

LEE MEMORIAL HEALTH SYSTEM BOARD OF DIRECTORS

POLICY MANUAL

no. 10.49

category: General Operations
title: E-mail Communications for Board Members

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revision date: supersedes no.

PURPOSE:

To provide guidelines for the management of electronic mail (e-mail) communications made or received by members of the Board of Directors in connection with official health system business.¹

POLICY:

Members of the Board of Directors, who possess compatible personal computer capability, who would like to communicate with Lee Memorial Health System staff and members of the public concerning health system business shall be provided access to health system e-mail communications.

The Board of Directors recognize e-mail transmissions made or received in connection with official business may be public records subject to Public Records Law. E-mail communication among Board members concerning matters of health system business is subject to the same restrictions as verbal discussions between two or more members of the Board subject to the Sunshine Law. Public records must be stored and disposed of only in accordance with retention schedules established by the State of Florida, and the general storage and disposal policy established by the System for those e-mails which are Public Records. The records must be made available to the public at any reasonable time and under reasonable circumstances. Pursuant to the following procedure, the Assistant to the Board of Directors shall be the custodian of such Board of Director e-mail records as may be copied to the Board Office and ensure proper storage, retention, disclosure for public inspection and disposal, when appropriate, of such records.

PROCEDURE:

1. Members of the Board of Directors wishing access to health system e-mail communications shall advise the Assistant to the Board of Directors who will coordinate such access with Information Systems (IS).

¹ Section 119.011(1) of the Florida Statutes defines “public records” as “all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency. This definition has been interpreted to encompass all materials made or received by an agency in connection with official business which are used to perpetuate, communicate, or formulate knowledge.

2. Pursuant to existing System policy, the senders of public record e-mails who are users of health system e-mail communications are the custodians responsible for proper storage and disposal of public record e-mail. Such persons are also the custodians of public record e-mails received by them from sources outside the health system e-mail communications. Accordingly, members of the Board are not custodians of any email sent or received by them to or from a user of the health system e-mail communications utilizing a Board member's non-health system e-mail communications account, e.g. a Board member's home or employer e-mail account. Additionally, Board members are not the custodians of e-mails received by them through a health system e-mail account from another health system e-mail communications user. However, public record e-mails received from and sent to non-health system sources, and public record e-mails sent by a Board member to a health system user from the health system email account established for such Board member must be appropriately stored and disposed of. Accordingly, Board members may move public record e-mail from their health system e-mail account to the Deleted Items folder, but members shall not delete public record e-mail communications from the Deleted Items Folder. Upon moving such e-mail to the Deleted Items folder, the Board Office shall be the custodian of such public record e-mails. Non-public record e-mail, often referred to as "transitory messages," and email for which another individual in the health system is custodian, may be deleted if the member so chooses.²
3. IS technical staff will periodically archive Board e-mail in accordance with the health systems' e-mail maintenance procedure.
4. Members of the Board of Directors shall not have access to health system e-mail communications of other Board members.
5. The custodian of Board e-mail records will have access to all Board of Director e-mail in the member's deleted items folder for the purpose of ensuring storage, retention, inspection, and disposal, when appropriate, of public records in accordance with Florida law.
6. Members of the Board utilizing a non-health system e-mail account for Board business may:
 - a. Forward their public record e-mail to the Board Office which shall then become the custodian of such public records, or
 - b. Choose to remain the custodian of the their health system public record e-mail and ensure storage, retention, public inspection and disposal in accordance with Florida law.
7. Access to health system e-mail communications shall cease when the Director no longer serves as a member of the Board of Directors.

² "Transitory records" are not public records and need not be maintained or accounted for in the same manner as public records. "Transitory messages" consist of those records that are created primarily for communication of information, as opposed to communications designed for the perpetuation of knowledge. "Transitory messages" do not set policy, establish guidelines or procedures, certify a transaction, or become a receipt. Examples of "transitory messages" are announcements, staff activities, not created in the course of hospital business, "Joe Doe called, please call back," and "Is tomorrow afternoon's meeting still on?"

E-mail Guide

Board Member Non-Health System E-mail Account

Record Custodian

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| 1. LMHS employee sends public record e-mail | LMHS employee |
| 2. LMHS employee receives public record e-mail | LMHS employee |
| 3. Board member sends public record e-mail to health system account | LMHS employee |
| 4. Board member sends public record e-mail to non-health system account and does not forward to the Board Office | Board Member |
| 5. Board member receives public record e-mail from a non-health system account and does not forward to the Board Office. | Board Member |
| 6. Board member sends public record e-mail to non-health system account and forwards same to the Board Office | Board Office |
| 7. Board member receives public record e-mail from a non-health system account and forwards same to the Board Office. | Board Office |

Board Member Health System E-mail Account

Record Custodian

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|---|--------------|
| 8. Board member sends public record e-mail | Board Office |
| 9. Board member receives public record e-mail | Board Office |