

## North Carolina Department of Cultural Resources



### Best Practices for Electronic Communications Usage in North Carolina: Guidelines for Implementing a Strategy for Text and Instant Messages

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## 1. INTRODUCTION

General Statute §132 defines a public record as "... all documents, papers, letters, maps, books, photographs, films, sound recordings, magnetic or other tapes, electronic data-processing records, artifacts, or other documentary material, *regardless of physical form or characteristics* (emphasis added), made or received pursuant to law or ordinance in connection with the transaction of public business by any agency of North Carolina government or its subdivisions..." This document outlines some examples of how text messaging and instant messaging (IM) fit into existing retention schedules. It is intended to complement the Best Practices for Text Messaging Policy and to provide guidance for handling text messages as public records. It provides general and specific instructions about how to save text/IM conversations and messages from devices and clients into formats where they can be retained according to schedules.

This document does *not* provide instructions for employees regarding records value or specific retention schedule items. Rather, it functions as a "how-to" that provides examples of how text and instant message conversations fit into existing retention schedules. If you are unsure if a text/IM conversation constitutes a record, or have questions about the proper length of time to retain a record or the form in which it must be retained, please contact the Government Records Branch of the North Carolina State Archives and Records Section at 919-807-7350, or by e-mail at [records@ncdcr.gov](mailto:records@ncdcr.gov).

## 2. RECORDS RETENTION AND DISPOSITION SCHEDULES AND TEXT/INSTANT MESSAGING

Both state and local agencies conduct communications related to public business using text and instant messaging. The retention of these records is governed by existing records retention and disposition schedules (records retention schedules). Records retention schedules identify and describe an organization's records usually at the series level and provide instruction on how to handle them throughout their lifecycle.<sup>1</sup> Records are typically scheduled by item or series defined as "A group of similar records that are arranged according to a filing system and that are related as the result of being created, received, or used in the same activity."<sup>2</sup> *The General Schedule for State Agency*

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<sup>1</sup> Pierce-Moses, Richard, *A Glossary of Archival and Records Terminology*, <http://www.archivists.org/glossary/>, Society of American Archivists, accessed April 14, 2011

<sup>2</sup> Pierce-Moses, Richard, *A Glossary of Archival and Records Terminology*, <http://www.archivists.org/glossary/>, Society of American Archivists, accessed April 14, 2011.

*Records*<sup>3</sup>, state agency program records retention and disposition schedules,<sup>4</sup> and local records retention and disposition schedules for counties and municipalities and other local agencies<sup>5</sup>, contain instructions for the retention and disposition of records—including

- how long to keep them,
- if they can be destroyed by the office itself,
- whether they should be transferred to the State Archives for permanent retention,
- or if they should be retained in office permanently.

Sometimes the records retention schedule item (also called a record series) will include terms such as “correspondence” or “communications” that include recorded communications like text message or IM conversations. Sometimes, though, the item will not be so explicit, and will otherwise describe the types of records to which the item applies. IM and text messaging may also fall under these items, depending on the content of the message and the record series to which the item applies.

If you have questions about how you should be managing your records, review your agency’s currently-approved records retention schedule. Some records retention schedules specify how the records are maintained while others are media and format neutral. You may discover that your office’s practices differ from the schedule item’s requirements: for instance, your office may not maintain electronic records in printed form, although the applicable schedule item instructs records to be printed and filed. If the way your office keeps records differs from the records retention schedule, talk to your analyst or your Chief Records Officer (CRO) about possible changes to the records retention schedule. Your CRO can work with a records analyst in the Government Records Branch to update the records retention schedule if needed or determine how to properly retain records. If you are still unsure, please contact an analyst with the Government Records Branch<sup>6</sup> to discuss it with them.

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<sup>3</sup> The General Schedule for State Agency Records is located at [http://www.records.ncdcr.gov/schedules/GS\\_2009\\_updateamendment\\_20090831B.pdf](http://www.records.ncdcr.gov/schedules/GS_2009_updateamendment_20090831B.pdf).

<sup>4</sup> Searchable records retention schedules for all offices in North Carolina are located at <http://www.stateschedules.ncdcr.gov/>.

<sup>5</sup> <http://www.records.ncdcr.gov/local/default.htm>

<sup>6</sup> The North Carolina Government Records Branch site is located at <http://www.records.ncdcr.gov>.

In addition, agencies should consider crafting a policy to address employee use of text and instant messages in the work place. The staff of Archives and Records will work with your office to ensure that they policy addresses employees' responsibilities with regards to records retention.

The following examples demonstrate how these records retention schedule items establish requirements that apply across multiple media, including text and IM.

### **EXAMPLE 1: STATE AGENCY RECORDS**

Figure 1.

**ITEM 16210. FORGED WARRANT FILE.** Correspondence in paper and electronic formats relating to the collection of each forged state warrant.

DISPOSITION INSTRUCTIONS: Destroy paper and electronic records in office 2 years after resolution of issue.

In this example, the item in the records retention schedule concerns warrants and correspondence with the Department of State Treasurer, Banking Operations Section, Disbursing Account Services Unit. By function, text messages are covered in this schedule item. When employees communicate using text or instant messaging, they create public records whose retention and disposition is covered by this item.

This item contains a specific retention period regarding how long these records are managed. However, it does not say how they might manage them. Because the disposition calls for the records to be destroyed 2 years after the resolution of an issue, potentially, the records could exist for a lengthy period of them. Without taking some sort of action, such as forwarding the message to their email account, employees are in a difficult position as to how they might retain them over time. Often, when a person periodically restarts a phone (as recommended by the manufacturer), messages are erased from the phone. Phone service carriers are not required to retain the messages , also known as electronically stored information (ESI), on their servers and thus it disappears. (See the section below on retaining records for instructions on how to retrieve text/IM conversations in printable and other formats.)

### **EXAMPLE 2: LOCAL RECORDS**

The following is an example from the Municipal Records Retention and Disposition Schedule<sup>7</sup> that demonstrates the application of text/IM in local government:

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<sup>7</sup> [www.records.ncdcr.gov/local/municipal\\_2009.pdf](http://www.records.ncdcr.gov/local/municipal_2009.pdf)

Figure 2.

27.	<b>CRIME PREVENTION RECORDS</b> Records concerning municipal law enforcement office and community meetings and other functions which seek to prevent or monitor possible criminal activity. May include meeting schedules and agendas and other related records.	a) Retain records with historical value permanently. b) Destroy in office remaining records when administrative value ends.
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This schedule item is an example of how the records retention schedule covers records created by local municipalities in crime prevention, including use of text messages to send safety alerts to citizens. The disposition instructions include requirements for how long these records should be handled within the office, but does not specify how they are maintained.

### 3. FORWARDING MESSAGES AND CONVERSATIONS TO AN E-MAIL ADDRESS

As in the first example above, some records retention schedules for public records require interfiling printed electronic records with paper records, while others require records to be kept in an electronic format. This requires employees to transfer the text/instant message or conversation from their phone to a format where it can be retained as the applicable records retention schedule requires (see Section 2: RECORDS RETENTION AND DISPOSITION SCHEDULES AND TEXT/INSTANT MESSAGING above for examples of schedule items and how they would apply to text/instant messaging records).

One way to meet the records retention schedule requirement is to forward instant messages, text messages, and IM/text conversations to a workplace provided e-mail address, where they can then be printed or retained in an electronic format as an e-mail.

Many smartphone devices allow immediate forwarding of conversations and messages to an e-mail address, provided they have a “data plan” service that lets the device contact the Internet. If you are not sure whether you have this feature as part of your service plan, contact your service provider.

Most phones will allow you to send and forward messages to an e-mail address, even without a data plan, by sending the message directly an e-mail address instead of to a

phone number. Contact your service provider for instructions if you are unsure how to use this function.

Note that messages forwarded to an e-mail address on phones without pre-paid data plans may incur extra charges depending on the service plan and provider. It is important to understand the details of your service plan.

Some conversations, such as SMS text, may not be retained as a conversation, but as a series of individual messages. These messages can be forwarded as e-mail using the instructions below, and retained together as records.

The steps to follow to retain a conversation or message from a mobile device through e-mail are usually as follows:

- 1) Identify the conversation or message to be retained, and how to retain it, using your office's records retention schedule, as described above;
- 2) Forward the conversation or message to an existing e-mail address, using the instructions for your device;
- 3) Retain the record in printed or electronic format according to the applicable records retention schedule's instructions for that schedule item .

Some devices may allow the forwarding of entire conversations, while others may require individual forwarding of text messages. Specific instructions for devices explaining how to forward these conversations to an e-mail address appear below.

#### **4. FORWARDING GUIDES FOR DIFFERENT PLATFORMS**

This section describes, step-by-step, methods for forwarding text/IM conversations to an e-mail address accounts for many popular devices. If you use these methods, make sure that you are forwarding conversations to an employer-issued e-mail address that you or an appropriate person can access to retain the conversation as a record. Do not assume that any device or e-mail account is secure.

Be careful to retain all data from the original message or conversation to provide a complete record. It is preferable to forward an entire conversation rather than individual messages if your device allows this, both for accurate records and for convenience, as this will show the messages in chronological order.

If your device is not listed here or you do not recognize any of the devices listed, you may still be able to forward messages and conversations to an e-mail address from your device. Consult with your IT department to find out available options.

Some phone operating systems do not currently provide forwarding of full conversations, but applications may be available for these phones to provide this function.

Several operating systems including iPhone and Windows Mobile will automatically backup messages to Cloud storage systems. However, these messages can be hard to access and you should take additional steps to ensure messages are saved. Some third party services are available to extract messages from the Cloud and transfer them to txt files.

Please contact your Analyst for a current list of programs and applications that will perform these services.

#### **BlackBerry® 10 OS**

1. The forwarding process is the same for BBM, SMS and MMS messages.
2. First open the message you intend to forward.
3. Press and hold the message until the side menu appears
4. Click the “Share” icon.
5. Select “Email” and type the recipient’s email address into the message screen.
6. Click “Send”

#### **iPhone® 6**

1. Tap “Messages” to open.
2. Select the message you wish to email.
3. Tap and hold until a pop up menu appears.
4. Select “More”.
5. Select messages should have a blue check mark. You may select as many messages to forward as you want.
6. Select the blue arrow in the lower right corner.
7. Enter desired email address in the contact field and hit send.

#### **Apple iOS® 8.1: Text Message Forwarding**

The iOS 8.1 operating system allows you to send and receive SMS and MMS messages on a Mac computer.



## System Requirements:

1. Mac: OS X Yosemite
2. iPhone: iOS 8.1
3. The Mac and iPhone must be signed into the same iCloud account.

## Enabling Text Message Forwarding:

1. Enable WiFi on both the Mac and iPhone.
2. Open the Messages app on the Mac
3. Navigate to the Menu bar and select “Messages”
4. Select “Preferences”.
5. Select “Accounts”
6. Select “iMessage Account” and enter the desired email address.
7. To add an email account to your iPhone, navigate to “Settings”.
8. Select “Messages”
9. Select “Send and Receive”.
10. To turn on Text Message Forwarding, select “Settings”.
11. Select “Messages”.
12. Select “Turn Text Message Forwarding On”.
13. An activation code will be sent to the Mac’s Messages app.
14. Enter this code when prompted on the iPhone.

## Windows Mobile®

1. Windows Mobile automatically backs up text messages to the Cloud. However, when messages are deleted from the phone, they will also be deleted from the Cloud.
2. To enable Text Message Backup, navigate to the App list and select “Settings”.
3. Select “Backup”
4. Tap “Text Messages”.
5. Select “Text Message Backup”

## Android™ OS

1. Select the message to forward.
2. Tap and hold the message until a menu appears.
3. Select “Forward”
4. Enter the desired email address in the contact field.

## 5. SAVING CONVERSATIONS FROM AN INSTANT MESSAGING CLIENT

Nearly all IM software can capture content as a plain text file or a format native to the IM client. The location and size of the saved file can be configured within the IM client. If

your agency regularly uses a specific IM client on a server, some of these products allow capture of all IM conversations from the server itself, regardless of how each individual client is configured. Please consult your technology staff for the best way to retain an instant messaging conversation from a client.

## **6. DATA PLANS AND RETAINING CONVERSATIONS**

Depending on the service plan for your device, forwarding messages and conversations to an e-mail account essentially may be the same charge that is incurred for a text message. Some plans, however, may charge extra to send messages to an e-mail address

The cost difference in forwarding to an e-mail address may depend on the user's **data plan**. A data plan allows users to utilize providers' networks to access the Internet, use e-mail, browse the web, and use mobile applications. Data plans can range in terms of usage and cost.

Check with your service provider to find out what your data plan is and to discuss a new plan if the current one does not meet your needs. If your device is an employer issued device, your employer should be able to assist you in with the details of the data plan for your phone.

Be aware that use of data services without a data plan or data plans that charge by data sent and received may prove costly if e-mail or Internet access is used frequently. (Very expensive charges for data transfer from a device without a corresponding data plan might be avoided through hardware connection as described below.)

## **7. AN ALTERNATIVE: HARDWARE CONNECTIONS**

Many devices nowadays can forward to an e-mail address even if there is an extra charge and even if the phone has no broadband Internet capability. Very old mobile phones, however, may not be able to do this and will require a hardware connection, as well as special software, to download text messages from the device to a PC in a plain

text or other file format. Check with your information technology office if you believe you have text messages on your device that require this process.<sup>8</sup>

## 8. RETAINING TEXT/IM MESSAGES AND CONVERSATIONS

Employees should use caution if printing text/IM messages to file alongside paper records. Electronic files may contain data not normally displayed, relating to their creation or other aspects of the file, known as 'metadata'. This data may not be retained if the file is printed. Employees may need to retain electronic records in a particular format. Please consult your records retention schedule for guidance on what format you need to retain text messages.

**\*NOTE\*:**When messages are transferred to other locations or media, employees must make sure to include all data associated with the original message, including the sender and the recipient of the message, the time and date of the message, and other information that allows the message to be specifically identified. If you have questions about what data, including metadata, should be maintained and how those text messages might be filed so as to be useable, please consult contact staff of the Archives and Records Section.

## 9. PREVENTING SECURITY PROBLEMS

Use of mobile devices in the workplace brings many advantages, including more timely communication and increased ability to work remotely. However, like all networking technology, mobile devices introduce security risks that employees should consider when using these devices for state business, whether personal or workplace-issued. While employees should always be vigilant for signs of existing security issues, there are many steps that mobile device users can take to protect themselves:

- **Use security features.** One familiar way to protect electronic information is by using a password, and some devices have equivalents to prevent unauthorized access. When you are not using your phone, lock the device using a PIN or pass key as your device allows.

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<sup>8</sup> One example of such a tool is BitPim, a free and open-source program that can manipulate and download data from many American phones and devices, found at <http://www.bitpim.org> . Check with your information technology office to find out if this or another tool will allow you to download data from your device.

- **Watch out for unknown numbers and messaging contacts.** Five-digit service numbers and other unrecognized contacts may be security risks. Do not open texts/IMs from unknown sources.
- **Use discretion with Bluetooth®.** Bluetooth allows connectivity between mobile devices and other work technology, but unsecured and open Bluetooth connections can put security at risk. Bluetooth functions can be disabled within the user interface when they are not being used. Users can also set devices to “non-discoverable” mode, which prevents other devices from detecting the signal of their device. In general, users should disable Bluetooth when entering public and unsecured networks like “hotspots” in restaurants.
- **Back up your data.** Devices with hard drives usually contain software that allows a user to safely preserve copies of data. Service providers can direct the user to back-up solutions for their device beyond retaining texts/IMs.
- **Download only from trusted sources.** Do not download ringtones or other data from any source not approved by your phone’s service provider or manufacturer.
- **Protect your device.** Do not lend your device to strangers and do not leave it unattended. Treat your device at all times as a potential source of private information.
- **Talk to your service provider further.** While users should avoid downloading any software from anywhere except trusted sources, service providers and manufacturers can often direct users to trustworthy security software for their devices to help prevent security risks. Security software should be used in combination with user caution.

## APPENDIX 1: TERMS AND DEFINITIONS

Some definitions useful for understanding this document:

- **“App” (Application)** – first- or third-party software that provides additional functions for a mobile device. Users can download and install applications using Internet functions on their device, and can shop for applications online on sites such as Microsoft® Marketplace for Mobile® or BlackBerry®’s Appworld®. Some operating systems, such as iOS, the operating system for the iPhone, only allow apps that have been approved by the OS’s developer, while others, such as Android™, allow users to install any compatible apps they download. Third-party app developers often do not offer guarantees of security or full compatibility, and users should exercise discretion as to which apps they install and use to conduct public business, including forwarding text messages to an e-mail address.
- **Conversation** – a series of text messages exchanged between users, arranged in chronological order. Some platforms automatically organize received and sent messages into conversations, while others do not. Some platforms also allow forwarding of entire conversations through e-mail for all users, and apps are available for some platforms that lack this function.
- **Data plan** – part of a mobile phone provider’s monthly plan for Internet-ready phones. A data plan carries a set charge and usually allows a certain amount of bandwidth or upload/download rates per month, although unlimited data plans are available for heavy users of Internet services. This plan is a necessity for using the Internet features of a mobile phone. A data plan is not required to forward messages to an e-mail address, but users of e-mail may incur other upload/download charges if they have not purchased a data plan.
- **Device manufacturer** – the company that manufactures a mobile device and its hardware. Examples include Nokia®, Samsung®, and Apple®.
- **Electronically Stored Information (ESI)** -- is defined to include “writings, drawings, graphs, charts, photographs, sound recordings, images, and other data or data compilations stored in any medium from which information can be obtained . . . .”<sup>9</sup>
- **Malware** – malicious software that can invade a computer or mobile device. Malware may impair functioning of the device, erase data, replicate itself using the device’s resources, or pose a security threat to confidential information. Types of malware are defined below.

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<sup>9</sup> Millonzi, Kara, “Electronic Discovery in North Carolina: A Guide for Public Sector Entities to the Rules and Tools for Litigating in the Digital Age.” UNC School of Government, Chapel Hill, NC, 2009.  
<http://sogpubs.unc.edu/electronicversions/pdfs/ediscovery09.pdf>, accessed 2/14/2012.

- **Virus** – a program that infects a device through a program and uses the “host” machine to make copies of itself that then infect other devices. Viruses can harm data or software on a device, make it unusable, or do nothing but replicate themselves at the cost of system resources.
- **Worm** – much like a virus, this program infects and copies itself through a network. Unlike a virus, a worm can infect and replicate without depending on another program. Again, a worm can cause major problems for a network, either by attacking devices or merely using up network bandwidth.
- **Trojan horse** – malicious software that appears to provide a legitimate service to the user, but actually allows unauthorized access to data. Trojan horses can masquerade as useful applications or extensions, allowing the programmer to invade the device’s security.
- **Adware** – software that delivers unsolicited advertisements to users. This software can be difficult to remove and can prove annoying and disruptive for users by interrupting tasks and hogging system resources.
- **Spyware** – software that surreptitiously collects personal information from the user, including lists of visited websites, e-mail contacts, or confidential data such as credit card numbers and passwords.
- **Mobile device** – a mobile phone or other portable device with communication and computing functions.
- **Operating system (OS)** – also known as a **platform**. Software that manages a computer or mobile device’s hardware resources and provides common services. Examples include Microsoft® Windows® or Apple® OS X® on personal computers, and Apple’s iPhone® iOS®, Microsoft Windows Mobile®, Nokia® Symbian®, or Android® on mobile devices. Each operating systems allows and manages software applications designed for that operating system.
- **Operating system developer** – the company or organization that designs and releases the operating system for a mobile device. Examples include Google Inc.
- **Records retention and disposition schedule** - also known as a records retention schedule or a records schedule. A document that governs how records should be kept, for how long, in what medium, how disposal must occur, and other requirements of the North Carolina Department of Cultural Resources.
- **Schedule item** – also known as a record series. This is the shorter, specific description of how a record defined in the item must be treated, found within a records retention and disposition schedule
- **Service provider** – the company that provides phone and data services to a user’s mobile device for a fee. Examples include AT&T® and Verizon Wireless®.