

State of North Carolina



MICHAEL F. EASLEY
GOVERNOR

EXECUTIVE ORDER NO. 150 E-MAIL RETENTION AND ARCHIVING

WHEREAS, the North Carolina Public Records Law declares that the public records and information compiled by the agencies of North Carolina government are the property of the people; and

WHEREAS, all e-mail messages sent and received in connection with state business are public records; and,

WHEREAS, a transparent government and the citizens' right to access public records, are of paramount importance; and

WHEREAS, as a result of changing technology and the need to ensure that public records are properly preserved, I established the E-Mail Records Review Panel to review and recommend changes to the current e-mail and electronic text communication record retention policies for North Carolina's executive branch agencies; and

WHEREAS, the E-Mail Records Review Panel met six times, which included public hearings where the Panel heard from representatives from the North Carolina Press Association, the North Carolina Association of Broadcasters, the State Employees Association, and other interested parties; and

WHEREAS, the E-Mail Records Review Panel submitted to me its recommendations and proposed changes to current e-mail and electronic text communication record retention policies; and

WHEREAS, I have carefully reviewed and considered the E-Mail Records Review Panel's recommendations and proposed changes regarding current e-mail and electronic text communication ("e-mail") record retention policies.

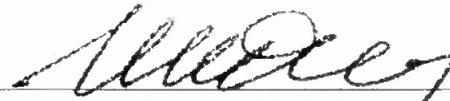
NOW, THEREFORE, pursuant to the authority vested in me as Governor by the Constitution and the laws of the State of North Carolina, **IT IS ORDERED THAT:**

1. Executive Branch employees shall treat all e-mail messages, which they send or receive via state government e-mail accounts as public records and shall handle and maintain them in compliance with the Public Records Law and records retention policies in the same manner as paper documents or other tangible records.
2. Executive Branch employees shall not delete in a 24-hour period any e-mail messages sent or received in the course of conducting State business.
3. Executive Branch employees shall not use state e-mail accounts for political purposes.
4. Executive Branch employees shall not use state e-mail accounts for personal purposes except to communicate about family matters. All employees shall assume that information on the state's e-mail system is subject to public review and to review by state officials.
5. All outgoing e-mails sent from Executive Branch state e-mail accounts shall include language notifying the recipient(s) that the message is subject to the Public Records Law and may be disclosed to third parties.
6. Employees who conduct public business via personal e-mail accounts or non-government technology shall ensure that all public records are properly retained and archived pursuant to the Public Records Law and applicable record retention schedules.
7. The Department of Cultural Resources (DCR) shall provide all Executive Branch employees with online training for managing e-mail as public records, which training shall be mandatory for all employees who handle public records.
8. Information Technology Services (ITS) shall copy all Executive Branch agencies' e-mail messages to backup tapes at least once daily and shall retain the tapes for a minimum of ten (10) years.
9. Executive Branch agencies shall collaborate with the State Chief Information Officer (CIO) and DCR to employ a software platform that complies with the E-Mail Records Review Panel's recommendations, including saving backup tapes for a minimum of ten years.
10. As soon as possible, the Office of the State CIO shall procure, through the competitive bidding process, an archive system and shall work jointly and in collaboration with DCR to provide the archives/records management software package to be used by state agencies.

11. Executive Branch agencies shall follow all other directives issued by the Office of the Governor pertaining to e-mail retention and archiving policies, consistent with North Carolina law and record retention schedules.
12. DCR shall conduct random audits of state agencies in the Executive Branch to ensure that employees are in compliance with the records retention and disposition schedules and DCR shall conduct annual reviews of backup tape requests and provide reports to the State CIO and the Office of the Governor.
13. State agencies outside the Executive Branch and not directly subject to this order are invited and encouraged to review and revise their e-mail and electronic text communication record retention policies consistent with this Executive Order.

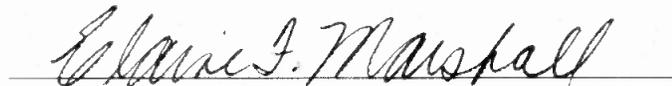
IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this the ninth day of January in the year of our Lord two thousand and nine, and of the Independence of the United States of America the two hundred and thirty-third.





Michael F. Easley
Governor

ATTEST:



Elaine F. Marshall
Secretary of State