

Electronic Communication

Electronic communication is the transmittal of a communication between two or more computers or other electronic devices, whether or not the message is converted to hard copy format and whether or not the message is viewed upon receipt. Electronic communication includes all electronic messages that are transmitted through a local, regional or global computer network.

All BOCES electronic communication systems are owned by the BOCES and are intended for the purpose of conducting official BOCES business only. BOCES electronic communication systems are not intended for personal use by BOCES employees. Employees shall have no expectation of privacy when using BOCES electronic communication systems.

Electronic communication sent or received by the Board, the BOCES or BOCES employees may be considered a public record subject to retention under state or federal law. Such electronic communication may also be subject to public disclosure or inspection under the Colorado Open Records Act.

Whenever the BOCES is a party in litigation or reasonably anticipates being a party in litigation, Board members and BOCES employees in possession of electronic documents, email and/or other evidence relevant to the litigation or reasonably anticipated litigation shall retain all such documents, emails and other evidence until otherwise directed by the Executive/Special Education Director or designee.

To ensure compliance with applicable law and Board policy, the BOCES retains the right to review, store and disclose all information sent over the BOCES electronic communication systems for any legally permissible reason, including but not limited to determining whether the information is a public record, whether it contains information discoverable in litigation and to access BOCES information in the employee's absence.

Upon sending or receiving an electronic communication, all users shall segregate or store those communications that are public records. Public records are those that evidence the BOCES's functions, policies, decisions, procedures, operations or other activities of the BOCES or that contain valuable BOCES data.

Electronic communication on BOCES computers or BOCES electronic communication systems shall be retained only as long as necessary. Such electronic communication shall be deleted on a routine basis unless otherwise required to be retained by Board policy or state or federal law.

The custodian of records for the BOCES shall assist the public in locating any specific public electronic records requested and shall provide public access to public electronic records in accordance with state law. The BOCES's records custodian shall also be responsible for assisting the BOCES's programs and other sites in complying with record retention requirements.

BOCES employees may be subject to disciplinary action for violation of this policy.

(Adoption date: June 16, 2021)

LEGAL REFS.: C.R.S. [24-72-203](#) (1)(b)(l) (*BOCES must adopt policy regarding the retention, archival and destruction of electronic records*)

C.R.S. [24-72-204.5](#) (*BOCES must adopt policy on monitoring of electronic mail*)

C.R.S. [24-80-101](#) *et seq.* (*State Archives and Public Records Act*)

CROSS REFS.: [EHB](#), Records Retention

[GBEE*](#), Staff Use of the Internet and Electronic Communications

[GBJ](#), Personnel Records/Files

[JRA/JRC, Student Records/Release of Information on Students]

[JS, Student Use of the Internet and Electronic Communications]*

[KDB](#), Public's Right to Know/Freedom of Information