



HOLME VALLEY PARISH COUNCIL

EMAIL COMMUNICATIONS

1. Policy regarding Email Communications

1.1 The Council's approved Records Management Policy (for FOIA/EIR purposes) states that emails need to be retained for two years (minimum) or as long as necessary if related to a specific project/issue (e.g. Audit).

1.2 Emails received by the Council's Officer may be disclosed following a request under the Freedom of Information Act 2000 or following a subject access request under the Data Protection Act 1998 or in the course of legal proceedings.

1.3 The above applies to emails from and between Members, where the Officer is copied into the communications. There can be no guarantee that such emails (or letters and other communications) from or between Members and Officers will not be disclosed to an unintended audience.

1.4 If inappropriate internal Council emails are required to be disclosed to persons external to the Council then, at best, they may be considered embarrassing for the Council and, at worst, have other unwanted consequences. If internal emails are defamatory, offensive, or wrongly disclosed confidential information or personal data (which means information that may identify a living individual, such as name, address or telephone number) to those who should not have such confidential information or personal data, this may provide others with a means of legal redress against the Council.

1.5 Information that is held by someone on behalf of a Local (Parish and Town) Council (that is by a Member or Officer) will satisfy the definition in Section 3(2)(b) of the 2000 Act and constitute 'information held by a parish council' which a person is entitled to request under the 2000 Act. Therefore, information that relates to the official business of the Council that is held in personal email accounts (for example Hotmail, Yahoo and Gmail) of Members or the Officer is caught by the 2000 Act.

1.6 If official business of the Council held in personal email accounts of Members (and the Officer) contains personal data, it may come within the scope of a subject access request under the 1998 Act.

1.7 If the personal email accounts of Members contain personal data that relates to their activities as a Ward Councillor or campaigning for election, it may come within the scope of a subject access request to the Member under the 1998 Act.

1.8 Information in the personal emails of Members (and the Officer) that does not relate to the business of the Council will not be subject to the 1998 or 2000 Act.

Procedures for Members (and Officer) when sending emails

- 2.1 When writing emails, always assume that they may have to be disclosed to a court or tribunal or to the Information Commission, because in some circumstances that could happen.
- 2.2 Before sending an email, think about its purpose and consider if it is the best form of communication method to use. For example, a telephone call or a face-to-face discussion might be more effective.
- 2.3 Keep the email message relevant and concise. Do not send unnecessary copies of the message or forward it on to others if not strictly necessary.
- 2.4 Always write emails as if they are permanent, because even when they have been deleted they can often still be retrieved and may be disclosable to a court or the Information Commissioner.
- 2.5 Internal emails, even if marked private or confidential, might eventually need to be disclosed when it is lawful to do so, e.g. under the 2000 or 1998 Acts or as part of the requirement on parties to disclose documents in the course of legal proceedings.
- 2.6 Information communicated by email may not be confidential, but it may be sensitive information that needs to be respected.
- 2.7 Always respect the privacy of others.
- 2.8 Do not send email that might be construed as offensive or discriminatory.
- 2.9 Do not make negative comments about an individual, including members of the public, Members, Officer, or business suppliers.

3. Procedures for Officer to receive, acknowledge and action, file or discard

- 3.1 Emails received are generally read on a day-to-day basis, as they are received. Any received out of normal working hours are classed as received at the start of the next working day.
- 3.2 Where appropriate, a personalised acknowledgement to be provided, ideally within 48 hours (unless the office is closed/Clerk on holiday). Some 'standard' acknowledgements are held on file and sent as appropriate, e.g. upon the receipt of a grant application or FOI request.
- 3.3 When the office is closed for a week or more (e.g. when the Clerk is on holiday) an auto-response message is sent, to indicate that the office is closed (from/to dates) and who should be contacted if a matter is urgent.
- 3.4 Consideration to be given to not printing out an email, if not absolutely necessary. Every email prints by wi-fi to the default printer and, therefore, uses up megabytes of data. Any efforts to save costs should be implemented, as well as saving trees!
- 3.5 Any emails which need to be put on a future agenda should be printed out and placed in the appropriate Next Agenda tray for that Council/Committee meeting. In

most cases they will also need to be PDFd and saved in Agenda Supporting Documents (ASD) in readiness for distribution with the agenda.

3.6 All email folders/sub-folders to be reviewed regularly (at least monthly) to delete any documents older than two years (in line with Records Management Policy).

Version Control

Approved by Finance & Management Committee – 4 July 2016

Approved and adopted by Council on 12 September 2016 – Minute No. 1617 56(3)(c)
refers

Approved by Full Council 9/11/2020

Liz Bennett, Clerk 2/11/2020