

Resolution No. 31212

A RESOLUTION concerning the City's retention of email; reaffirming the City's commitment to managing the preservation and destruction of public records in accordance with State records law and the City's approved records retention schedules; and requesting modification to the City's email system.

Related Legislation File: _____

Date Introduced and Referred: <u>May 3, 2010</u>	To: (committee): <u>Regional Development and Sustainability</u>
Date Re-referred:	To: (committee):
Date Re-referred:	To: (committee):
Date of Final Action: <u>10.3.11</u>	Date Presented to Mayor: <u>—</u>
Date Signed by Mayor: <u>+</u>	Date Returned to City Clerk: <u>10.3.11</u>
Published by Title Only <u>X</u>	Date Returned Without Concurrence:
Published in Full Text	

The City of Seattle – Legislative Department

Resolution sponsored by: Richard Conlin

Committee Action:

Date	Recommendation	Vote
<u>9/4</u>	<u>hold legislation</u>	
<u>9/20/11</u>	<u>Approve as amended</u>	<u>3-0</u> <u>RC, MO, SG</u>
<u>9/20/11</u>	<u>hold until 10/3/11 Full Council</u>	

This file is complete and ready for presentation to Full Council. Paul L

Full Council Action:

Date	Decision	Vote
<u>10.3.11</u>	<u>Adopted</u>	<u>9-0</u>

RESOLUTION 31212

A RESOLUTION concerning the City's retention of email; reaffirming the City's commitment to managing the preservation and destruction of public records in accordance with State records law and the City's approved records retention schedules; and requesting modification to the City's email system.

WHEREAS, RCW 40.14 governs the preservation and destruction of the City's records; and

WHEREAS, under SMC 3.123, the City Records Manager has final authority regarding the disposal of City records in compliance with State law; and

WHEREAS, the City Records Manager is responsible for revising the scope of the City Records Management Program as needed to include current technology and for conducting audits of City agencies to ensure compliance with approved policies and procedures; and

WHEREAS, email is a critical communication tool used to transact City business; and

WHEREAS, compliance with State records law requires that the disposition of each email be determined based on its content, and it is the City email user's responsibility to delete or retain email according to approved retention schedules; and

WHEREAS, the automatic purge of email based on date sent or received may cause the unintentional loss of records; and

WHEREAS, the appraisal and management of records designated by the State and Municipal Archives as potentially archival is the responsibility of the Seattle Municipal Archives program of the City Clerk, under SMC 3.122.050;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE THAT:

Section 1. The City Council supports the elimination of the City's 45-day purge setting, which automatically purges all City email that has not been actively archived by the recipient, forty-five days after initial receipt, as this rule is potentially inconsistent with an email management system that requires the email user to actively manage email records based on content.

1 Section 2. The City Council acknowledges that the Office of the Mayor and the
2 Department of Information Technology (DoIT), in managing the City's email system, have
3 developed an email archiving and records management protocol, which relies on (a) required
4 City Records Management Training for all City employees, (b) a professional expectation that
5 employees will manage and archive their email appropriately, and (c) the 45-day purge setting.

6 Section 3. DoIT, in consultation with the Mimosa System Operations and Governance
7 Committee is requested to research and adopt systems to ensure that City email is not purged
8 prior to being actively managed by city staff. DoIT should begin this process by implementing a
9 Pilot Project, based on Exhibit A to this resolution, which includes modifications to Mimosa, the
10 City's email archiving software system, to extend the availability of email for appropriate
11 management and archiving for an additional 45 days from its purge date, for a total of up to
12 ninety (90) days from initial receipt of the email. The Pilot Program should include
13 implementing a 256 megabyte Outlook Inbox limit as a test to determine how effectively this
14 system supports proper retention of email records. Email messages thus preserved would be
15 maintained with their attachments and metadata in a widely compatible electronic format.

16 The City Council requests that DoIT develop a viable, functional long-term solution or
17 solutions and a related funding and implementation proposal, to be delivered to the City Council
18 during the first quarter of 2012. The long-term proposal should be developed in cooperation with
19 the City Records Manager. It is the intent of the City Council that the system, when adopted, be
20 implemented in accordance with this Resolution until otherwise directed by the City Council or
21 the City Records Manager.
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Section 4. The following, existing key City policies and concepts relating to records would not be affected by the proposed change:

1) Individual City email accounts are to be managed by their account owners according to the City's Records Retention Schedules and as trained by the Citywide Records Management Program. Transitory email, as defined in the City's Records Retention Schedules, shall be deleted by the user as soon as its informational purpose has been served. Substantive email reflecting the conduct of City business shall be retained based on the content of the record according to the City's Records Retention Schedules and procedures approved by the City's Records Manager.

2) The Citywide Records Management Program shall continue to train staff in management of email according to City policy and State law.

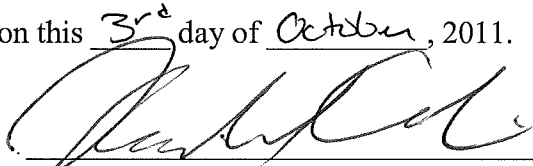
3) No email that is responsive to an open legal discovery hold or to a public records request under RCW 42.56 shall be knowingly modified or deleted by a City employee while that legal discovery hold is open, or while that records request is unfulfilled, regardless of whether the email is transitory or substantive, and regardless of whether or not it has met its approved retention period under the City's retention schedules.

4) Anonymous unsolicited messages or solicitations of a general nature ("spam") may be filtered and deleted programmatically by DoIT.

5) The email of City employees and officials whose email correspondence is potentially archival shall be transferred to the Seattle Municipal Archives as arranged by the City Archivist in consultation with the City Records Manager.




Adopted by the City Council the 3rd day of October, 2011, and signed by me in
open session in authentication of its adoption this 3rd day of October, 2011.



President _____ of the City Council

Filed by me this 3rd day of October, 2011.



City Clerk

(Seal)

Attachment:

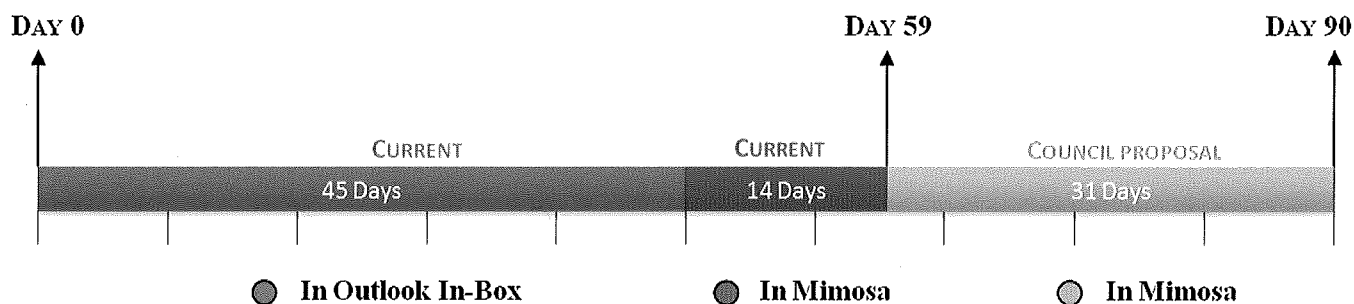
1) Exhibit A. Email Purge Setting Pilot Project Proposal.



Exhibit A to Resolution 31212: Email Purge Setting Pilot Project Proposal

CURRENT STATUS.

- The City has a 45-day purge setting for all City email users.
- If a user gets an email and does not a) delete it, or b) move it to Mimosa or a Cabinet folder, the 45-day purge setting sweeps it up and purges it from the Outlook Inbox on Day 46.
- The Data Protection Policy keeps a copy of every email – in Mimosa, the City's e-mail archiving program – for 14 days after (a) a user, or (b) the purge setting, purges it.
- This means that an email message that is not moved to Mimosa or a Cabinet folder may be retrievable for 59 days after it is initially received (45 days in Outlook + 14 days in Mimosa).
- Council is concerned that e-mail messages may be purged by the 45-day purge setting before users have had the chance to manage (and archive) their e-mail accounts appropriately.
- Separately, DoIT will soon establish a 256 MB Outlook Inbox Size Limit for all City employees.
- Most users do not currently have Outlook Inbox size limits.
- Exceptions to the 256 MB limit will be allowed for elected officials and a small number of City employees.
- This Resolution, introduced in 2010 and scheduled for discussion and vote at Council on August 16, 2011, states that the City should retain email correspondence for greater than the current 45 Day purge setting allows.
- Moving to a two-year auto-retention period for all City employees for all email users would cost \$1.3 to \$1.7 million, according to DoIT's 2010 estimates.
- The City Council wants to explore whether the City can enhance e-mail retention more efficiently, with far fewer resources.
- To do so, the Council wishes to extend the Mimosa Data Protection Policy from 14 to 45 days (31 add'l days).
- This means that any email deleted by the 45-day purge setting would be retrievable for 45 additional days.
- The practical effect is that users could have up to 90 days, from the time an email is received, to archive or otherwise manage it, before it is permanently purged from the City's systems. The chart below shows the location of an email received, from Day 0 (initial receipt) to Day 90, under this proposal:



PILOT PROJECT PROPOSAL:

The City Council is proposing a minimal-cost Pilot Project:

- a) In the short term, identify a small "test group" of 150-175 City e-mail users to participate in a pilot project. Test group members would likely be in management or policy development.
- b) Extend the Mimosa Data Protection Policy for this test group from 14 to 45 days (an increase of 31 days).
- c) DoIT believes that this pilot project will be possible using existing computing resources, at no increased cost to the City.
- d) After 3-6 months, DoIT will review the change in Mimosa Server Storage Space for these "test group" e-mail users, and compare it against other City e-mail users, who do not have this enhanced Data Protection Policy.

POSSIBLE LONG TERM OPTIONS.

Council requests that DoIT develop a proposal for a long term strategy for email management that ensures email is not purged prior to being actively managed by city staff, with cost estimates, according to the timeline established in this resolution. This strategy might include applying this Data Protection Policy enhancement to all City e-mail users who produce records likely to need to be retained, as well as additional approaches. The costs of and financing for implementation are unknown. Council would likely review any implementation proposal in the context of the annual budget process, or via another budget appropriation ordinance

DoIT does not currently know how much Server Storage Space this 31-day increase in the Data Protection Policy will require, for either the Pilot Project or the Long-Term Proposal. If additional server storage space is required, DoIT does not know the full cost of that incremental server space.

- Pursuing this Pilot Project should give DoIT and City policymakers better information with which to make a subsequent decision.

USERS AFFECTED.

This pilot will include a subset of the City's 11,000 e-mail users who are more likely to have records that have longer retention periods, per State law. These users are likely to be involved in Management, Human Resources, Contracting and Policy Development. Council expects that the City can determine the appropriate pilot users via a working group of Council, DoIT, City Attorney and City Budget Office staff. This overall number may be between 1,000 and 2,500 email users, but is not definitively known at this time. The City Council expects to review this issue further, once data from the Pilot Project is available.



FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	DOF Analyst/Phone:
Legislative	Catherine Moore/684.8805 Kieu-Anh King/684.4678	N/A

Legislation Title:

A RESOLUTION concerning the City's retention of email; reaffirming the City's commitment to managing the preservation and destruction of public records in accordance with State records law and the City's approved records retention schedules; and requesting modification to the City's email system.

• **Summary of the Legislation:**

The Resolution requests that the City's Department of Information Technology (DoIT) adopt systems to provide additional assurances that City email is not purged prior to being actively managed by city staff. The Resolution specifically requests that DoIT accomplish this by implementing a pilot project to extend the Mimosa Data Protection Policy from 14 days to 45 days, for a select group of email users, which would extend the availability of city email correspondence for up to 90 days total, from date of initial receipt.

The City Council requests a final implementation proposal and cost estimate from DoIT in the first quarter of 2012. The short-term pilot project is not expected to have a direct fiscal impact, though the long-term proposal, which has not yet been decided on or developed, will likely involve increased City staff costs and expenses related to email server storage space.

At this time, these exact costs are unknown. The short-term pilot project is intended to provide these estimates.

Existing City policies concerning email retention would not be affected.

• **Background:**

The Resolution is part of the Council's ongoing effort to enhance the public's access to public records. This ongoing effort includes Council's 2009 actions to implement new record retention policies and regulations that support recommendations in the May 2008 Performance Audit report of the Washington State Auditor's office concerning open public records practices of 30 government entities.

X This legislation does not have any financial implications.

(Please see notes above.)



RESOLUTION _____

A RESOLUTION concerning the City's retention of email; reaffirming the City's commitment to managing the preservation and destruction of public records in accordance with State records law and the City's approved records retention schedules; and requesting modification to the City's email system.

WHEREAS, RCW 40.14 governs the preservation and destruction of the City's records; and

WHEREAS, under SMC 3.123, the City Records Manager has final authority regarding the disposal of City records in compliance with State law; and

WHEREAS, the City Records Manager is responsible for revising the scope of the City Records Management Program as needed to include current technology and for conducting audits of City agencies to ensure compliance with approved policies and procedures; and

WHEREAS, email is a critical communication tool used to transact City business; and

WHEREAS, compliance with State records law requires that the disposition of each email be determined based on its content, and it is the City email user's responsibility to delete or retain email according to approved retention schedules; and

WHEREAS, the automatic deletion of email based on date sent or received may cause the unintentional loss of records; and

WHEREAS, the appraisal and management of records designated by the State and Municipal Archives as potentially archival is the responsibility of the Seattle Municipal Archives program of the City Clerk, under SMC 3.122.050;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE THAT:

Section 1. The Department of Information Technology (DoIT) is directed to adopt systems to ensure that City email is not automatically deleted prior to the minimum time period approved by the State Archives for retention of official correspondence. Email messages thus preserved would be maintained with their attachments and metadata in a widely compatible electronic format.



1 The City Council recommends that DoIT develop a viable, functional solution and a
2 funding proposal for the above described change, to be included in its Proposed Budget for 2011.
3 The system should be developed in cooperation with the City Records Manager. It is the intent
4 of the City Council that the system, as adopted, be implemented in accordance with this
5 Resolution until otherwise directed by the City Council or the City Records Manager.
6

7 Section 2. The following, existing key City policies and concepts relating to records
8 would not be affected by the proposed change:

9 1) Individual City email accounts are to be managed by their account owners according
10 to the City's Records Retention Schedules and as trained by the Citywide Records Management
11 Program. Transitory email, as defined in the City's Records Retention Schedules, shall be
12 deleted by the user as soon as its informational purpose has been served. Substantive email
13 conducting City business shall be retained based on the content of the record according to the
14 City's Records Retention Schedules and procedures approved by the City's Records Manager.
15

16 2) The Citywide Records Management Program shall continue to train staff in
17 management of email according to City policy and State law.
18

19 3) No email that is responsive to an open legal discovery hold or to a public records
20 request under RCW 42.56 shall be knowingly modified or deleted by a City employee while that
21 request or hold is open, regardless of whether the email is transitory or substantive, and
22 regardless of whether or not it has met its approved retention period under the City's retention
23 schedules.
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1 4) Anonymous unsolicited messages or solicitations of a general nature ("spam") may be
2 filtered and deleted programmatically by DIT.

3 5) The email of City employees and officials whose email correspondence is potentially
4 archival shall be transferred to the Seattle Municipal Archives as arranged by the City Archivist
5 in consultation with the City Records Manager.
6

7
8 Adopted by the City Council the ____ day of ____, 2010, and signed by me in
9 open session in authentication of its adoption this ____ day of ____, 2010.
10

11 _____
12 President ____ of the City Council
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14 Filed by me this ____ day of ____, 2010.
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16 _____
17 City Clerk
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(Seal)

FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	DOE Analyst/Phone:
Legislative	Carol Shenk/684-5474	NA

Legislation Title:

A RESOLUTION concerning the City's retention of email, reaffirming the City's commitment to managing the preservation and destruction of public records in accordance with State records law and the City's approved records retention schedules; and requesting modification to the City's email system.

Summary of the Legislation:

The Resolution requests that the City's Department of Information Technology (DoIT) adopt systems to ensure that City email is not automatically deleted prior to the minimum time period approved by the State Archives for retention of official correspondence.

The City Council recommends that DoIT develop a viable, functional solution and a funding proposal for the above described change, to be included in its Proposed Budget for 2011. While the Council's Resolution does not have a direct fiscal impact, it is anticipated that the proposed 2011 budget may reflect additional expenditures needed to implement an extended email retention and archival policy.

Existing City policies concerning email retention would not be affected.

- **Background:** *(Include brief description of the purpose and context of legislation and include record of previous legislation and funding history, if applicable):*

The Resolution is part of the Council's ongoing effort to enhance the public's access to public records. This ongoing effort includes Council's 2009 actions to implement new record retention policies and regulations that support recommendations in the May 2008 Performance Audit report of the Washington State Auditor's office concerning open public records practices of 30 government entities.

X This legislation does not have any financial implications. *(Stop here and delete the remainder of this document prior to saving and printing.)*

STATE OF WASHINGTON – KING COUNTY

--SS.

277514
CITY OF SEATTLE, CLERKS OFFICE

No. 31212,312,319,321,326

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:TITLE ONLY RESOLUTION


was published on


10/20/11

The amount of the fee charged for the foregoing publication is the sum of \$ 75.08, which amount has been paid in full.



Affidavit of Publication



Subscribed and sworn to before me on
10/20/11 

Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle

Title Only Resolution

The full text of the following legislation, passed by the City Council on October 3, 2011, and published below by title only, will be mailed upon request, or can be accessed at <http://clerk.seattle.gov>. For information on upcoming meetings of the Seattle City Council, please visit <http://www.seattle.gov/council/calendar>.

Contact: Office of the City Clerk at (206) 684-8344.

RESOLUTION NO. 31212

A RESOLUTION concerning the City's retention of email; reaffirming the City's commitment to managing the preservation and destruction of public records in accordance with State records law and the City's approved records retention schedules; and requesting modification to the City's email system.

RESOLUTION NO. 31312

A RESOLUTION adopting new climate protection and adaptation goals for Seattle and outlining the process for updating the Seattle Climate Action Plan to provide a roadmap for achieving those goals.

RESOLUTION NO. 31319

A RESOLUTION granting conceptual approval to construct, maintain, and operate a pedestrian skybridge in the mid-block portion of the alley between 5th Avenue and 6th Avenue, south of Lenora Street, as proposed by the Hammer Company and Clise, Inc.

RESOLUTION NO. 31321

A RESOLUTION of the City Council, the Mayor concurring, requesting that the City Attorney petition the Superior Court of King County to impose a trusteeship over the Seattle Indian Services Commission in order to effectuate the conveyance of the Pearl Warren Building and the Leschi Center to the Seattle Indian Health Board with the intent of preserving the assets for the community served.

RESOLUTION NO. 31326

A RESOLUTION adopting a Sustainable Buildings and Sites Policy for municipal facilities, requesting City departments to undertake work related to implementation, and superseding Resolution 30121 which endorsed the 2000 Sustainable Building Policy.

Date of publication in the Seattle Daily Journal of Commerce, October 20, 2011.

10/20(277514)

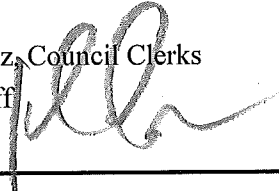


City of Seattle

SEATTLE CITY COUNCIL

STAFF MEMORANDUM

Date: 20 September 2011
To: Laurel Humphrey and Emilia Sanchez, Council Clerks
From: Kieu-Anh King, Council Central Staff
Re: Resolution No. 31212



Earlier today, the City Council's Regional Development and Sustainability made a recommendation on Resolution No. 31212, which was also amended by the Committee.

Details include:

Resolution, as it appeared in the Introduction and Referral Calendar: Version 1
Exhibit A, as it appeared in the Introduction and Referral Calendar: None
(This Exhibit did not exist at the time of Introduction.)

Resolution, as moved by the RDS Committee today: Version 10
Exhibit A, as moved by the RDS Committee today: Version 9

Versions 2 through 9 of the Resolution, and Versions 1 through 8 of Exhibit A to the Resolution, were working drafts.

I have updated the fiscal note (now Version 7a) to reflect these changes.