



Email Vortex

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Think Before You Write

You're creating a public record

Hard to convey tone

It may be used in subsequent litigation
or complaint investigation/resolution



Public Records Act

Any member of the public can request

No limit on requests or breadth

No reason needed

Required to “fully assist” in response

Must undertake complete search of all records

Even if considered confidential or privileged

Must provide even if it's a copy



Email Management

File consistently and in a way that you can find documents easily

Do not create documents/memos in response to records request

File and save sent mail

File and save Blackberry email



Privileged Emails

Emails with attorneys, in which the attorney is giving advice, are privileged

Just having them copied on email doesn't make it privileged

Forwarding it to others will break the privilege

Privileged emails still must be retained and produced for public records requests



Records Retention

Policies apply to email – know your schedule

Policy under consideration for review