the sender and recipient, header information and time and date of the transmittal.

E-mail records retained in electronic format should be filed in accordance with the departmental record management practices and the file numbering system applied to the paper records. This will maintain a link between messages and attachments, and any related paper records created and stored in the section or the department record office. Where an e-mail addresses a number of subjects, it can be added to other applicable folders for cross referencing and to meet retention requirements.

How and where e-mail messages are stored will depend on the technology architecture and resources available in the department. These e-mails may be kept:

- In MS Outlook/Exchange
- In Lotus Notes
- In Personal Directories and Files
- In workgroup shared directories or folders
- In an electronic document management system

Or, otherwise, may print to paper and filed appropriately. It is important to consider who requires access to the e-mail records when deciding where they should be stored. E-mails stored on personal folders on MS Outlook or in Lotus Notes will be difficult to retrieve by other individuals who may require access to them.

8) Retention schedule for emails: (para 10)

As with any departmental record, e-mail records may have various retention periods depending on their content. It is not possible to apply one rule to delete all e-mail messages after a defined period of time. Normally, e-mails are processed either in the e-file or in the paper file and, in such cases, therefore, their retention period will depend upon the nature and subject of the file and the retention schedule needs not be applied to the e-mails individually.

E-mail records may only be disposed of in conjunction with approved retention schedules. Retention schedules currently used for departmental paper-based records can be applied to e-mail records maintained in electronic format.

9) Deleting emails: (para 10.1)

It is the responsibility of the originator or recipient of the e-mail messages to determine which e-mails are records and must be retained and which can be deleted. The e-mails may be deleted, if Departmental instruction permits, immediately after they have been printed and filed or copied in other system with its attachments and other requisite details. Users should perform regular clean-ups of the e-mail "in-box" and "sent items" folder by filing e-mail records and by deleting the others.

E-mail messages may still be stored on departmental file servers or back-up tapes even after they are deleted from the desktop. Back-ups are performed on the e-mail system on a regular basis. Also, other recipients or senders may keep electronic or paper copies of the e-mail messages, and/or may have forwarded them to others. ***Users should not assume that because they have deleted the e-mails from computer files they no longer exist.***

Note: This explanation is good as a deleted mail may still be recoverable in theory if all steps have not been taken to ensure complete destruction of the record.

There's more in the actual text. I hope this will be to use to the readers. Please circulate this as widely as possible.

Thanks

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