Guidelines for City Council Email Retrieval

I. **Purpose.** The purpose of these guidelines are to set forth the general process by which the City’s email archiving software, Barracuda, will be used by the City’s public information coordinator, the City Secretary, to search and retrieve City-hosted emails created for City Council Members in response to requests for public information. The Barracuda software was installed and implemented in September 2018. These guidelines further address processes for retrieval of emails that contain public information that were created before implementation of the software or that are contained in non-City-hosted email accounts.

II. **Public Information.** Public information is information that is written, produced, collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business by or for a governmental body.\(^3\) Public information includes information written, produced, collected, assembled, or maintained by an individual officer or employee of a governmental body in the officer’s or employee’s official capacity and the information pertains to official business of the governmental body.\(^4\) Public information also includes any electronic communication, including communications created, transmitted, received, or maintained on any device by the governmental body or the individual officer or employee of the governmental body.\(^5\)

III. **Process**
   A. **Post-Software Emails:**
      1. Within two (2) business days after the date a person submits the request for public information, the City Secretary will notify the Council Member who is the subject of the request and provide a copy of the request.
      2. The notification will summarize the scope of the request and identify the deadline by which the City must produce the information and the deadline to seek a ruling from the Attorney General regarding applicable exceptions to disclosure, if any.
      3. The City Secretary, using the Barracuda software, will run a search for the emails responsive to the request.
      4. Within two (2) days after the Barracuda software search is completed, the City Secretary will provide to the Council Member a copy of the information retrieved that must be produced to the requestor, as well as the information that qualifies for an exception under the Act and will have to be forwarded to the Attorney General for an opinion. The City Secretary will consult with the City Attorney regarding any legal questions related to applicable exceptions.
      5. If the information cannot be produced within ten (10) business days after the date a person submits a request for the information, the City Secretary will

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\(^3\) Gov’t Code § 552.002(3).
\(^4\) Gov’t Code § 552.002(a-1).
\(^5\) Gov’t Code § 552.002(a-2).
notify the requestor of the date and hour that the information can be produced for inspection or duplication.

B. Pre-Software Emails and Emails on Non-City-Hosted Accounts:
1. Within two (2) business days after the date a person submits the request for public information, the City Secretary will notify the Council Member that is the subject of the request and provide a copy of the request.
2. The notification will summarize the scope of the request and identify the deadline by which the City must produce the information, the deadline by which the Council Member is requested to produce the information to the City Secretary, and the deadline to seek a ruling from the Attorney General regarding applicable exceptions to disclosure, if any.
3. The Council Member will conduct a search of the Council Members’ emails and provide responsive emails to the City Secretary within the time requested.
4. The City Secretary will review the emails in consultation with the City Attorney regarding any information that qualifies for an exception under the Act. In the event there are applicable exceptions to disclosure of the information that require an Attorney General’s ruling, the City Secretary will cause a request for ruling to be sent to the Attorney General’s Office.
5. If the public information cannot be produced within ten business days after the date a person submits a request for the information, the City Secretary will notify the requestor of the date and hour that the information can be produced for inspection or duplication. However, City Council Members must produce public information upon the earlier of: a) the date specified in the notification from the City Secretary; or b) the tenth day after the date of the notification from the City Secretary.

IV. Roles and Reporting
A. The Information Technology Department shall maintain records of the use of the Barracuda software to access City Council emails and provide reports of such access activity to the City Manager upon request in a format that maintains computer and email system security. The City Manager will cause a report of all instances of the network being accessed and what was being searched to be included in Council’s monthly department reports.
B. The City Secretary is the public information coordinator. The City Secretary is responsible for viewing, searching, and exporting copies of email messages from the archiving software in response to open records requests or discovery, and for placing holds on destruction of emails.
C. The IT Department’s Systems Administrator acts as data custodian for the archiving software. This role is responsible for ensuring that the archiving solution is working correctly, including performance of any necessary systems maintenance tasks to ensure confidentiality, reliability, and availability. The Systems Administrator has access to all areas of the system to perform system maintenance tasks.
D. The IT Department’s Public Safety Systems Administrator acts as auditor of the archiving solution. The Public Safety Systems Administrator is responsible for periodically reviewing both the City Secretary’s and the Systems Administrator’s use of the system, as well as recommending security changes to the Systems Administrator for implementation. The Public Safety Systems Administrator has full access to the system audit log, and will generate and submit reports of archiving solution use on request of proper authority or when suspicious activity is observed by any system user.