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January 27, 2015

Alderwoman Milele Coggs, Chairwoman
City Information Management Committee
City Hall, Room 205

Ms. Nancy Olson
Chief Information Officer
DOA-Information and Technology Management Division
809 North Broadway, Fourth Floor

Re: City Information Management Committee request for
legal opinion on e-mail record retention

Dear Chairwoman Coggs and Ms. Olson:

This letter is in response to your request for a legal opinion relating to the legal requirements for e-mail record retention.

As you may be aware, under the law all government records are subject to a default record retention schedule of seven years, (Wis. Stat. § 19.21(4)(b)4), unless a shorter time is requested and is approved by the State Public Records Board, or unless a longer retention period is required by another statute. Id. Record retention schedules are determined by the content of the record not the format of the record. For example, in our office if the record relates to litigation the record must be maintained for 20 years. It is not feasible to designate a specific record retention schedule for e-mail records because the content of each e-mail record varies.

Generally, the content of most e-mail could appropriately be set for a seven year record retention schedule. Individual City e-mail users would have to be educated, however, to the fact that they must consider the content of each e-mail and its attachments, if any, and make a determination on a case-by-case basis on whether an individual e-mail may be subject to a longer or shorter retention schedule.

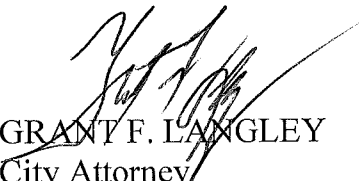


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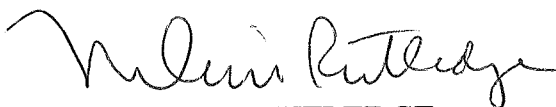
The CIMC may wish to consider developing a policy, consistent with its duties under § 320-31-3-a of the Milwaukee Code of Ordinances, to determine whether individual e-mail users or the CIMC and ITMD should determine the proper process for retaining, storing and retrieving e-mail messages. Keep in mind that it is important that Committee policy recommendations relating to e-mail record retention must ensure accurate and consistent retention of e-mail records in compliance with the record retention law. Wis. Stat. § 19.21.

We hope the above answers your questions and concerns. If you have any additional questions, please do not hesitate to contact us.

Very truly yours,



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