

**WRITTEN QUESTION TO THE CHIEF MINISTER
BY DEPUTY M.R. HIGGINS OF ST. HELIER
ANSWER TO BE TABLED ON TUESDAY 24th MARCH 2015**

Question

Will the Chief Minister advise Members whether a decision has been taken by the Corporate Management Board (CMB) to delete all emails that are more than 2 years old from States computers and servers and, if so, will he advise whether:

- a. he, or the Council of Ministers as a collective body, or any individual Minister, gave their consent to the CMB prior to its decision;
- b. the CMB, the Chief Minister, Council of Ministers, collectively or as individual Ministers, received legal advice from the Law Officers' Department before the CMB made its decision to delete the emails;
- c. there were any exceptions to the deletion policy and, if so, in what circumstances;
- d. is aware that emails have been instrumental in proving guilt or innocence in criminal trials, proving miscarriages of justice or helping the States defend itself in civil actions for damages brought against it;
- e. will he seek to reverse the policy of the CMB relating to email deletion?

Answer

The States has an automated email archive system that records all email sent and received to gov.je accounts. This email archive is retained to restore data if it becomes corrupted or is lost. Information Services implemented this system on Friday 4th May 2012.

After taking into account the information requirements stipulated in the Public Records (Jersey) Law 2002, Data Protection (Jersey) 2005 Law and the Freedom of Information (Jersey) Law 2011, the Corporate Management Board decided that these archived emails should be retained for two years. This policy was implemented on 17th October 2014.

This process does not delete emails from all computers and servers. Each department has its own records retention policy, and the automatic deletion of emails from the backup server does not affect emails saved in user files or on official records management systems.

- a) The Corporate Management Board is responsible for the operation of the public sector. It would not be a requirement to consult the Council of Ministers about a retention policy for an email archive system.
- b) Departments are required to handle information in documents, applications and emails in accordance with their retention schedules and legal obligations. Retention schedules are determined by the business needs of departments and are reviewed and approved by Chief Officers and Jersey Archive. As approved business retention schedules are in place, CMB, the Chief Minister, Council of Ministers, collectively or as individual members did not seek legal advice on the retention period for the email archive system.

- c) There are no exceptions to the automatic removal of email from the email archive system.
- d) There is awareness that emails have been used as evidence in both civil and criminal trials. However that does not mean we should maintain an email archive in perpetuity. Emails that constitute official records are required to be kept in an appropriate business records management system.
- e) The Corporate Management Board has the authority to make operational decisions and I will not seek to reverse the email archive retention policy.