



**MEMORANDUM**  
Comfort Lake-Forest Lake Watershed District

**Date:** April 4, 2024  
**To:** CLFLWD Board of Managers  
**From:** Mike Kinney, District Administrator  
**Subject:** Retention of Electronic Communications Policy



**District Wide**

**Background/Discussion**

The Comfort Lake – Forest Lake Watershed District, as a public agency, is subject to state law imposing certain requirements for the District’s retention and disposition of documents that it creates and receives in carrying out its work (Minnesota Statutes §138.17). The District maintains a schedule approved in 2015 by the state Records Disposition Panel that specifies for how long particular types of records must be kept, and how they then must be archived or disposed of.

The District’s approved schedule states that electronic (email) communications need not be preserved and may be deleted on reading. The differs from the standard requirement of the Record Disposition Panel that emails pertaining to the agency’s business must be retained for three years. The latter fits with the fact that much District business is accomplished by email communication. The District has no other written policy regarding preservation of emails, and for this reason, I’ve recently observed staff deletion of email communications that has represented a loss of documentation of District activities.

I intend to amend the District’s records retention schedule to specify, in accordance with the standard requirement, that emails pertaining to District business will be retained for three years. In addition, I’m asking the Board of Managers to approve the proposed Policy Concerning Retention of Electronic Communications, to be effective immediately. This policy will establish District practice in advance of schedule amendment; define, for the guidance of District staff and managers, what constitutes “District business”; and provide guidance to staff and managers on handling electronic communications about District business.

**Recommended Motion**

Proposed Motion: Manager \_\_\_\_\_ moves to approve the Policy Concerning Retention of Electronic Communications. Seconded by Manager \_\_\_\_\_.

**Attached**

Policy Concerning Retention of Electronic Communications

Policy No.: 1000-1

Policy Title: Policy Concerning Retention of Electronic Communications

Adopted by: Board of Managers

Date Adopted: \_\_\_\_\_, 2024

External Requirements: Minnesota Statutes §138.17

**COMFORT LAKE - FOREST LAKE WATERSHED DISTRICT**  
**Policy Concerning Retention of Electronic Communications**

Adopted \_\_\_\_\_, 2024

1. Minnesota Statutes §138.17 requires that the Comfort Lake-Forest Lake Watershed District (“District”):

(a) Maintain a state-approved records retention schedule describing, among other things, for how long District hard-copy and electronic documents must be maintained; and

(b) Retain its documents in accordance with this schedule.

2. The District Board of Managers (“Board”) may prescribe additional requirements for retaining records that do not conflict with the District’s approved schedule. The purpose of this policy is to prescribe District requirements, independent of the schedule, for retaining electronic communications.

3. “Electronic communications” means all written communications that the District employee or manager sends or receives by means of a technological device that does not automatically produce the communication in a hard-copy form.

4. Employees and managers should seek to avoid creating electronic communications subject to retention in a format other than e-mail. When such a communication is created or received, it should be converted when practical into an email or hard copy format for retention.

5. Employees and managers will maintain electronic communications concerning District business for at least three years from the date of the communication, or of the last communication in an electronic thread.

(a) An employee or manager may delete electronic communications that do not concern District business at their discretion.

(b) Absent District policy specifying otherwise, electronic communications concerning District business may be deleted after three years. However:

(i) the District administrator may direct employees to retain certain communications for a longer period; and

(ii) an employee or manager should retain a communication for a longer period when, in their judgment, the communication serves an important documentation purpose for an ongoing or a historic matter.

6. For the purpose of paragraph 5, only the following electronic communications do not “concern District business”:

- (a) Communications about matters that don’t concern the District and concern the non-District business of the manager or employee.
- (b) Unsolicited communications received by the employee or manager, of the type sent by broadcast for sales or marketing purposes, or otherwise in the nature of spam.
- (c) Non-substantive communications (e.g., scheduling a meeting).
- (d) Communications that have been reproduced within the thread of another communication that is retained.
- (e) Communications that have been reproduced into hard copy that is retained.

7. Employees and managers are encouraged to avoid creating or receiving communications concerning District business on personal email accounts. If this separation is not maintained, the personal account may be subject to District review in response to a Data Practices Act request, or for record retention, litigation or another purpose.

*This policy is for internal District guidance and does not create a right in any third party. Except as constrained by law, the District Board of Managers retains its discretion to deviate from this policy as in its judgment circumstances warrant.*