

Certificate of Receipt and Acknowledgment of Responsibilities when Using a Third-Party Email Account to Conduct University Business

I have been provided a copy of the University of Colorado APS Records Retention Policy as well as the May 2, 2011 CU-Boulder Chancellor's e-memo directive regarding the New E-mail/Calendar Solution & the Record Retention Policy. I understand that the CU Office of University Counsel (Legal Counsel) and the Office of Information Technology (OIT) have the responsibility to inform CU-Boulder employees of their legal obligations to maintain and/or produce information in the event of litigation or an open records request

The use of a third-party email service for university-related business creates University records that are outside of the University's official email system. Given the potential risk regarding the creation of these records outside the University's official email system, Legal Counsel and OIT require that employees who choose to use an external, third-party email service, either directly or through establishing an email forward, certify to the following five statements. Additionally, the employee is responsible for obtaining approval and signature of his or her director or department chair on this certificate.

provide colorado.edu email account

provide third-party email account

I, _____, request that OIT, until further notice from me, or until my relationship with CU-Boulder is severed such that I no longer qualify to hold a CU-Boulder email account, choose to forward all email sent to me at my CU-Boulder email account to the third-party email account listed above.

OR

I, _____, acknowledge that I use third-party email account listed above to conduct University business

Reason CU Boulder OIT email services interfere with my ability to pursue my academic or research activities:

By submitting this request I acknowledge:

- 1) Use of CU Boulder OIT email services interferes with my ability to pursue my academic or research activities in the above manner.
- 2) Official communications from CU-Boulder are sent to my CU-Boulder email account and I am responsible for the receipt of such communications.
- 3) I am required to cooperate with CU-Boulder in connection with the University's Record Retention Policy as well as with any litigation or potential litigation that arises from my employment or that involves the University. This cooperation includes maintaining all emails and attachments, from both my official CU-Boulder email account as well as any third-party account I use to conduct University business, in accordance with the University's Record Retention Policy. Additionally, at the request of Legal Counsel, I will cooperate in suspending any automated destruction process, maintaining information, and providing requested information from both my official CU-Boulder email account as well as any third-party account I use to conduct University business. If I am subject to an open records request, a discovery request (e.g., subpoena, Patriot Act Request, etc.) and/or a litigation hold letter issued by Legal Counsel I understand that I place myself at legal risk if I cannot or will not provide the requested information including any email and/or information about my email in response to the request. I understand that disciplinary sanctions, up to and including termination, may also apply if I cannot or will not provide the requested email and/or information about the email in response to the request.
- 4) As is deemed appropriate by Legal Counsel in response to an open records request, discovery request, or litigation hold letter, OIT will capture, but will not examine, all of my incoming and outgoing email on my CU-Boulder email account, including content for a period of time following when the request is made, as would be done for those using the official CU Boulder email service without forwarding. Such captured email may be examined by CU-Boulder and disclosed pursuant to an open records or discovery request in accordance with University policy. I understand that it is still my responsibility to provide all electronic documents, including email sent and received through my CU-Boulder email account and any third-party account I use to conduct University business to Legal Counsel upon its request.
- 5) OIT will retain logs, but not the content, pertaining to all incoming and outgoing email on my CU-Boulder email account. Such logs will contain email header information (e.g., sending and receiving email address, email routing information, timestamp, and email subject). As is deemed appropriate by Legal Counsel such information may be disclosed pursuant to an open records or discovery request.
- 6) I agree to defend and indemnify CU and its regents, officers, employees and agents from any claims, damages, suits, costs, expenses, or liabilities, legal or otherwise, arising from or resulting from my forwarding my official CU-Boulder email account to an email service outside of CU-Boulder or using a third-party email account to conduct University business, including if I cannot or will not provide email and information about my email in response to an open records or discovery request. Further, any defense or indemnification that might have been provided to me by CU are forfeited if I am held liable due to my use of a third-party email service outside of my CU-Boulder email account.



Requestor: _____

Signed: _____

Title: _____

Date: _____

Requestor's Department Director or Chair

The chair or director acknowledges that the requestor has discussed their reasons as to why use of CU Boulder OIT email services would interfere with requestor's ability to pursue their academic activities:

Requestor Director or Department Chair: _____

Signed: _____

Title: _____

Date: _____

Signed copies of this request will be kept on record by OIT and Legal Counsel.