

## **GUIDELINES FOR STAFF ON E-MAIL, CONFIDENTIALITY AND RECORD RETENTION**

E-mail makes it much easier for teachers and other school staff to quickly and easily communicate and share information within the school community and with parents regarding students. At the same time, employee use of e-mail raises important issues of privacy and confidentiality which employees need to keep in mind.

First, the Maine Indian Education Joint School Committee has adopted an employee computer use policy and procedure (GCSA/GCSA-R) that specifies that employees have no right to privacy in using school computers and that e-mail use may be monitored.

Second, e-mail communications containing personally identifiable information about students will usually be subject to disclosure as the result of a parent request for education records under FERPA. We have seen many cases where employees have been embarrassed (at a minimum) when their e-mails have had to be disclosed to others. Be extremely careful what you say in e-mails. Consider a phone call or meeting to discuss sensitive issues instead of using e-mail.

Third, a great deal of information about both students and employees is confidential under state and federal laws, including information shared via e-mail. Employees should take appropriate steps to safeguard confidential information when writing about students or other school staff, and/or sharing documents via e-mail.

Another thing to keep in mind is that unless e-mails received or sent by school employees contain confidential information, they may be public records under Maine law and thus subject to review and copying by any member of the public.

Some basic guidelines for school employees to follow when using e-mail:

1. Don't share computer passwords or access information stored on computers/networks without authorization.
2. Avoid the use of full names of students and staff in e-mails whenever possible.
3. Do not leave confidential e-mails open on computer monitors or leave printed materials on printers/copiers where others may see them.

4. Be very careful when using the "reply" function in e-mail. Think carefully about to whom e-mails are being sent and whether the recipient(s) are authorized or need to see them, particularly when using the "reply to all" or "forward" functions.
5. Remember that you lose complete control of an e-mail once it is sent and it could be forwarded to others. Think hard about whether it would better to discuss the particular issue by phone or by talking in person, particularly when the subject matter is sensitive.
6. Write e-mails very carefully -- the tone should always be professional and appropriate to the school setting, and check spelling and grammar. Don't write e-mails in anger and be careful about making disparaging remarks about third parties. Write e-mails as if they are going to end up on the front page of the newspaper, because sometimes they do.
7. Many e-mails constitute student records, or other records that schools are required to retain under various laws and rules. Be sure to retain these e-mails as required by school department procedures.
8. NEVER delete e-mails or other documents after you have received notice that a document request has been made. Even after you delete documents, they can still be retrieved. Trying to circumvent the system can land employees and the school department in legal trouble.