



THE LEGAL RECORDS AT RISK (LRAR) PROJECT

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<http://ials.sas.ac.uk/research/areas-research/legal-records-risk-lrar-project>

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Legal Records at Risk Guideline 8: advice to legal institutions on managing email

Most business is now conducted via email, yet few institutions specialised to law have effective rules on how to manage email transactions as business records. They may as a result end up storing hundreds or even thousands of emails simply because they can, not because they need them or because keeping them is in line with good business practice or legal and regulatory compliance.

We have been able to find little specific advice from regulatory or professional legal bodies on managing email, other than the usual warnings about spam, security and the potential requirement to produce emails for e-disclosure. Each institution, therefore, must set its own rules for day to day management and disposal of emails, with particular attention to emails containing personal data.

Some institutions, notably several law firms, set strict deletion rules for emails after a certain date. Lawyers who fail to observe their organisation's email retention policies may inadvertently lose important messages and their attachments. Other organisations may create an "email archive" in which all messages are stored. This creates yet another repository, often full of rubbish, that counsel must spend time searching through to find information.

In an ideal world all organisations would use document and records management systems (EDRMS) which include email integration, allowing simple "click and drag" of business critical emails from the email system to the EDRMS. Without such systems, practitioners must, alas, manage emails themselves and save those of value to group storage areas manually. The table overleaf explains how to decide which emails need to be saved.

"A recent survey by the McKinsey Global Institute and the International Data Corporation found that interaction workers – highly-skilled employees, such as professionals and managers – spend a staggering 28% of their time at work reading, writing, or responding to email and 19% tracking down information they need to complete tasks. With nearly half the workday devoted to managing email, it is no wonder many lawyers complain of information overload" [Roy Russell, [How to manage your emails](#), Law Society Gazette 16 September 2013].

Every email transaction falls into one of the following categories during its life-cycle:

Business critical	Has business, evidential or legal value	Keep until value expires
Informational	Has information or reference value	Keep until value expires
Redundant	Business, evidential, legal or reference value has expired	Delete promptly
Irrelevant	Spam, unsolicited messages of no value	Delete promptly
Personal	Not work-related and of no value	Delete promptly

What to do when you receive or send an email

