

WHITING FORENSIC HOSPITAL OPERATIONAL PROCEDURE MANUAL

SECTION II:	ORGANIZATION FOCUSED FUNCTIONS
CHAPTER 8:	Management of Human Resources
PROCEDURE 8.44:	Electronic and Voicemail
Governing Body Approval:	April 29, 2018
REVISED:	

PURPOSE: To provide guidelines for the management and retention of electronic and voice mail.

SCOPE: All WFH staff

PROCEDURE:

I. Electronic Mail

- A. E-mail is a means of sending messages between computers using a computer network or over a modem connected to a telephone line. This information consists primarily of messages, but may also include attachments such as calendars, directories, distribution lists, word-processing documents, spreadsheets, and other electronic documents. E-mail is stored in a digital format rather than on paper and is retrievable at a future date. Due to the format, e-mail permits instant communication and transmittal of up-to-date information similar to the telephone. Unlike voice mail, e-mail creates a record of the information being transmitted.
- B. A public record is considered any recorded data or information relating to the conduct of the public's business prepared, owned, used, or received by a public agency, whether such data or information is handwritten, typed, tape-recorded, printed, photocopied, photographed or recorded by any method. A message sent or received by e-mail in the conduct of public business is a public record.

- C. There are three broad categories of e-mail sent and received by public officials. Each has its own guidelines for retention:
1. Transitory messages, including copies posted to several persons and casual and routine communications similar to telephone conversations: these have no retention requirement. Public officials and employees receiving such communications may delete them immediately without obtaining the approval of the Office of the Public Records Administration and State Archives.
 2. Public records with a less than permanent retention period: follow retention period guidelines for equivalent hard copy records as specified in an approved retention schedule. (The approved retention schedule may be obtained from the Facility Human Resource Department or the DAS website <http://www.das.state.ct.us>.) The record must be in hard copy or electronic format that can be retrieved and interpreted for the legal retention period. When there is a doubt about the retrievability of an electronic record over the life span of that record, the record should be printed out. These records may only be deleted or destroyed after receiving signed approval from the Office of the Public Records Administrator.
 3. Public records with a Permanent or Permanent/Archival retention period: for these records, retention may be in the form of a hard-copy printout or microfilm that meets microfilm standards established by the Connecticut State Library. The information must be eye readable without interpretation.
- D. Whiting Forensic Hospital (WFH) Executive Managers, with consultation from the Facility Director of Human Resources, are responsible for instructing their employees in determining which e-mail messages fall in each of the three categories mentioned above, in using retention schedules and in securing approval for destruction. Depending upon the function of the public record being generated by e-mail, Executive Managers may take steps to institute procedures for routinely printing e-mail records, including all transmission and receipt data in the system, and filing the printouts in the normal course of business.
- E. E-mail messages sent as part of an employee's workday are not "private" but are discoverable communications and may be subject to the Freedom of Information (FOI) Act. Since messages may be retained at different locations or levels of the system, users must remember their communication can be retrieved during formal discovery processes. Employees must use discretion when using this or any other new technology to send, record, and/or retain communications.
- F. Electronically transmitted information travels through many networks, and many different computer connections. Unless encrypted, this information is not secure, and

should not be considered private. Employees should not use e-mail for confidential issues.

- G. The same applicable statutory or regulatory requirements that prohibit disclosure of certain information in any format apply for e-mail. Of special concern is the confidentiality of individually identifiable health and personal information. These statutes and regulatory requirements must be observed when transmitting information by any method of communication, including e-mail, voice, or written communications.
- H. Some records may require original signatures. Employees must abide by any state or federal laws that affect the way a document is signed, including the one statute in Connecticut that specifically covers electronic signatures (Section 10a – 25a of the Connecticut General Statutes, which authorizes the use of electronic signature for medical records). This does not mean that electronic signature may not be used to transact other types of business, but it is suggested that legal counsel be consulted first.

II. Voice Mail

- A. Voice mail (including answering machines) can be considered a type of electronic mail communication. In this case, the message is recorded in an audible rather than a visible format.
- B. Voice mail is transitory in nature, and may be deleted at will. There are times when voice mail or answering machine messages may require a longer retention period. This is in cases where there the message may be potentially used as evidence in a trial, such as a bomb threat, or in some other illegal activity. Voice mail may be subject to the discovery process in litigation.

References: Connecticut General Statutes Sections 1 – 18a, 7-109,11-8,11-8a, and 19a – 25a. Connecticut State Library General Letters 96-2 and 98-1.