

SENATE SELECT COMMITTEE ON OPEN GOVERNMENT
CITY OF HOUSTON
NOVEMBER 30, 2012

The City of Houston (“Houston”) would like to thank the Senate Select Committee on Open Government for considering its comments on Retention Period requirements.

The City of Houston is not experiencing any significant problems managing records or complying with the retention periods prescribed by the Texas State Library and Archives Commission (TSLAC). Nor are these requirements unduly burdensome. The City has well-established processes and systems in place to manage paper documents; and the systems currently used to control electronic data, whether structured or unstructured are adequate. Further, newer, more efficient systems, including ones that archive dynamic media, are being researched, purchased and implemented.

Nevertheless, one category of electronic data, email, is more difficult to manage primarily because it is so ubiquitous, unstructured, and informal. And because email could be considered just one level above a conversation, its use in place of conversation frequently depends upon personal style or convenience.

Of the nearly three hundred categories of documents listed and defined by Local Schedule GR 13 §7.125(b) (1), only about six percent can be emailed, and, frequently, these emails are transitory and incidental to a case where a more formal document is ultimately produced and retained. For example, the City would be required to maintain permanently an email requesting a legal opinion (GR1000-30, “Legal Opinions, which reads in part, “Formal legal opinions rendered by counsel or the Attorney General for a local government, including any written requests for opinions”).

Complicating matters, the City recognizes that a few of the emails associated with certain cases are not incidental, but rather are an integral part of the case. For example, GR1000-24, reads, “Complaints received from the public by a governing body or any officer or employee of a local government relating to government policy,” and requires a retention period of two years past resolution or dismissal. As is typical today, many of the complaints received by the City arrive via email.

To comply with the requirements illustrated by these two examples, Municipalities must either conduct a full content search of each and every email generated by the 15,000 City employees with access to email in order to separate those with retention periods greater than the two years prescribed by GR1000-26b (“Correspondence, Internal Memoranda, and Subject Files,” which reads in part, “Incoming/outgoing and internal correspondence pertaining to the regular and routine operation of the policies, programs, services, or projects of a local government.”) or maintain all emails permanently to avoid destroying documents with longer, even permanent, retention periods.

Houston would welcome the opportunity to work with the legislature in crafting a solution that either recognizes email as a special category and establishes for this unique method of

correspondence a reasonable and finite retention period, or that permits Cities to establish for email their own retention requirements using the TSLAC Local Schedule as a guideline.

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