



# **Text Messages Retention** **and Disposition:** **Policy Statement**

**South Carolina Department of Archives and History**  
*Archives and Records Management Division*

## **INTRODUCTION:**

A text message is defined as a form of communication received and sent via a mobile device. State and local government agencies have increasingly used text messages to exchange content among staff, vendors, and other related government affairs. Any text messages sent or read by a state government employee related to the duties regardless whether it is on a government phone or personal phone are considered public records. Like paper or electronic records, text messages are another format in which information is captured. As a public record, agencies have to be aware of the procedures and policies when managing public records. Therefore, this leaflet will address the concept of text messages (i.e. Multimedia Messaging Service (MMS) and Short Message Service (SMS)) on either an office or individual device as seen as a public record.

## **WHAT IS A PUBLIC RECORD?**

As mentioned in the *SC Code of Laws, Section 30-4-20 (b)* states: “All books, papers, maps, photographs, cards, tapes, recordings, or other documentary materials regardless of physical form or characteristics prepared, owned, used, in the possession of, or retained by a public body that is supported in whole or in part by public funds or expending public funds..... Refer to the *SC Code of Laws, [Section 30-4-20](#)* for the complete regulation.

## **USE OF TEXT MESSAGES:**

This section regarding the use of text messages strictly applies to individuals elected to or employed with public agencies. Information on defining a public agency can be found in the *SC Code of Laws, Section 30-4-20 (a)*. Before any use of text messages, public agencies should consider the following steps:

- Text messages should serve as the “last resort” when establishing communication for business-related topics.
- If used, agencies should invest in application/software to help manage and capture text messages for preservation.
- Awareness of incoming/received text messages that might not relate to business-related topics and should be separated from other public records.
- Public agencies should have proper procedures in place for capturing these text messages based on their records description and retention.

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## VALUE OF RECORDS:

The State Archives refer to the “Value of Records” as the standard form of identifying the record’s content and appropriate retention period. In the “Value of Records”, there are four categories that a record can represent. These four categories are as follows:

*Administrative: Needed to conduct program business and/or daily course of business.*

*Fiscal: Document receipt, management, and expenditure of public funds and usually subject to audit.*

*Legal: Information on legal rights and obligations of government or its citizens; created or maintained in litigation.*

*Historical: Document authority and mission; governmental impact on citizens and state’s resources.*

## TRANSITORY OR NON-RECORDS:

Within your Records Management Program, certain materials are not retained as records under the disposition requirements found in the retention schedules. Listed below are the kind of materials that are subject for disposal when no longer needed for reference and without documentation of destruction.

### Non-Records

- a. Convenience or Duplicate Copies
- b. Catalogs, Trade Journals, and other publications received
- c. Stocks of Blank Stationery, Blank Forms, or other surplus materials that are not subject to audit

### Transitory

Transitory Records – depending on the context, which are temporary records created for short-term internal purposes that may include, but are not:

- a. Routing Slips, Voicemail and Phone Messages
- b. Miscellaneous Notices or Memoranda
- c. Information received as part of a distribution list or e-mail messages received from list servers and other Internet sources (Convenience of reference)
- d. Preliminary Drafts of Letters, Memoranda, or Reports; and other informal materials that do not records decisions.
- e. Documents that are superseded or updated (may not include official records, newsletters, etc.)
- f. Unsolicited advertising materials
- g. Information used for casual communication or personal correspondence
- h. General Correspondence pertaining to scheduling an event, with no long term value.

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## **TRANSITORY TEXT MESSAGES:**

Transitory Text Messages are short-term informal notices that represent informal notices of information related to notification or routine messages. Examples of these transitory text messages are as follows:

“On the way.”

“Call me back.”

“Please call me back.”

“I received your email.”

“There is a meeting in the breakroom.”

“Stuck in traffic; be there soon.”

“Forward me the contact information.”

However if the context of text messages revolves around a direction or final decisions, it may classify as a non-transitory text message.

## **NON-TRANSITORY TEXT MESSAGES:**

As mentioned above, text messages should be the “last resort” for sending non-transitory records relating to the business for agencies. Employees should limit sending texts regarding business-related content. In the case a non-transitory text message occurs, refer to your agency's Records Management Policy or contact the agency Records Officer.

## **PERSONAL DEVICES:**

If business-related communications are conducted on a personal device, it is the responsibility of the device's owner to maintain and preserve the records based on the retention period requirements. Before deleting/disposing or setting up automatic purge of text messages, the owner of the device should consult the agency's Records Officer to ensure all records retention requirements are met.

When text messages are extracted from a personal device, the agency's version is viewed as the “official record.” The copies remaining on the personal device are then referred to as “duplicate copies”, and can be destroyed. After destruction of the duplicate copies, the owner of device is not required to complete or submit any form of documentation. If the public records are not subject for destruction, the owner of the device is still required to maintain responsibility for the public records as required for as long as the records exist.

## **RETENTION AND DISPOSITION SCHEDULES:**

The retention of these records is governed based on the content of the text messages, which will determine the records retention period. The records retention provides guidance to the agency on the minimum time frame to manage a record until it reaches destruction or permanent status. The State Archives provides two types of schedules which are the General and Specific Schedules. All General Records Retention schedules are accessible to the public on the State Archives website. Records covered

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under the General Schedules relate to common correspondences and documents that state and local government agencies create and use. Text messages should be covered under the general correspondence schedules as follows:

## *12-305. Administrative Correspondence Files (Executive Levels)*

*A. Description: Correspondence is related to the administration of an agency or division. Communications concern coordination of programs, agency policy, and responsibilities of a non-routine nature that impact on the agency or its divisions. These letters are usually found at the agency director, deputy director and division director levels.*

### *B. Retention:*

*(1) Agency: 3 years after fiscal year. Microfilm optional.*

*(2) State Archives: Selection of needed documentation. Permanent.*

## *12-317. General Correspondence (Non-Executive Levels)*

*A. Description: Routine correspondence created or retained below the levels of agency director, deputy director and division director. Letters and memoranda reflect communications regarding program procedures, general work activities, and responses to information requests.*

*B. Retention: Until no longer needed for reference; destroy.*

If an agency does have a specific schedule related to correspondence that supersedes the general schedule, it may be used.

Based on the records retention requirements, if the record is subject to destruction, the agency must provide documentation for State Archives approval. The Records Officer or agency representative needs to complete an ARM-11: Report on Records Destroyed. After completing the form, the agency will submit a copy to the State Archives for review and approval.

## **CAPTURING AND PRESERVATION:**

This section focuses on methods of capturing and maintaining text messages based on long-term or permanent retention.

The following suggestions listed below are a few common methods used to secure text messages for retention:

- Taking screenshots of text messages
- Forwarding text messages to the work email address
- Contact wireless provider for transcript
- Export text messages to different file formats (i.e. PDF, Excel, etc.)

After utilizing one or more of these capturing methods, the Records Officer or agency representative needs to establish a storage media to hold these records based on their retention. Similar to preserving an email or social media post, there are multiple ways to archive text messages. Agencies are responsible for

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selecting the media that is most beneficial to the agency. The list below are recommendations compiled by the State Archives for storage:

- Print text messages in a paper format
- Stored in a file format, have the text messages secured in an alternative server/share drive.
- Use an Electronic Document Management System
- Vendor Service

Mobile devices such as iPhones and Android have an operating system that can automatically backup text messages to a cloud storage program. Within the cloud storage, the Records Officer can collaborate with the Information Technology (IT) Specialist in monitoring those backups' text messages in case the original is damaged or inaccessible.

In terms of preservation, agencies have an obligation to follow the retention guidelines based on the content within the text messages and/or the position of the individual sending the text. Therefore the retention period may vary depending on the value of the record and description. Following these standards can aid in the process of meeting the State records retention requirements:

- Text messages are required to be retained, at a minimum, the full length of time designed in the appropriate retention schedule.
- Text messages might be subject to a legal hold or Freedom of Information Act (FOIA) Request. In that situation, the agency must fulfill its legal obligations and retain the records until the case/request concludes.
- Based on the text message's content, if the retention requirement states "State Archives: Permanent", those records must transfer to the Archives. If the text message is in a digital file format, then an Electronic Transmittal Form is needed for documentation of transfer to the State Archives.
- Backup copies of the text messages are seen as convenience/reference copies; which indicates that those types of records are not seen as the "official" versions and do not require transfer, unless the primary copy is lost or corrupted.
- Text messages that could not be automatically captured into particular storage must be retained on a mobile device until the retention period has expired. An alternative solution is to extract those text messages from the mobile device and retain them in a specific digital storage media.
- Once an employee or elected official exits the state or local government agency, they will immediately return any business-owned device assigned to them. All records on the devices will be appraised and extracted for continued preservation. Once completed, the device should be reset to its default settings.
- If personal text messages exist in an agency-issued device, at the time the agency receives a FOIA or legal request, those messages must be retained until the request is complete.

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- The content of those personal text messages may be reviewed by the agencies or State Archives in making a disclosure decision.

## SECURITY PROCEDURES:

When conducting business on a mobile device whether it is personal or agency-issued, implementation of security measures should be in place to aid in reducing potential risks. Similar to a computer, the mobile device is prone to receive corrupted materials, viruses, and subject to hacking. Implementation of these recommended steps should aid in protecting these mobile devices:

- **Passwords / Encryption:** One of the common methods of protection, a password or lock-encryption defends the mobile device from unauthorized access.
- **Security Application:** Some agencies might enlist various antivirus applications to perform routine virus scans. Applications such as Norton Mobile Security or McAfee Security might require a subscription fee or additional compensation. Therefore, it is essential for the Records Officer and IT staff to conduct further research before an agreement is processed.
- **Monitor Unidentified Messages:** The user of either agency-issued or personal device needs to remain aware of unknown contacts. Those types of messages could lead to a potential security breach. If you are unable to identify an unknown contact, contact your IT Specialist for clarification.
- **Backup Data:** As mentioned in the “Capturing and Preservation” section, automatic backups through the operating system provide secure copies of the records stored on the mobile device. Agencies should contact their service provider to confirm if a backup solution exists within their selected mobile device.
- **Maintain Your Device:** As the assigned user/owner of a mobile device, it is the responsibility of the individual to protect the data that is created, owned, used, the possession of, or retained by the public agency. Establishing an internal mobile device policy can aid in mandating regulations on proper mobile device etiquette.
- ***Disclaimer: The State Agency should seek legal counsel if legal documentation is required to gain access to the agency’s wireless provider information.***

## DISPOSTION

Text messages on a device may be eligible for destruction depending on the record’s content and retention requirement. The following procedures must take place before the destruction:

- Use the Retention Schedules to determine the retention of the records.
- Complete an *ARM-11: Report on Records Destroyed*. The form provides documentation to the State Archives on records that met their retention.

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- Once completed, a copy of the ARM-11 is sent to a Record Analyst for implementation. The original copy of the ARM-11 remains at the agency for their reference.
- If a FOIA or legal request is presented before final disposition is completed, the agency provide the record. Once the legal requirements have been met, the agency can proceed with the disposal process.

## Reference Sources

[General Records Retention Schedules](#)

[ARM-01 Records Inventory Form](#) | [ARM-11 Report on Records Destroyed](#)

[Electronic Records Management Guidelines](#)

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