

Public Electronic Mail Records

Electronic mail is an electronic message that is transmitted between two or more computers or electronic terminals, 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 computer network.

All district electronic mail systems are owned by the district and are 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.

User 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. Use of the electronic mail system for which the district will incur an expense without expressed permission of a supervisor is 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). 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 Board and district electronic mail communications will be monitored in accordance with the attached regulation to ensure that all public electronic mail records are retained, archived and destroyed in compliance with state law.

The custodian of records for the district will assist the public in locating any specific public electronic mail record requested and will ensure public access to public electronic mail records without unreasonable delay or cost.

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

Adopted: August 12, 1997

Revised: October 12, 2010

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*)
CRS 24-80-101 *et seq.* (*State Archives and Public Records Act*)

CROSS REF.: 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

Swink School District #33, Swink, Colorado