

**Department of
Veterans Affairs**

Memorandum

Date: JAN - 2 2018

From: Deputy Secretary (001)

Subj: Proper Use of Email and Other Messaging Services

To: Under Secretaries, Assistant Secretaries, and Other Key Officials

1. This memorandum and its attachment supersede the attached memorandum dated April 24, 2015, and are intended to advise all VA personnel, including employees, contractors, trainees, and volunteers, that the use of non-official accounts or devices to conduct official agency business is prohibited.
2. VA records, including those generated by electronic communications, must remain within a secure VA information system, be managed in accordance with the applicable records management requirements, and employ, if appropriate, VA-approved encryption. Records are defined by the Federal Records Act as "all recorded information . . . made or received by a Federal agency . . . in connection with the transaction of public business and appropriate for preservation by that agency . . . as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the . . . Government or because of the informational value of the data in them." 44 United States Code § 3301(a)(1)(A).
3. To ensure proper preservation of records generated by email, VA users conducting agency business must use, whenever feasible, official email accounts, such as an email address with @va.gov as the domain name. VA users may not conduct agency business through the use of non-official email accounts, such as Gmail or Yahoo. If, however, circumstances make use of a non-official email account unavoidable, the user must:
 - a. Copy the user's official email address so that the message is sent simultaneously to the official account at the moment of transmission; or
 - b. Forward a complete copy of the message to the user's official email address within 20 days of the original transmission.
4. Contractors conducting VA business who are assigned VA email accounts will use those accounts to transmit emails that meet the definition of a Federal Record ("record emails"). If a contractor is unable to use the VA email account due to technical constraints, the corporate email account may be used if at least one of the following requirements is met:
 - a. The record emails contain no Controlled Unclassified Information or other VA sensitive information, or are protected by encryption compliant with the standards established by the National Institute of Standards and

Page 2.

Proper Use of Email and Other Messaging Services

Technology (NIST) in Federal Information Processing Standards Publication 140-2, Security Requirements for Cryptographic Modules; or

- b. The contractor has implemented basic safeguards as outlined in 48 Code of Federal Regulations (C.F.R.) § 52.204-21 and the recommended security requirements in NIST Special Publication (SP) 800-171, Protecting Controlled Unclassified Information in Nonfederal Information Systems and Organizations.
5. If any record emails are transmitted using a corporate email account, the contractor must also comply with all applicable records management laws, including National Archives and Records Administration (NARA) regulations and VA policies and procedures. As such, the contractor must copy any record email to a VA email system or VA record-keeping system within 20 days by simultaneously sending a copy to a VA email account or forwarding the message to a VA email account within that time frame. To ensure contractor compliance, VA shall insert the clause at 48 C.F.R. § 52.204-21, Basic Safeguarding of Covered Contractor Information Systems, and appropriate records management language in solicitations and contracts.
6. Instant messages (IM) sent or received by VA personnel using Microsoft Lync or Skype for Business are generally retained in a VA system. For many VA users, IMs are not retained beyond the conclusion of the conversation. Since information transmitted by IM may not be properly preserved, VA personnel should not use IMs to conduct communications that are likely to generate VA records. To the extent that record material is created using IM, the content must be copied to a recordkeeping system to ensure proper preservation.
7. Short Message Service (SMS) messages, also known as text messages, sent or received by VA personnel using a iPhone, Blackberry, or other mobile device, whether VA-issued or personally owned, are not retained on any VA system. Rather, the information resides with the service provider, such as Verizon or AT&T, on their networks and on the mobile device in the user's possession. Since the information transmitted by SMS is arguably outside VA custody, VA personnel should not use SMS to conduct communications that are likely to generate record material. To the extent that VA records are created using SMS, the content must be copied to a recordkeeping system to ensure proper preservation.

Page 3.

Proper Use of Email and Other Messaging Services

8. Attached is guidance to be distributed to the appropriate personnel in your Administration or Staff Office so that you may make them aware of these requirements. Gi-Hyun An is available at (202) 461-7684 to address any questions concerning this memorandum.

A handwritten signature in black ink, reading "Thomas G. Bowman". The signature is fluid and cursive, with a long horizontal stroke at the end.

Thomas G. Bowman

Attachment