

TOWN OF LEDYARD  
POLICY GUIDELINES  
ELECTRONIC COMMUNICATION  
FOR ELECTED TOWN OFFICIALS AND APPOINTED VOLUNTEERS

This Policy provides guidance to elected officials and appointed volunteer members of the Town of Ledyard's Committees, Commissions and Board concerning electronic communication and for managing and retaining electronic messages, including e-mail, e-fax, instant messaging and text messaging under CGS 11-8; 11-8a and 7-109 related to town business and meetings.

1. DEFINITIONS

For the purposes of this Policy, the following shall mean:

Meetings

In accordance with CGS Chapter 14, Section 1-200 "*Meeting*" means any hearing or other proceeding of a public agency, any convening or assembly of a quorum of a multimember public agency, and any communication by or to a quorum of a multimember public agency, whether in person or by means of electronic equipment, to discuss or act upon a matter over which the public agency has supervision, control, jurisdiction or advisory power.

A conference call, video conference, or other communication by means of electronic equipment may constitute a meeting.

Electronic Communication/Messages

Electronic messages include e-mail, e-fax, instant messaging (IM), text messaging (SMS) and web-based messaging services.

Electronic communication/messages may be transmitted by a variety of mediums, including but not limited to computers and mobile computing devices (e.g. laptops, net books, notebooks, tablets and cellular phones).

Electronic messages are public records and under the Connecticut Uniform Electronic Transactions Act (CUETA) an electronic record is "*a record created, generated, sent, communicated, received or stored by electronic means, including, but not limited to facsimiles, electronic mail, telex and internet messaging*"(CGS 1-267).

Electronic Thread

"Electronic Thread" is any string of electronic messages.

## Public Record

Pursuant to CGS 1-200 "*public records or files*" means any recorded data or information relating to the conduct of the public business prepared, owned, used, received or retained by a public agency, whether such data or information may be handwritten, typed, tape-recorded, printed, Photostatted, photographed or recorded by any other method".

## Record Custodian

The "Record Custodian" shall be the Administrative Assistant/Support Staff for the Town Council and its Sub Committees; and the Clerical Assistant/Fiscal Assistant/Support Staff for the Committees/Commissions/Boards of the Town of Ledyard.

## 2. USE OF ELECTRONIC MESSAGES/COMMUNICATION TOOL

The following guidelines are provided for Elected Officials and Appointed Volunteer Members of Town Committees/Commissions/Board in using electronic means of communication:

- a) Use e-mail to disseminate information in an effective and timely manner.
- b) Do not engage or deliberate on content contained in electronic communications.
- c) Use of IM; Text messaging and other forms of Direct Messaging for public agency business is prohibited.

## 3. RETENTION OF ELECTRONIC MESSAGES

Retention of electronic messages is based on the content of the message. Generally, most electronic messages have limited value and can be deleted immediately upon receipt.

However, electronic messages that document agency function and provide evidence of agency business must be retained according to the records retention schedules issued by State of Connecticut Office of Public Records Administrator under CGS 7-109 and CGS 11-8.

Electronic messages are similar to traditional postal mail. The message must be evaluated for action and subsequent retention. Maintain electronic messages for the required retention period under the equivalent records series.

Steps to determine the retention period of electronic messages:

- a. Determine whether the electronic message is a public record or non-record as outlined in records series issued by State of Connecticut Office of Public Records Administrator.
- b. If message is a record, determine which records series the message belongs to; for example:
  - Transitory Correspondence, delete at will
  - Routine Correspondence, retain for two (2) years
  - All Other Correspondence, retain for the equivalent records series issued by State of Connecticut Office of Public Records Administrator.
- c. If the message is a non-record, destroy at will (e.g. publications, notices, announcements, employee activities, spam, and unsolicited advertisements; etc. )

#### 4. MANAGEMENT OF ELECTRONIC MESSAGES

For consistency in the management of electronic messages/records the "Record Custodian" must be included in all public record electronic communications.

The Record Custodian shall be responsible for retaining the record copy in accordance with the records retention scheduled issued by the Office of Public Records Administrator under CGS 7-109 and CGS11-8.

After an electronic thread is completed, the record custodian may retain only the last message (as long as it includes the prior messages) as the official record copy.

#### 5. FREEDOM OF INFORMATION ACT DISCLOSURE

Based on the above-mentioned statutes, electronic messages sent or received in the conduct of public business are public records. All electronic accounts including public accounts used to conduct public business are subject to disclosure under FOIA, a court action, or an audit and should be treated in the same manner as any other recorded information.

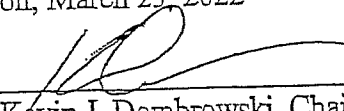
Elected Public officials are encouraged not to use private e-mail accounts and to obtain public accounts when possible.

Appointed Volunteers Members of Town Committees/Commissions/Board are strongly encouraged to set-up a separate e-mail account from their personal e-mail account to receive town business information such as agendas, minutes and related information.

6. EFFECTIVE DATE OF POLICY

The "Policy Guidelines for Electronic Communication for Volunteer Town Officials" shall become effective upon adoption

Amended and Adopted by the Ledyard Town Council on; March 23, 2022

  
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Kevin J. Dombrowski, Chairman

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Revision: "Policy Guidelines for Electronic Communication for Volunteer Town Officials"  
Adopted: July 13, 1994; Amended and Adopted by the Ledyard Town Council on September  
12, 2012.

History:

2022: Updated "Policy Guidelines for Electronic Communication for Volunteer Town Officials" as follows:

Title: Added "*Elected*" and "*Appointed*"

Introduction paragraph: Added "*Appointed*" before the word Volunteers.

Section 3

Paragraph (a): Added: *as outlined in records series issued by State of Connecticut Office of Public Records Administrator.*

Paragraph (c): Added for further clarification: "*publications, notices, announcements, employee activities*

Added Section Title: "*Section 5. FREEDOM OF INFORMATION ACT DISCLOSURE*" and renumbered remaining Sections accordingly.

Second paragraph Added: "elected"

Added new paragraph: *Appointed Volunteers Members of Town Committees/Commissions/Board are strongly encouraged to set-up a separate e-mail account from their personal e-mail account to receive town business information such as agendas, minutes and related information*

Section 6 Removed: ~~and is hereby incorporated in the "Rules of Procedure for the Twenty First Town Council".~~