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The Honorable Andrew M. Cuomo  
Governor of New York State  
NYS State Capitol Building  
Albany, New York 12224

January 29, 2015

Re: Save the emails of New York State employees for at least seven years

Dear Governor Cuomo,

We write today to ask your administration match the federal government by saving the emails of state employees for at least seven years, and those of executive staff permanently. The new federal seven year email retention policy begins in 2015, and is based on extensive research by the National Archives and Records Administration, as well as active consultation with the public. New York can adopt a new email policy based on the federal standards immediately, and at minimal cost, thanks to the centralized *Office 365* software the state uses to manage emails. New York State can surely be at least as transparent as the federal government.

In this era, government runs on email, and access to email and electronic records has become a cornerstone of public transparency. Our groups are very concerned that the administration's June 2013 policy of using centralized software to automatically delete state employee emails after 90 days is resulting in the destruction of emails that are considered public records under New York's Freedom of Information Law. This policy was adopted without public notice or comment. Furthermore, we are extremely concerned that the inevitable destruction of email records under your 90-day automatic deletion policy directly undermines other public accountability laws like the False Claims Act.

In their January 2010 guidance to agencies, the New York State Archives wrote: “Purging all emails after a defined time period is not an acceptable retention and disposition strategy.” Experts in and out of government agree, and say it is unrealistic to expect state employees to manually save all emails considered public records. According to the National Archives, and top academic experts, seven years is a reasonable minimum period to automatically save emails. Importantly, email storage and retrieval is now extremely inexpensive. *Office 365*, the state’s email software, includes 50 gigabytes – about 30 years – of email storage per state employee.

For these reasons, we ask that you end the automatic destruction of emails after 90 days, and instead take advantage of the state’s modern email technology by issuing an executive order requiring agencies to save employee emails for seven years and executive staff emails permanently. (Please also see the attached short research paper for additional information.)

Thank you for your attention to our request,

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