

RESOLUTION NUMBER R- 313991

DATE OF FINAL PASSAGE MAR 24 2022

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO TO IMPLEMENT A FIVE-YEAR EMAIL SYSTEM RETENTION POLICY AND TO ADOPT AN AMENDMENT TO THE CITYWIDE MASTER RECORDS SCHEDULE RETAINING EMAIL RECORDS FOR TEN YEARS.

WHEREAS, the City of San Diego's (City) current email system retention policy retains emails indefinitely; and

WHEREAS, in 2014, the City moved to Office 365 with the Microsoft Outlook email system which is the current email system; and

WHEREAS, the City previously used NearPoint for its email system, and it reached end-of-life and support in 2020; and

WHEREAS, older emails are now stored in CAPAX, which replaced NearPoint; and

WHEREAS, none of these email systems were intended to be an email records retention system; and

WHEREAS, new email messages continue to accumulate at a rate of approximately 7.5 million each month or about 90 million annually, on top of the hundreds of millions of emails already in the systems that consume hundreds of terabytes of disc storage; and

WHEREAS, retention of this amount of emails creates operational challenges including some records searches running more than 24 hours which also results in more staff time needed to search and review these records in response to records requests; and

WHEREAS, some staff have reached the maximum Microsoft email box storage of 100 gigabytes, requiring manual intervention to move messages and causing system performance issues; and

WHEREAS, California Public Records Act requests to the City have increased significantly from less than 2000 requests in 2015 to over 6000 requests in 2021; and

WHEREAS, some searches have exceeded over 200,000 emails in the search results; and

WHEREAS, with an increased reliance on email messaging as the prevalent manner of communications and a steady increase in annual email volume, an indefinite retention period for emails is not sustainable for the City; and

WHEREAS, most other California jurisdictions retain emails for two years or less; and

WHEREAS, the City strives for continued transparency in its records and governance of public business; and

WHEREAS, a policy to retain emails in the City's email system for five years from their creation date would achieve that objective; and

WHEREAS, any emails pertaining to items in litigation would be given "legal hold" status and will be retained until the legal hold is removed; and

WHEREAS, by approving this Resolution, the Council of the City of San Diego is approving the policy to retain emails in the City's email system for five years from their creation date; and

WHEREAS, planning for implementation of this process includes City-wide training; and

WHEREAS, technical configurations and testing will be conducted with implementation of the new policy to begin on February 1, 2023; and

WHEREAS, implementation of a five-year email system retention policy will create one of the most open and transparent email system retention policies in the state as it will be one of the longest email retention periods in existence; and

WHEREAS, implementation of a five-year email retention policy will also produce projected cost savings over five years of \$1.2 million by eliminating electronic cloud storage and licensing fees which is in addition to the cost savings of staff time and resources expended researching for and responding to California Public Records Act requests, thus ensuring that taxpayer dollars are spent wisely and efficiently; and

WHEREAS, the City's recognized employee organizations were provided with notice of the proposed policy, and the policy will be implemented upon completion of any process required under the Meyers-Milias-Brown Act; and

WHEREAS, implementation of a five-year email system retention policy does not affect the City's existing records retention obligations as set forth in the Master Records Schedule and requirements under the law; and

WHEREAS, public entities like the City are required to maintain records of certain types and for certain periods in compliance with specific federal, state, and local laws regarding their retention; and

WHEREAS, a viable records management program is vital to minimizing the risk of loss, deterioration, or destruction of important documents that serve to promote transparency, protect rights, ensure accountability, and trace historical events; and

WHEREAS, the City established a Citywide Records Management Program in 1980 by adopting San Diego Resolution R-250975 (Jan. 14, 1980); and

WHEREAS, the Council of the City of San Diego (Council) approved San Diego Municipal Code (Municipal Code) amendments concerning records management procedures in 1982, 1987, 1995, 2003, 2012, and more recently in 2018 by San Diego Ordinance O-20960 (Jul. 20, 2018); and

WHEREAS, Ordinance O-20960 updated the Municipal Code to address evolving records management procedures and technologies including the creation of a Master Records Schedule; and

WHEREAS, the Council approved the adoption of a Master Records Schedule, a single, comprehensive Citywide records schedule by San Diego Resolution R-312004 (Oct. 22, 2018); and

WHEREAS, Municipal Code section 22.2605 requires Council approval of the Master Records Schedule and any amendments to the Master Records Schedule that add record series or change retention periods; and

WHEREAS, the Council approved the last amendment to the Master Records Schedule by San Diego Resolution R-313510 (Apr. 29, 2021); and

WHEREAS, the Master Records Schedule is proposed to be amended to change the records series and retention period for emails that are City records, as defined in Municipal Code 22.2602, to ten years or greater if that email record falls under another category or series in the Master Records Schedule; and

WHEREAS, emails that are determined to be official City records will be saved to a separate trusted system and retained for ten years; and

WHEREAS, any emails that are determined to be official City records with retention requirements greater than ten years will be retained in compliance with those requirements;

NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that this Resolution establishes the policy of a five-year email system retention replacing the existing policy that maintains emails indefinitely.

BE IT FURTHER RESOLVED, that the amended City of San Diego Master Records Schedule is hereby adopted, with a copy as adopted to be placed on file in the Office of the City Clerk as Document No. RR-313991 and also published on the City Clerk's website.

BE IT FURTHER RESOLVED, that this Resolution shall be effective on the later of the date of its final passage or the date upon completion of any process required under the Meyers-Milias-Brown Act.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Karen S. Li
Karen S. Li
Deputy City Attorney

KSL:nja
2/02/2022
Or. Dept: Department of Information Technology
Doc. No.: 2834321

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of MAR 15 2022.

ELIZABETH S. MALAND
City Clerk

By [Signature]
Deputy City Clerk

Approved: 3/24/22
(date)

[Signature]
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on MAR 15 2022, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAR 24 2022.

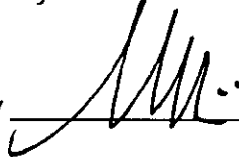
(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By , Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- <u>313991</u>