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May 14, 2004

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Ms. Beverly A. Jasinski, Clerk
City of Rochester Hills
1000 Rochester Hills Drive
Rochester Hills, Michigan 48309-3033

Re: *Management and Retention of Electronic Records and Email*

Dear Bev:

Recently, you provided me with a copy of an email message quoting from Michigan Municipal Review magazine concerning the disclosure of emails under the Freedom of Information Act.

We have discussed this subject with the City on several occasions, dating back to our September 22, 1999 opinion letter issued to former Mayor Snell (copy enclosed). At that time, we advised that the law was still evolving, but we believed that some email communications may be considered "public records" subject to disclosure under FOIA and record retention requirements.

I am also enclosing some additional information that is available on the State Archives website. These materials include guidelines for managing email and electronic records and storing recorded media. I hope this information is helpful.

City officials and employees should be reminded that some or all email messages created, received or stored on their City computers are the property of the City and may be subject to disclosure under FOIA and may need to be retained pursuant

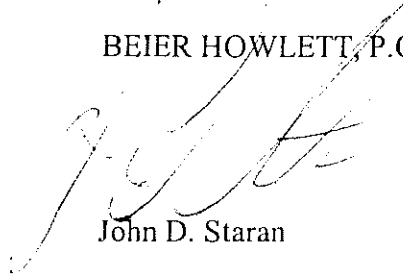
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to the City's Record Retention and Disposal Schedule. This may also apply to lap tops, home computers and personal email accounts used to conduct City business.

Very truly yours,

BEIER HOWLETT, P.C.

A handwritten signature in black ink, appearing to read "John D. Staran", is written over the typed name below.

John D. Staran

JDS/lh
Enclosures

cc: Mayor Pat Somerville (w/o enc)
City Council c/o Ms. Susan Galezka (w/o enc)