

As a member of the Montana State Legislature, some of your emails may be subject to disclosure under the provisions of the Montana Public Records Act, beginning at § 2-6-1001, MCA. Use this chart to help you manage, archive, and delete emails appropriately.

You've just finished reading and providing any necessary response to a new email in your inbox – now what are you supposed to do with it?

To determine whether you need to manage that email as a public record, you need to analyze the **CONTENT** of the message

Emails distributing **official committee documents** such as agendas, reports, or committee bill drafts are retained and maintained by Legislative branch staff, so **can be deleted** by a legislator [when finished with the information]

2-6-1002(11): Public information is "information ... **relating to the transaction of official business**, regardless of form, except for confidential information that must be protected against public disclosure under applicable law"

If the content of the email addresses **non-legislative business**, you do not have to treat that email as public information. Examples may include communications related to:

- Personal business
- Political activity
- Your non-legislative employment

If the email **relates to your duties or your position as a legislator**, treat it as potential public information and manage it according to branch guidelines

Emails containing **legislative administrative documents** such as documents related to bill drafts should be **retained for [TBD]** before deleting

Since these are non-records, you can **delete** these emails as soon as you are done with them

Emails that are **tangentially related** to your duties or position as a legislator, such as a newsletter from NCSL, are **transitory records** and **can be deleted** [when you are done with them]

Emails containing **discussion about legislative business** to and from your colleagues, stakeholders, constituents, and staff should be **retained for a period of [TBD] years**