

**TOWN OF KEYSTONE  
Summit County, Colorado**

**RESOLUTION 2025-14**

**A RESOLUTION OF TOWN COUNCIL OF THE TOWN OF KEYSTONE, COLORADO,  
APPROVING AN ELECTRONIC MESSAGE USAGE AND RETENTION POLICY**

WHEREAS, the Town of Keystone (“Town”) is a home rule municipality governed by the Keystone Home Rule Charter; and

WHEREAS, the Town Council adopted the Colorado Municipal Records Retention Schedule, approved by the Colorado State Archivist in September 2001, most recently amended in 2022, on March 12, 2024, through the passage of Resolution 2024-28; and

WHEREAS, the Town Council requested a local exception from the Colorado Municipal Records, Retention Schedule through official action on March 25, 2025, through the passage of Resolution 2025-11, clarifying the definition of retention categories for electronic messages to provide clear expectations for the preservation of electronic messages; and

WHEREAS, the Town Council, as the legislative body, and pursuant to its home-rule and general police powers, is authorized to adopt policies that establish rules and guidelines regarding the usage and retention of electronic messages; and

WHEREAS, the Town Council has reviewed and considered the attached Electronic Message Usage and Retention Policy and finds that it will serve the main objective of providing guidance regarding usage and retention of electronic messages.

**Now, Therefore, be it Resolved by the Town Council of the Town of Keystone, Colorado, that:**

Section 1. The Town Council hereby adopts the Electronic Message Usage and Retention Policy in substantially the form that is attached as Exhibit A.

Section 2. Effective Date. This Resolution shall take effect upon its approval by the Town Council.

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**ADOPTED by a vote of 7 in favor and 0 against, this 13<sup>th</sup> day of May 2025.**

Signed by:  
By: Kenneth D. Riley  
FFCC105F18734F9...  
Kenneth D. Riley, Mayor

ATTEST:

Approved as to Form:

DocuSigned by:  
By: Madeline Sielew  
04E4BE3F50A1424...  
Town Clerk

Signed by:  
By: Jennifer Madsen  
89751994A1B74EC...  
Town Attorney

# ELECTRONIC MESSAGE USAGE AND RETENTION POLICY

## **I. PURPOSE OF POLICY:**

This Policy establishes standards for the usage of the Town's email system, as well as guidelines for the retention and destruction of emails and electronic messages, in compliance with the requirements of this Policy, applicable records retention requirements, and the Colorado Open Records Act (CORA). It provides a framework to promote the effective capture, management, and retention of electronic communications.

The primary objectives of this Policy are to ensure consistency, predictability, and reliability in both the use of the Town's email system and the maintenance of emails records within the Town of Keystone.

This Policy is not intended to discourage the use of email to conduct Town business. Instead, it aims to establish a framework for the use of email as a communications tool and retention requirements of email, if necessary.

## **II. SCOPE:**

This Policy outlines the procedures and guidelines that govern the use of electronic messages by Town officials and Town employees within the Town of Keystone and the use of the Town email system. It applies whether Town-owned equipment or other equipment is used to access the Town email system. This Policy is subject to the Town's Litigation/Legal Hold Policy and/or legal hold requests.

## **III. DEFINITIONS**

***Custodian of Records*** means the Town Clerk, as designated by Resolution 2024-24, Approving a Colorado Open Records Act Policy.

***Electronic messages or Email*** means a text document which is created, stored, and delivered in an electronic format and transmitted through the Town's Outlook Exchange Servers. Email, instant messaging, notes, tasks, and meeting invites are all forms of electronic messages. As such, email messages are similar to other forms of communicated messages, such as correspondence, memoranda, and circular letters.

***Electronic record or E-record*** means a document defined by § 24-72-202(6)(a), C.R.S., which is created and stored in an electronic format and may consist of text documents, pictures, maps, data sets, instant messaging, voice, file shares and all other forms of electronic hardware and software, commonly known as electronically stored information (ESI).

***Transient*** message means documentation or correspondence that is of transitory or short-term value. Transient messages include advertisements, drafts and worksheets, desk notes, informational or "read only" correspondence, and informal communication. The transient message does not set or discuss policy, establish guidelines or procedures, certify a transaction, or become a receipt.

Examples include:

Routine requests for information or publications which require no administrative action, policy decision, or special compilation or research, and copies of replies.

Copies and duplicates (either electronic or paper) of records as defined by § 24-72-202(6)(a), C.R.S.

Memoranda and other records that do not serve as the basis of official actions (i.e., holiday notices, meeting confirmations, etc.).

Deleted emails.

Draft emails.

Purged emails.

**Officials** mean all Town Elected and Appointed officials of the Town Council.

**Record** means a document as defined by § 24-72-202(6)(a), C.R.S., to be all writings made, maintained, or kept by the Town for use in the exercise of functions required or authorized by law or administrative rule or involving the receipt or expenditure of public funds.

**Records retention schedule** means the Colorado Municipal Records Retention Schedule as adopted by the Town of Keystone in Resolution 2024-28 listing records series and the applicable minimum retention period, and further adopted Resolution 2025-11, requesting a local exception from the Colorado Municipal Records Retention Schedule clarifying the retention categories for electronic messages, which was approved.

#### **IV. RETENTION AND MANAGEMENT PRACTICES OF ELECTRONIC MAIL**

Electronic records, including emails, are subject to requirements of the Town's records retention schedule. Town officials and employees are required to consider the content of the emails, rather than the form of communication, to determine whether the Email must be retained and the period of retention.

#### A. Retention Practice of Electronic Messages

- (1) Electronic message communications may be considered Records pursuant to CORA. The Town has an obligation to retain Records as set forth in the Colorado Municipal Records Retention Schedule and electronic messages must be maintained in accordance with the Records Retention Schedule.
- (2) Electronic messages categorized as transitory are not required to be maintained. Electronic messages categorized as Transitory messages should be **deleted as soon as they are read and are no longer useful.**
- (3) Electronic messages that are a Record may fit into one of two categories and the retention period for the Email depends on how the Email is categorized:
  1. **Intermediate Administrative**

Messages that serve some town-related purpose but also are of time-limited value because they serve a time-defined administrative purpose.

**Retention: After the activity project is concluded, or when it no longer has administrative value.**
  2. **Enduring Long-term Value**

Messages that are required under state or local law for retention or that necessitate long-term future use due to their lasting long-term administrative, policy, legal, fiscal, historical or research value.

**Retention: Permanent.**

#### B. Management of Electronic Messages

- (1) The Town has limited resources for maintenance and storages of electronic records and emails. The Town does not have the ability

to preserve electronic records and emails on a permanent basis, within Outlook Exchange Servers. Email servers are not intended to be a records retention tool. Therefore, the Town maintains storage of electronic messages within these servers only to the degree that allows the Town to restore current email in the event of a system failure.

(2) Town officials and employees are responsible for retaining electronic messages in a manner consistent with the schedule above in Section IV. (A).

(3) Town officials and employees are required to comply with the following procedures for management and retention of electronic messages:

1. Electronic messages that have an Enduring Long-Term value, defined in Section IV. (A)(3)(1), shall either be saved in PDF or TIFF format in an appropriate location on the network drive or other approved electronic storage system or printed and added to the appropriate file.
2. Electronic messages that have an Intermediate Administrative Value, defined in Section IV. (A)(3)(2), shall either be:
  - a. saved in PDF or TIFF format in an appropriate location on the network drive or other approved electronic storage system; or
  - b. stored in an employee or official's Microsoft Outlook mailbox until they no longer have administrative value.
3. Electronic messages that are a Non-record shall be permanently deleted in a timely manner.

- a. Transient Email: Email that is personal in nature, of fleeting or no value, or otherwise not created or received in the course of town business should be deleted after reading.
4. Calendar items will remain in the email system until deleted by the user or for a maximum period of three years. After three years, they will be automatically deleted from the system.
5. Tasks will remain in the email system until deleted by the user or for a maximum period of three years. After three years, they will be automatically deleted from the system.
6. Teams Messages will remain in the email system until deleted by the user or for a maximum period of 45 days. After 45 days, they will be automatically deleted from the system.
7. All email items in an individual user's mailbox older than 3 years, other than those moved to a designated "archive subfolder" will be automatically moved to the "Deleted Items" folder on a daily basis. This policy applies to the mailbox and any subfolders of the mailbox including sent items, subfolders, drafts etc. This policy does not apply to non-email items such as calendar, contact, or task items.
8. Items that are deleted manually are moved to the "Deleted Items" folder under the inbox.
9. Items in the "Deleted Items" folder are permanently deleted and unretrievable after 30 days.

Any email that is the subject of a public records request must be preserved from the date of the request regardless of any maintenance, retention, or deletion policy.



Any question regarding records retention period shall be directed to the Custodian of Records.

C. Enforcement of Electronic Message Retention for a Separating Employee or Official

Electronic messages in a separating individual's email mailbox will be deleted upon the employee's separation from employment after review and preservation of any materials as required under this policy, state or local regulations, or any applicable litigation holds.

D. Permitted Email Communications

All emails by Town officials and employees related to Town business should be addressed to Town officials' and employees' Town email accounts. Personal email accounts may be included in addition to Town email accounts if requested, but no emails related to Town business should be addressed solely to personal email accounts.

**V. SUBJECT TO LEGAL HOLD/NO PRIVATE RIGHT OF ACTION**

The practices and procedures of this Policy are subject at all times to Legal and Litigation Holds of the Town as directed by the Town Attorney's Office.

Nothing in this Policy shall create a third-party cause of action or right to enforce. This Policy is intended only for internal processes and procedures.

**VI. EFFECTIVE DATE**

This Policy shall be effective upon passage of accompanying resolution.

**VII. APPROVAL**

ADOPTED BY THE TOWN COUNCIL THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2025,  
BY PASSAGE OF RESOLUTION NO. \_\_\_\_\_.