

Email Archiving & Surveillance for the Education Industry

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The Evolution of E-Mail Communications

The use of email has increased exponentially over the last decade as e-mail has become a key communication tool for organizations of all sizes across all industries. Not only is e-mail a quick and convenient form of communication, it is also an easy way to transmit a variety of other data because it allows for attachments. While e-mail has improved the functionality of day-to-day operations and made it easy to transmit information, it also creates data management issues for organizations to consider: security, privacy, and storage and retrieval of electronic information. Many organizations are realizing the need to implement an e-mail management system as their volume of e-mail increases. Additionally, the exponential growth of e-mail use has resulted in the creation of laws and regulations pertaining to electronic communication and record storage and retrieval, which prompts organizations to seek IT tools for compliance.

School E-Mail Usage

Just like other organizations, schools rely on e-mail as a communication tool. Employees and students typically have individual e-mail addresses on their school e-mail system.

While e-mail provides a convenient channel for communication, it is beneficial for its usage to be monitored in school settings. With incidents arising at schools across the country such as inappropriate student-teacher relationships and violent threats from students and teachers via e-mail, schools are discovering that it is highly beneficial to implement an e-mail archiving and surveillance solution.

Why Should Schools Implement an E-mail Archiving & Surveillance Solution?

1. To comply with Federal Discovery Rules

Amendments to the Federal Rules of Civil Procedure, which went into effect December 1, 2006, require businesses and non-profit organizations, including public schools, which could be involved in federal litigation to archive all e-mail, instant messages and other electronic communications produced by their employees. The rules are in place for purposes of e-discovery, or gathering electronic information that could be used as evidence in litigation. Organizations may be fined if they cannot produce records fast enough during the discovery process, or may be committing “virtual shredding” by deleting files.¹

In order to comply with these regulations and to avoid associated legal fines and penalties, it is in the best interest of schools and school districts to implement an e-mail archiving solution.

¹ “Schools Must Archive Email,” By Corey Murray, Senior Editor, eSchool News, <http://www.eschoolnews.com/news/showStoryts.cfm?ArticleID=6734>

2. To Monitor Communications

Schools can benefit from monitoring electronic communications for several reasons. An effective e-mail surveillance application can notify administrators of potential human resource issues such as inappropriate conduct or sexual harassment and can warn of possible threats.

The Supreme Court decisions in the *Burlington Industries v. Ellerth* and *Faragher v. City of Boca Raton* cases established rules to be applied to sexual harassment cases. The U.S. Supreme Court ruled that employers are responsible for harassment, even if they are not aware that it is happening. Employers may be held liable if the employer knows or should have known of the conduct and fails to take immediate and appropriate corrective action.² E-mail monitoring gives administrators a tool for making effort to exercise “reasonable care” to prevent and correct harassment. An e-mail surveillance solution can also notify administrators of inappropriate teacher-student conduct.

An e-mail surveillance or e-mail monitoring solution scans the content of messages for particular words or phrases based upon a lexicon database that is usually customizable for a particular organization. E-mails traveling through the network with inappropriate words will be flagged for administrator review. Some solutions allow for pre-review, whereby flagged messages are held for administrator review before they reach the intended recipient.

An e-mail management system can also be used as a security tool for schools. Again, the system will scan messages for words or phrases that violate policies that have been set in the lexicon. For example, an e-mail message containing the words “gun,” “shoot,” etc. would be flagged by the system, in effort to prevent a violent incident from occurring or to be used as evidence following an incident.

3. To Respond to Requests under Freedom of Information Act Laws and Open Meeting laws

All states in the U.S. have passed open meeting laws, which disallow state or local government officials to hold private or closed meetings with the exception of meeting for certain topics. With the increased use of e-mail as a communication tool, these laws may apply to e-mails and chat rooms when public issues are discussed among a quorum or on a continual basis using electronic communication. According to an *Eschool News* article titled, “E-Board Meetings and Open Meeting Laws,” any business communication among a majority of board members transmitted via a chat room, groupware, intranet, listserv or similar media is likely to be viewed by a court as a meeting subject to open meeting requirements.³ Each state interprets the definition of “meeting” and “quorum” differently, but schools should be aware of the laws, and should

² BETH ANN FARAGHER, PETITIONER v. CITY OF BOCA RATON, <http://www.law.cornell.edu/supct/html/97-282.ZO.html>

³ “E-Board Meetings and Open Meeting Laws,” R. Craig Wood, Esq., April/May 2001, <http://www.nsba.org>

be prepared to respond to requests for copies of e-mails under open meeting laws and also under the Freedom of Information Act laws. Implementing an e-mail archiving solution leaves schools prepared to quickly and easily respond should they receive a request for information.

An Effective Email Archiving and Surveillance Solution

There are different types of e-mail management solutions available that feature both archiving and monitoring capabilities. The first type is suited for an organization that already hosts its email on an in-house server and would like to continue doing so. An email archiving and compliance provider can set up a journal on the server that will create copies of all inbound and outbound messages, and then transmit them to a secure data center where they are archived in an unalterable state.

The second type of email archiving and compliance solution is a fully hosted solution. An application service provider will host an organization's email, archive all inbound and outbound messages, and provide access for searching and monitoring through a web-interface. This scenario allows for full exchange capabilities, as well as anti-spam and virus protection.

A third type of system would be an on-site system, whereby a school or school district would purchase and setup their own hardware and software in-house. With this scenario, a school would contract with an application service provider to assist in integrating an e-mail archiving and surveillance solution into their existing system and to provide support.

What to Look for in an effective Archiving & Surveillance Solution

1. Easy to Use – The system you choose should run seamlessly and automatically. The application should be straightforward.
2. Search Functions – An effective surveillance solution will allow a user to search for emails by a variety of fields such as sender, recipient, subject, attachment, and keywords within the body of the email.
3. Archiving technology – Data should be archived in an unalterable, undeletable state to protect the integrity of messages.
4. Data Retrieval – Users should be able to easily and quickly download a batch of emails after a search is performed.
5. Surveillance – An effective solution should be able to flag messages using a database of words and phrases, and should allow users to add specific words and phrases to customize the functionality for their specific purposes.

Choosing the Right Email Management Solution for a School District

When a school district is considering an email archiving solution, there are several factors that need to be taken into consideration.

A school district will decide whether an in-house hardware/software or a hosted solution is appropriate based upon the size of the school district (number of users), whether the district chooses to archive and monitor only employee emails or both employee and student emails, and the financial and budgeting factors for the district.

The first consideration is the size of the district. Larger districts of over 5000 users (e-mail addresses) may find that their best option is implementing an in-house solution, which consists of a complete system build-out with all of the equipment needed to archive large volumes of email and the software to monitor and retrieve all of the emails that go through the system. For districts of 1000 to 5000, either the hosted option or a scaled down in-house version may be suitable choices. For those with fewer than 1000 users, a hosted solution is often the most practical choice. There is no capital equipment or software to purchase and upgrade, and the solution is supported by a provider's IT department.

A school district should also consider the functionality of a solution's monitoring capability. Most surveillance programs that are integrated with an archiving system contain lexicons that "scrub" emails and can alert an administrator if the email contains improper content. A good example of this would be a student receiving an email message that contains sexually explicit content. The email will be "flagged," and once reviewed, the proper action can be taken. It is a good idea to request examples of the lexicon when comparing service providers, or to request a demonstration of the product to view how the monitoring works.

The next factor to consider in selecting an e-mail management system is whether a district or administration will limit archiving and surveillance to employee emails, or whether a district will also include student accounts on the system. In order to be in compliance with the amendments to the Federal Rules of Civil Procedure, a school must archive all employee e-mails. The decision to also implement the solution for student e-mail accounts would depend on a school's need for increased security or desire to implement the tool as a human resource tool and best practice.

Lastly, budgets can vary from district to district and will be a factor in the decision. Costs associated with different systems should be discussed with service providers to determine a best fit for the organization. A major factor that will affect cost is whether a district would like to archive and monitor only employee e-mails or whether students will be included.

Schools must consider initial financial outlay in addition to ongoing costs for different solutions. For example, when considering an in-house hardware solution, the basic equipment cost of purchasing or leasing the servers, disk arrays, racks, and other equipment must be considered, along with software licensing, training setup fees, and

support contract costs. With a hosted solution, the typical industry model consists of a monthly per user fee with a one-time setup fee. This usually covers all equipment and support. However, when you research costs of hosted solutions, it is advisable to ask about other fees that may be involved, such as charges for exceeding a designated amount of storage space or fees for adding and/or taking users off of the system.

Digital Info Security Company PolicyBridge™ Email Archiving & Surveillance

Digital Info Security Company (DISC) offers a full complement of scalable email archiving and monitoring solutions to meet the needs of all districts in the education industry. Offering both hosted and in-house solutions featuring PolicyBridge™ software, DISC is equipped to accommodate the varying size and budget requirements of each unique school district.

DISC's PolicyBridge™ email archiving solutions are comprehensive, featuring superb functionality and the latest technology to serve multiple functions for schools. DISC's solutions help schools abide by regulations and laws concerning electronic communication and data retention, provide a tool for increased security and surveillance, provide a tool to aid in managing human resource issues, and maximize the efficiency of email communications.

For smaller districts and districts that do not want the burden of managing their own email system, DISC offers an economical, easily implemented hosted solution for archiving and monitoring all employee and student emails. This solution is without the extra expense of software, hardware, maintenance or IT staff costs. DISC's email hosting provides you with several advantages such as full exchange capabilities, Spam and antivirus protection, and access to your email from any location with an Internet connection.

To accommodate larger districts and districts that would like to implement a solution in-house, DISC offers two models of fully scalable hardware/software solutions that include DISC's PolicyBridge™ e-mail archiving and surveillance software. The first model consists of a stand alone unit that gives schools the capability of integrating the solution into their existing system. The second model is a full hardware/software package that includes all of the software and equipment a school district needs to perform email archiving and surveillance in-house.

The archiving capabilities of DISC's solutions are designed to equip schools with the technology to quickly and easily respond to requests under open meeting laws and the Freedom of Information Acts, as well as to e-discovery requests during litigation as required by the amendments to the Federal Rules of Civil Procedure. DISC's solutions archive all internal and external e-mail messages and attachments in an unalterable state in a secure, remote Data Center. Emails can be easily searched and retrieved from a user-friendly web-interface. In addition to the archiving function, the monitoring/surveillance function of DISC's solutions provides schools with the ability to customize lexicon words and phrases to fit their specific needs. Messages containing lexicon words or phrases, such as those

with threatening language or inappropriate content, are flagged by the system and can be viewed by a designated administrator. Lastly, all of DISC's solutions are supported by DISC's competent IT department.

In addition to providing school districts with email archiving and monitoring, DISC offers full range of complementary IT services such as remote data backup and website hosting. As an ASP, DISC can help school districts to streamline and simplify their IT systems and services.

Conclusion

With e-mail and electronic data transmission integral to operations and communication for schools, the topics of data storage and security are increasingly prominent concerns. Whether the motivation is to comply with federal discovery rules, to meet requests under open meeting laws, to employ security tools or to follow best business practices, it is in the best interest of schools to implement some type of e-mail management program in the near future. DISC personnel are highly knowledgeable in the various regulations involving email, and DISC welcomes the opportunity to discuss these issues with clients along with the appropriate solutions to manage them.

Choosing and implementing an e-mail archiving and surveillance solution is an important decision that should involve research on different available options as well as an assessment of an individual school or district's needs. Each school district's unique needs and characteristics, such as budget requirements and size, will determine the type of solution that is best: hosted, partially in-house or fully in-house. DISC is able to offer school districts all of these types of solutions and will work with each district to determine a best fit.

After researching the available email archiving solutions and solution providers in the market, not only will you find that DISC's scalable, cost-effective solutions meet the highest standards of performance and functionality, but also that DISC provides the attention and service to ensure that your solution fits your needs.