

## Public Electronic Mail Records

Electronic mail is an electronic message that is transmitted between two or more individuals, whether or not the message is converted to hard copy format after receipt and whether or not the message is viewed upon transmission or stored for later retrieval. Electronic mail includes all electronic messages that are transmitted through a local, regional, or global digital network.

All district electronic mail is district property, and is intended for the purpose of conducting official district business only. District electronic mail systems are not intended for personal use by employees of the district and employees should have no expectation of privacy when using the electronic mail systems.

Users of district e-mail systems are responsible for their appropriate use. All illegal and improper uses of the electronic mail system, including but not limited to pornography, obscenity, harassment, solicitation, gambling and violating copyright or intellectual property rights are prohibited.

Disclosure of confidential student records, including disclosure via electronic mail or other telecommunication systems, is governed by the Family Educational Rights and Privacy Act (FERPA). Therefore, the sharing of student records or other confidential information with persons or agencies outside the school district via e-mail is prohibited without prior written consent of the student's parent/guardian, unless disclosure is under an exception to FERPA (See policy JRA/JRC, Student Records/Release of Information on Students for detailed information on student records and FERPA) Any email containing confidential information sent outside the district must be encrypted with current district encryption services. student records and other confidential information may be shared with other district staff members via e-mail, as long as the staff member with whom the records are shared has a legitimate educational interest in the student and the records are shared for a legitimate educational purpose.

The district retains the right to review, store and disclose all information sent over the district electronic mail systems for any legally permissible reason, including but not limited to determining whether the information is a public record, whether it contains information discoverable in litigation and to access district information in the employee's absence.

Electronic mail sent or received by the Board, the district or the district's employees may be considered a public record subject to public disclosure or inspection under the Colorado Open Records Act. All district electronic mail will be archived for a

period of two years, after which it will be deleted from both the district email archive and the user mailbox.

District employees shall be subject to disciplinary action for violation of this policy and regulation.

Adopted: March 2004  
Revised: March 14, 2017

LEGAL REFS.: C.R.S. 24-6-402(2)(d)(III) *(if discuss pending legislation or public business via e-mail, e-mail is subject to open meetings requirements)*  
C.R.S. 24-72-204.5 *(district must adopt policy on monitoring e-mail)*  
C.R.S. 24-80-101 *et seq. (State Archives and Public Records)*

CROSS REFS.: GBEE\*, Staff Use of Internet and Electronic Communications  
GBJ, Personnel Records/Files  
JRA/JRC, Student Records/Release of Information on Students  
JS\*, Student Use of Internet and Electronic Communications  
KDB, Public's Right to Know/Freedom of Information

Garfield School District No. Re-2, Rifle, Colorado