

Joint Statement on Conducting Public Business in Non-Government Email Accounts

(June 2015, revised November 2019)

The Council of State Archivists (CoSA), the National Association of Government Archives and Records Administrators (NAGARA), the Regional Archival Associations Consortium (RAAC), and the Society of American Archivists (SAA) affirm that public officials should use official government email accounts for the conduct of public business. Use of either unofficial, non-government email accounts or other forms of electronic messaging applications and services, rather than official government accounts, violates the transparency and openness that the public requires from its government; makes it difficult to hold public officials accountable; unnecessarily mixes government and personal records; and ultimately jeopardizes the accessibility of the archival record to the American people.¹

CoSA, NAGARA, RAAC, and SAA believe that the public trust requires officials at all levels of government to be familiar with and to follow all applicable local, state, and federal laws for recordkeeping requirements. Managing both email and newer forms of electronic messaging is just one part of a comprehensive government archives and records program that facilitates efficient conduct of government programs and services, ensures effective management of government information, and provides adequate documentation of government activities.

CoSA, NAGARA, RAAC, and SAA continue to encourage the United States Congress, state legislatures, and local government bodies to pass strong and comprehensive records management laws and regulations that take into account newer forms of communications technologies as a means for conducting government business. Further, lawmakers at all levels should be encouraged to provide funding and resources necessary to ensure compliance with these laws. Legislation should include serious penalties for any government official who breaks recordkeeping laws or willfully withholds official communications from appropriate government recordkeeping systems.

CoSA, NAGARA, RAAC, and SAA believe that democratic governments require comprehensive records management laws and adequately funded archives and records management programs to ensure the public's right to know, the accountability of government officials, and the preservation of government records with historical value. By creating and adhering to records management laws that achieve the highest possible level of transparency, public officials fulfill the trust of the American people and the highest standards of an open government.

¹ CoSA, NAGARA, RAAC, and SAA understand that in our increasingly mobile world, there will be exceptional circumstances in which public employees may need to resort to use of commercial email and electronic messaging services for conducting particular communications regarding official business. However, in each such instance employees should understand their mandatory obligation to take reasonable steps to contemporaneously forward or copy the communication to a government account. *Cf.* The Presidential and Federal Records Act Amendments of 2014, adding 44 U.S.C. § 2209 and 44 U.S.C. § 2911 (Executive branch officers and employees may not create presidential or federal records concerning official business on a non-official electronic messaging account *unless* messages are copied or forwarded to an official governmental account within 20 days).

CoSA, NAGARA, RAAC, and SAA represent professional archivists who identify essential evidence of society and ensure its accessibility by the public for generations to come. Our work supports accountability, legal and fiscal needs, and the preservation of the American historical record. This is particularly true of government archives, which provide documentary evidence about government administration and ensure transparency and accountability.

About CoSA, NAGARA, RAAC, and SAA

The **Council of State Archivists (CoSA)** is a nonprofit membership organization of the state and territorial government archives in the fifty states, five territories, and District of Columbia. Through collaborative research, education, and advocacy, CoSA provides leadership that strengthens and supports state and territorial archives in their work to preserve and provide access to government records. CoSA facilitates networking, information sharing, and project collaboration among its member organizations to help state and territorial government archives with their responsibilities for protecting the rights and historical documents of the American people. Read more at www.statearchivists.org.

The **National Association of Government Archives and Records Administrators (NAGARA)** is dedicated to the improvement of federal, state, and local government records and information management and the professional development of government records administrators and archivists. Members include county, municipal, and special district governments; state agencies (state records centers, archives, and libraries); federal agencies and employees; public universities; and provincial and institutional programs. Read more at www.nagara.org.

The **Regional Archival Associations Consortium (RAAC)** provides a venue for information exchange among the leaders of regional archival organizations and between the regional organizations and the Society of American Archivists. RAAC fosters collaboration to streamline actions, reduce costs, and increase services to archivists around the nation in such areas as advocacy, public awareness, education, disaster planning/recovery, and grant development. Read more at www.archivists.org/groups/regional-archival-associations-consortium-raac.

The **Society of American Archivists (SAA)** is the oldest and largest national professional association of archivists in North America, representing more than 6,000 archivists employed by businesses, universities, governments, libraries, and historical organizations. Archivists are the professionals who collect, preserve, and make available for research historically significant documents, vital records, and other materials. Read more at www.archivists.org.