

Appendix 2 | Email Recommendations and FOIA Request Details

Email

Note that faculty are only required to produce records that they have. Since UMass IT recommends that emails be purged on a regular basis for space reasons, faculty cannot produce emails that have been deleted. While there is no retention requirement under FOIA, some emails should be retained if important to certain decisions, actions, etc. It is up to the faculty to make that determination. Some departments have written into their bylaws a minimum timeline for record deletion, but this is not common.

Recommended Email Usage for Faculty

- In the event of a subpoena, UMass IT will be authorized to search the faculty member's email accounts. Deleted emails only live on the UMass server for 30-60 days. After that, they cannot be retrieved by UMass. However, in extremely rare cases private entities through which UMass email is contracted (like Google or Microsoft) might authorize discovery from its servers.
- If a faculty channels their university email through a non-UMass account, IT will not have access to their deleted email for any period of time.
- UMass IT strongly recommends that faculty use only UMass Exchange/Office365 or UMass Gmail for work-related emails and that they keep personal emails separate from business emails. Furthermore, the UMass Gmail contract agrees not to use university email for gathering marketing information on individuals, whereas private usage of Gmail does not necessarily have this protection.
- The use of a personal email account for university business or the forwarding of one's university email to a personal account "introduces risk and personal liability for faculty and staff, and may be a violation of federal law and campus policy" (UMass Information Security).

FOIA

As a state university, the University of Massachusetts Amherst must respond to public record requests. In the case of a Freedom of Information Act (FOIA) request, faculty members are responsible for providing their records to the FOIA Office within 10 business days. If beyond 10 days, the requestee loses some of their protections, such as the hourly charge to be paid by the requestor.

- If the amount of data requested will exceed four hours, UMass instead needs to provide a fee estimate by that deadline and await payment before providing the records.

Contact Christine Wilda, Associate Chancellor for Compliance, who can help the faculty member with this process (recordsadmin@umass.edu; 413-545-2148).

Consult the [Guide to Massachusetts Public Records](#).

Important Details to Note:

- Under the public records law, all email accounts, including personal accounts, are discoverable if University business is done through them.
- Response required within 10 business days of request.
- Requests can include emails, research documentation and data, telephone and text records, etc.
- Be advised that any irrelevant personal information will not be redacted unless the faculty member requests it.
- There are limited exemptions for what is considered a public record. The holder of the record must provide suggestions for what should be withheld or redacted. Please see details of the exemptions starting on page 14 of the [guide](#).
- After the first four hours of time spent searching, compiling, segregating, redacting and reproducing a requested record, the requestor will be charged per hour at a rate not to exceed \$25.

Most Common Exemptions for UMass:

- Internal personnel rules and practices.
- The Privacy Exemption – personnel and medical files, specifically named individuals where disclosure would constitute an invasion of privacy.
- The Deliberative Process Exemption – policy positions being developed.
- Personal records.
- Investigatory Exemption – investigatory materials compiled out of public view.
- Proposals for Bids until bid opening.
- Test, exam, assessment development materials.
- Blueprints, plans, procedures related to security and risk management.
- Home address, personal email address and home phone number of employees.
- Home address, personal email address and home phone number of employees family members.
- Trade secrets or other proprietary information of UMass, including trade secrets or proprietary information provided to the University by research sponsors or private concerns.
- FERPA protected records for students.