



DEPARTMENT OF THE TREASURY

INTERNAL REVENUE SERVICE

WASHINGTON, DC 20224

PRIVACY, GOVERNMENTAL
LIAISON AND DISCLOSURE

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MEMORANDUM FOR DISTRIBUTION

FROM: Celia Doggette /s/ *Celia Y. Doggette*
Director, Identity and Records Protection

SUBJECT: Electronic Message Usage and Preservation

Purpose: This interim guidance (IG) implements records management policy updates for the usage and preservation of all electronic messaging systems (including instant and text messaging platforms) that allow users to send messages in real time or for later viewing, and are used to send messages from one account to another account or from one account to many accounts.

Background and Sources of Authority: Electronic messaging systems such as Microsoft Office Communications Server (OCS) and Lync allow informal, expeditious communication between and among parties. Use of these systems enhances the effectiveness of job performance by allowing users to exchange messages in real time regardless of location.

Agencies that allow electronic messaging traffic on their networks must recognize that such content may be a federal record and must manage the records accordingly in connection with the transaction of public business. The term "records" as defined in 44 U.S.C. 3301 includes all recorded information, regardless of form or characteristics, made or received by a Federal agency under Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the United States Government or because of the informational value of data in them.

Also see the [Is it a Record?](#) flowchart for additional records information.

Managing information in appropriate recordkeeping systems will ensure that IRS is compliant with all records management policies and regulations as established by the National Archives and Records Administration (NARA). Additionally, management of all agency information (hard copy and electronic) will improve the agency's ability to identify the most current information in a timely manner, increase business efficiency, and provide the correct information for litigation and Freedom of Information Act (FOIA) requests.

This policy directly supports 36 CFR 1236.20, *What are appropriate recordkeeping systems for electronic records?*, and NARA Bulletin 2015-02, *Guidance on Managing Electronic Messages*.

This guidance will help to ensure that IRS records are appropriately managed, retained and archived. IRS will provide guidance and training where necessary on implementing the requirements provided in this policy.

Effect on other Documents and Procedures: PGLD will incorporate this interim guidance into [IRM 1.15.6.14](#), *Managing Electronic Records, Use of Social Media and Collaboration Tools (New Media)*.

Effective date: This policy is effective immediately.

Contact information: Call or email Tracee Taylor, IRS Records Officer, Records and Information Management, at (703) 414-2119 or Tracee.M.Taylor@irs.gov.

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Use of Agency-approved Electronic Messaging Systems

1. Email should be used for official business. Guidance for the management of email records is found in [IRM 1.15.6.6](#), *Standards for Managing Electronic Mail Records*. See also, [Interim Guidance PGLD-10-0616-003](#), *Using IRS and Personal Email Accounts*.
2. Electronic messaging systems such as Microsoft Office Communications Server (OCS) and Lync **should only** be used for informal business communications and collaborations. Examples of suitable use include, but are not limited to:
 - a. Real-time, quick communications among employees relating to requests for information/status that require no follow-up actions or business decisions and do not form the basis for action or decision, such as communications to inform an employee that a document is ready for signature, a request to review draft work products, or to inquire about an employee's availability for a phone call or meeting.
 - b. Casual reminders, such as notification about a change to one's schedule, reminder of a deadline, or scheduling of work-related trips and visits.
3. Employees **should not** use electronic messaging systems such as OCS and Lync instant messaging to engage in discussions regarding policy matters, business decisions, or documentation of other mission-critical functions. This will result in the creation of a federal record that requires preservation beyond the closeout of the instant messaging session. Examples of unsuitable use include, but are not limited to:
 - a. Communications documenting IRM reviews and policy approvals, or decisions.
 - b. Discussions about examinations and/or case processing and resolution.
 - c. Communications regarding personnel matters and performance (e.g., disciplinary actions, disputes or grievances).
4. In accordance with [IRM 10.8.1.4.1.18.2](#), *Telecommunication Devices (OUO)*, the use of text messaging with government-furnished BlackBerrys or cellular phones to conduct official business is prohibited. Text messaging may only be used in emergencies such as when the IRS network is down and there is an urgent need to communicate or in disaster recovery situations ([IRM 10.8.26.3.11](#), *SC-System and Communications Protection*).
5. Electronic messaging must adhere to the general rules for email message security and transmission, as well as the handling of sensitive but unclassified (SBU) information and personally identifiable information (PII) contained in [IRM 1.10.3.2.1](#), *Secure Messaging and Encryption*, [IRM 10.8.1.4.17.2.2](#), *Electronic Mail (Email) Security*, and [IRM 11.3.1.14.2](#), *Electronic Mail and Secure Messaging*.

The following chart includes some examples of unsuitable use of instant messaging systems.

Unsuitable Use of Instant Messaging Systems			
If message pertains to...	Such as...	Then...	Why
Requests for managerial approvals in connection with examination or case-related decisions, closing actions or requests to assert penalties	<p>I am on a call and I think I can obtain compromise.</p> <p>I just finalized my review of the file and wanted to know if I could ask your approval of a recommended course of action.</p>	Instant messaging should not be used.	Instant messaging should not be used for policy determinations, decisions, or documentation of other mission-critical functions. If used in this manner, the message must be preserved in association with related records and in accordance with applicable records schedules.
Personnel or performance matters	<p>I want to know why I did not get an Outstanding on my annual performance appraisal.</p> <p>I would like to request two days off next week.</p>	Instant messaging should not be used.	Instant messaging should not be used to document or review personnel or performance matters. If used in this manner, the message must be preserved in association with related records and in accordance with recordkeeping guidance found in Document 12829 , <i>General Records Schedules</i> .

Preserving Electronic Messages

This guidance provides specific instructions for preserving Microsoft OCS and Lync instant messages and text messaging. Recordkeeping responsibilities must also be considered when using other electronic messaging systems that are currently available or made available in future deployments.

1. Instant Messages

a. Messages that are records with a short-term business need (transitory) do not need to be preserved. Examples of short-term instant messages include, but are not limited to:

- Personal observations about work-related topics, but not for the conduct of agency business.
- Inquiries about availability.
- Quick communications that require no follow-up actions or business decisions and do not form the basis for action or decision.

Note: It is the employee's obligation to ensure messages that are sent or received and determined to be substantive in nature are appropriately preserved (see 1.b, below).

b. In the event an instant message is created that is not transitory (see 1.a, above), it must be saved BEFORE the message is closed out. The employee will have the ability to save messages to the Conversation History folder in his or her Outlook account by pressing CTRL and S simultaneously.

Note: If messages include attachments that are records, the attachments will not be automatically saved using CTRL and S. Employees should open the attachment and use the "File, Save As" function to incorporate the attachment into the recordkeeping system (as part of a case, policy, project or other official business file).

Once the message is in the Conversation History folder, follow the guidance below:

- If messages require association with records in another recordkeeping system (as part of a case, policy, project or other official business file), employees should use the "File, Save As" function or print to PDF to incorporate the instant message into the recordkeeping system.
- If messages warrant retention, but not in conjunction with a case, policy or project file, employees should leave the message in the Conversation History folder, or use their mouse to click and hold the message, move (drag) to the desired location, then release (drop) the message into their inbox or other email folder. In either instance, the message will take on the retention prescribed under the IRS Email Management Policy found in [IRM 1.15.6](#), *Managing Electronic Records*.

c. Instant messages that are subject to a litigation hold, regardless of whether the messages meet the definition of federal records, MUST be saved prior to closing out of the message to ensure their preservation in the event they need to be produced. Messages must be transferred in one of the acceptable manners described in 1.b, above.

d. Instant messages may also be subject to other holds, such as those in connection with Congressional inquiries and Freedom of Information Act (FOIA) requests. These messages MUST be saved prior to closing the message to ensure their preservation in the event they need to be produced. Messages must be transferred in one of the acceptable manners described in 1.b, above.

The following chart contains instant messaging examples when preservation is not required beyond active messaging session.

Records Management Decisions for Agency-Approved Instant Messaging Systems			
If message pertains to...	Such as...	Then...	Why
Inquiries about availability	<p>Do you have time for a quick call before the briefing?</p> <p>The meeting is about to start. Are you joining?</p> <p>Looks like we need to get ahead of this issue. Please schedule a staff meeting.</p>	Close out session; do not save.	Work-related, short-term in nature. Message does not contain information that is a record, only routine notifications and/or reminders that an action is requested.
Requests for information/status	<p>I cannot find my copy of the office SOP (standard operating procedures). Can you send me another copy when you get the chance?</p> <p>I sent you draft IRM updates for your review a week ago. Can you please share the status?</p>	Close out session; do not save.	<p>Work-related, short-term in nature. Requests for information or publication require no policy decision or special compilation.</p> <p>Final IRM approval will be officially recorded on Form 2061, <i>Document Clearance Record</i>.</p>
Routine exchanges of information	Just reminding you that I am scheduled to be on leave tomorrow.	Close out session; do not save.	Informal communication; not a record of the approved leave, which is recorded in personnel files.

2. Text Messages (Mobile Communication Devices)

In accordance with [IRM 10.8.1.4.1.18.2](#), *Telecommunication Devices* (OUO), the use of text messaging with government-furnished BlackBerrys or cellular phones is prohibited, except in emergency situations ([IRM 10.8.26.3.11](#), *SC-System and Communications Protection*). In the event of an emergency, users must document the information communicated as records and transfer to an approved recordkeeping system within 20 days (per the Federal Records Act, 44 U.S.C. § 2911). This may be accomplished by copying the text message into a government-provided email account. Copies remaining on devices should be deleted immediately after the record has been incorporated into the

approved recordkeeping system. All government-owned information is subject to discovery and FOIA.

Note: Text messaging functionality is not available within the Bring Your Own Device (BYOD) program's Good application enterprise environment.

What this Policy Does Not Cover

This guidance **does not cover** voicemail/ViewMail, or the exchange and sharing of information through Live Meeting, group training sessions, or similar functions of a collaboration system. Business unit creators are responsible for the official maintenance of training/presentation/briefing materials shared (or updated) using Live Meeting or screen shares. The instant messaging software server is not the recordkeeping repository for those documents, and copies maintained by meeting participants would be considered reference material eligible for destruction when no longer needed. The business unit initiating a Live Meeting or share session to conduct business must make a decision as to the most appropriate method for documenting the session, such as an audio recording or written minutes. All official meeting records including the agenda, minutes, handouts, presentation materials and recordings, should be maintained outside the session by the host business unit in accordance with an approved disposition authority for that office.

Contact the IRS Records Office via email at [*Records Management](#) with recordkeeping questions.