

Legal Issues Briefing

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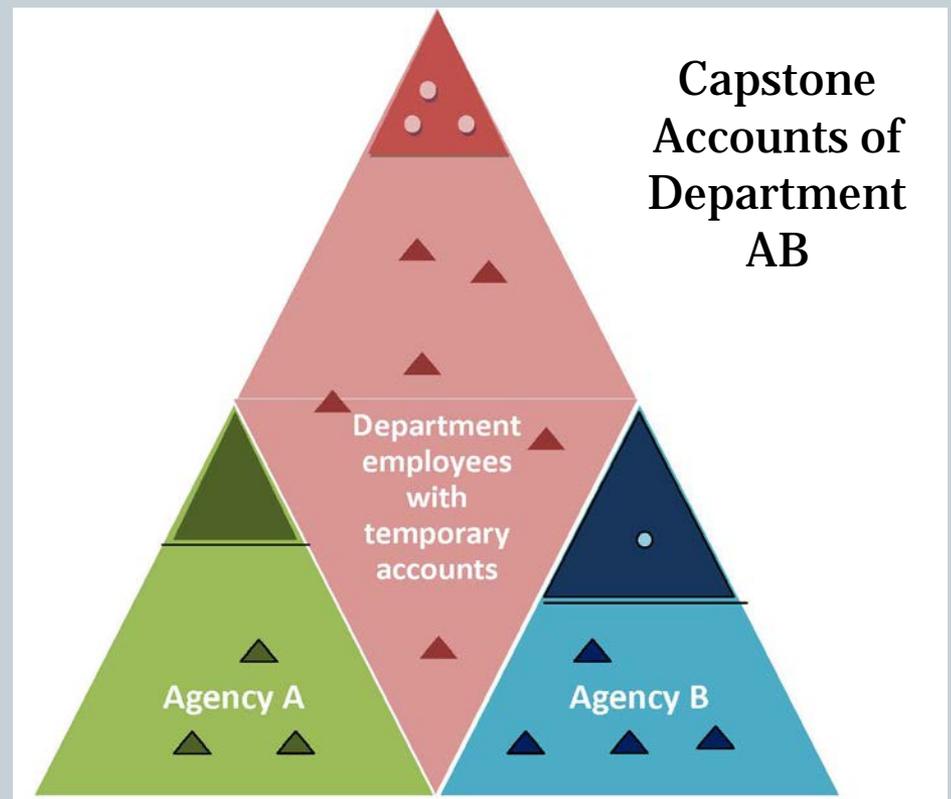
**CAPSTONE APPROACH TO EMAIL
MANAGEMENT**

What is Capstone

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- Capstone helps agencies manage email.
- Capstone is based on identifying email accounts according to the work of the user.
 - Some accounts will be permanent.
 - The remainder will be temporary.

Example Capstone implementation at a Department with two sub-agencies



Capstone Officials

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- **Determining who is a Capstone official**
 - This is the most important discussion you'll have when implementing Capstone.
 - Document the decision making process to ensure that your agency can defend itself against a charge that is acting arbitrarily in its selection of Capstone officials.
 - Spend time thinking not just about senior staff but also program officials that create and receive permanent records.
 - ✦ As a rule of thumb, Capstone officials should be between 1 and 2 percent of your account holders.
 - Consider how you will handle people in an acting capacity, long-term vacancies, and office reorganizations.

What will change?

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- **What group of records will be deleted that would have otherwise been preserved?**
 - Will that effect any ability agency obligations WRT:
 - ✦ Litigation,
 - ✦ Regulation,
 - ✦ Public policy?
- **What group of records will now be available that wasn't before?**
 - Does that present a new risk to the agency for:
 - ✦ Litigation,
 - ✦ Access requests,
 - ✦ Preservation obligations?

Litigation Holds

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- **How will the agency be able to execute a litigation hold under a Capstone framework?**
 - The answer to this is very dependent on your agency's technology.
 - The focus of this question is on temporary records that would have been otherwise destroyed.

Other implementation issues

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- How will the agency be able to search the records it is now keeping?
 - And, what about export? (Especially for transfer to NARA)
 - This matters for both e-discovery and FOIA.
- What is the plan for destroying temporary records and non-records?
 - AKA Defensible deletion
 - Do you need more than permanent and temporary buckets?
 - ✦ i.e. Can you identify some offices whose emails could be kept for a very short time, such as three years? Or some offices, like a General Counsels' office, where the email should be kept for 15 or 20 years?

More Information

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- **Additional Resources can be found at:**
 - <http://www.archives.gov/records-mgmt/email-mgmt.html>

- **Questions? Please Contact your Agency's NARA Appraisal Archivist.**
 - <http://www.archives.gov/records-mgmt/appraisal/>