

**Department of Veterans Affairs
Washington, DC 20420**

**VA DIRECTIVE 6301
Transmittal Sheet
April 24, 1997**

ELECTRONIC MAIL RECORDS

1. REASON FOR ISSUE. This directive establishes Department of Veterans Affairs (VA) policies for the implementation of requirements as stipulated in regulations promulgated by the National Archives and Records Administration in the Federal Register of August 28, 1995, for Federal records created or received in electronic mail applications.

2. SUMMARY OF CONTENT/MAJOR CHANGES. This directive sets forth new policies and responsibilities for managing the creation, maintenance, use, and disposition of Federal records created or received in electronic mail applications.

3. RESPONSIBLE OFFICE. The Information Management Service (045A4), Office of the Deputy Assistant Secretary for Information Resources Management (045) is responsible for the material contained in this directive. Comments, questions, or suggestions may be addressed to that office at 810 Vermont Avenue, NW, Washington, DC 20420.

4. RELATED HANDBOOK. VA Handbook 6301, Procedures for Handling Electronic Mail Records.

5. RESCISSION. None

CERTIFIED BY:

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BY DIRECTION OF THE SECRETARY OF VETERANS AFFAIRS

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ELECTRONIC MAIL RECORDS

1. PURPOSE. This directive provides Department-wide policy for the creation, maintenance, use, and disposition of Federal records created or received using electronic mail applications. The provisions of this directive are applicable to all elements of the Department.

2. POLICY

a. The electronic mail activities and practices of all VA components will be fully consonant

with regulations established by the National Archives and Records Administration (NARA)

for Federal records created or received in electronic mail applications.

b. VA will establish and maintain standards for the management of electronic mail records, including attachments thereto, to ensure that they are properly managed and retained on the same basis as Federal records in other media.

c. VA will use the Federal standards contained in 36 CFR 1234 to manage Federal electronic mail records that are maintained in an electronic recordkeeping system.

d. VA will preserve Federal electronic mail records created or received by printing them out, when paper files are used as recordkeeping systems.

e. VA electronic mail messages are for the purpose of official business only; electronic mail

systems will be used by authorized personnel only. No expectation of privacy or confidentiality applies.

f. All VA employees are subject to the provisions of 36 CFR (Code Of Federal Regulations) as it pertains to electronic mail.

g. Electronic mail messages are records when they are made by VA under Federal law or in

connection with public business; and are preserved or are appropriate for preservation as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government, or because of the information value of the data in them. The following are examples of electronic mail messages that constitute Federal records:

(1) Electronic mail that provides key substantive comments on a draft action memorandum if

the electronic mail message adds to a proper understanding of the formulation or execution of

VA action.

(2) Electronic mail that provides documentation of significant VA decisions and commitments reached orally (person-to-person, by telecommunications, or in conference) and that is not otherwise documented in VA files.

(3) Electronic mail that conveys information of value on important VA activities if the electronic mail message adds to a proper understanding of VA operations and responsibilities.

h. VA will preserve the following categories of materials created or received through electronic mail systems:

(1) Electronic mail records that document the formulation and execution of basic policies and decisions.

(2) Records that document important meetings.

(3) Records that denote actions taken by VA officials and their successors.

(4) Records that make possible a proper scrutiny by the Congress or other duly authorized agencies of the Government.

(5) Records that protect the financial, legal, and other rights of VA and of persons directly affected by the Department's actions.

g. Electronic mail messages that are not Federal records may be subject to pending requests and demands under the Freedom of Information Act, the Privacy Act, and litigation and court orders, and must be preserved until no longer needed for such purposes.

h. Prior to deletion of an electronic mail message, independent consideration will be made by the sender and the person who receives the electronic mail message whether or not it meets the definition of a Federal record. If so, then the message, along with essential transmission and receipt data (names of sender and addressee(s) and date message was sent) must be preserved for each electronic mail record in order for the context of the message to be understood.

i. Preserved electronic mail messages, along with essential transmission and receipt data, will be filed with related files. Disposition of preserved electronic mail records will be made only in accordance with an authorized records disposition schedule.

3. RESPONSIBILITIES

a. Secretary of Veterans Affairs. The Secretary or Deputy Secretary will ensure that an effective electronic mail records program is established and maintained and will notify NARA of

the name and title of the individual assigned Department-wide responsibility for implementation

of the provisions of this directive.

b. Chief Information Officer. The VA's Chief Information Officer, will:

(1) Establish policies and procedures to implement the provisions of 36 CFR for administering the electronic mail records program to ensure that all electronic mail records are received, created, maintained, protected, released, and disposed of as required by the applicable laws and regulations.

(2) Issue changes to this directive that are necessary to implement and manage the VA electronic mail records program.

(3) Advise and assist Administration Heads, Assistant Secretaries, and Other Key Officials concerning the electronic mail records program.

(4) Ensure that all information management policies, procedures, or guidelines that relate to the creation, adequacy of documentation, maintenance, use, and preservation or destruction of electronic mail records are coordinated with affected Administration Heads, Assistant Secretaries, and other key officials.

(5) Establish procedures, reporting requirements, and formats for monitoring the Department's administration of the electronic mail records program.

(6) Ensure that all electronic mail records management policies, procedures, or guidelines that relate to national security or to emergency management functions are coordinated with the Deputy Assistant Secretary for Security and Law Enforcement, and that electronic mail records activities are coordinated with organizational Records Officers.

(7) Designate the VA Records Officer to serve as liaison with NARA regarding electronic

mail records management affairs.

c. Administration Heads, Assistant Secretaries, and Other Key Officials. These individuals will:

(1) Establish procedures as required to address unique situations not covered in Department-wide procedures to implement the provisions of this directive to ensure that electronic mail records and information are received, maintained, and released in accordance with the Privacy Act, the Freedom of Information Act (FOIA), and VA's confidentiality statutes.

(2) Ensure that Federal records created or received on electronic mail systems are identified, maintained, and that disposition authorities are followed and/or established in accordance with NARA regulations.

(3) Ensure that all employees are aware of the provisions of this directive, before they are given access to an electronic mail system, and applicable Federal laws governing the receipt, maintenance, release, and disposition of electronic mail records and information. Particular effort will be made to ensure that all employees are familiar with criminal and civil penalties for willfully violating the Privacy Act or willfully destroying records and information that are not authorized for destruction.

(4) Seek advice and assistance as needed from the Department FOIA/Privacy Act /Records Officer

concerning problems or questions of an administrative nature that arise during implementation or operation of the program established by this directive.

(5) Establish and implement procedures for addressing electronic mail recordkeeping requirements and records disposition standards before approving new electronic information systems or enhancements to existing systems.

4. REFERENCES

- a. 36 CFR, section 1220 (Federal Records)
- b. 36 CFR, section 1222 (Creation and Maintenance of Federal Records)
- c. 36 CFR, section 1228 (Disposition of Federal Records)
- d. 36 CFR, section 1234 (Electronic Records Management).
- e. 44 U. S. C. (United States Code) 3301
- f. VA Directive 6300 (Records and Information Management)
- g. VA Handbook 6300 (Records Management Procedures)

5. DEFINITIONS

a. Electronic Mail. A document created or received on an electronic mail system including brief notes, more formal or substantive narrative documents, and any attachments, such as word processing and other electronic documents, which may be transmitted with the message.

b. Electronic Mail Record. A document created by or received via an electronic mail application system in a form that only a computer can process whose contents satisfy the definition of a Federal record as specified in 44 U. S. C. 3301.

c. Electronic Mail System. A computer application used to create, receive, and transmit messages and other documents. Excluded from this definition are file transfer utilities (software that transmits files between users but does not retain any transmission data), data systems used to collect and process data that have been organized into data files or data bases on either personal computers or mainframe computers, and electronically generated documents not transmitted on an electronic mail system.

d. Federal Record. All books, papers, maps, photographs, machine readable materials or other documentary materials, regardless of physical form or characteristics, made or received by an agency of the United States Government under Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor 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. Library and museum material made or acquired and preserved solely for reference or exhibition purposes, extra copies of documents preserved only for convenience of reference, and stocks of publications and of processed documents are not included.

e. Transmission Data. Information in electronic mail systems regarding the identification of sender and addressee(s), and the date and time messages were sent.

f. Receipt Data. Information in electronic mail systems regarding date and time of receipt of a message, and/or acknowledgment of receipt or access by addressee(s).

g. Recordkeeping System. A manual or electronic system in which records are collected, organized, and categorized to facilitate their presentation, retrieval, use, and disposition.