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Effective Date: January 5, 2022

Policy On Records Created Using Non-City Accounts or Platforms

Purpose: This policy clarifies that all electronic records created in connection with the transaction of City business are City records and must be transferred to and maintained on a technology platform owned or licensed by the City to ensure proper recordkeeping.

Policy: All digitally-stored data and information made or received pursuant to law or ordinance, or in connection with the transaction of official city business are municipal records.¹ No records shall be destroyed or otherwise disposed of absent prior approval from: (1) the head of the agency which created or has jurisdiction over the records, (2) the Municipal Archivist, (3) the Corporation Counsel, and (4) the Commissioner of Records and Information Services.²

Employees should only use accounts and technology platforms that are owned or licensed by the City (“City-controlled accounts and platforms”) when conducting City business. If an employee is forced to conduct City business using an account or technology platform not owned or licensed by the City, all records generated in connection with that activity must be transferred to a City-controlled account or platform within 72 hours of creation to ensure that such records are properly managed pursuant to the City’s recordkeeping rules and procedures.

Procedures: The methods used to transfer such records shall comply with any rules or procedures set forth by the employee’s office. Where no such rules or procedures exist, the employee should use a method that captures the record, including any associated “metadata”, as fully as possible.

The following examples set forth methods for transferring City records generated on non-City platforms in common situations. These examples are not meant to be exhaustive or exclusive. Employees should contact their agency’s IT department for further assistance.

Emails: When an employee is forced to send City-related email from a personal email account, they should copy (cc: or bcc:) the message to their official City email address. When an employee receives an email sent exclusively to a non-City account, they should forward that email to their official City email address and should add their official City email address as a recipient of any replies or forwards of that message. It is acceptable to forward an entire email “thread” or “conversation” as a single email *if* the header information (*i.e.*, “from:”, “to:”, “date:”, etc.) of each individual email is preserved. If such header information has not been preserved in subsequent responses, then each individual message should be forwarded or moved to a City-controlled account.

Documents: Documents created on a user’s personal computer or other device not controlled by the City should be saved directly to a City-controlled account or platform, such as Microsoft OneDrive or Sharepoint. When saving documents directly to a City-controlled account or

¹ See New York City Charter Chapter 72, § 3011(2) (“Records’ means any documents, . . . sound recordings, machine readable materials or any other materials, regardless of physical form or characteristics. . . .”)

² See New York City Charter Chapter 49, § 1133(f).



platform is not possible, the documents should be copied or moved to such an account or platform at the earliest opportunity. If there is no practicable way to copy or save a document directly to a City-controlled account or platform, the employee should email that document as an attachment to their official City email address.

Photos: Photos and images generated on an employee's personal device that are City records should be transferred or emailed to a City-controlled account, either by saving directly to a City-controlled account or platform, or by emailing those images to an official City email address. All images should be transferred at their original resolution with all associated "metadata" preserved.

Instant Messages: **Employees are strongly discouraged from using text messages (SMS) and other "instant chat" systems and accounts that are not owned or licensed by the City for any communication relating to their employment.** When such use is unavoidable, the employee should refer to the related policy on Instant Electronic Messaging Records for further guidance on how such records should be preserved.