

**From:** Pirie, Kristy  
**Sent:** Thursday, April 21, 2016 4:58 PM  
**To:** [agalloway@vtdigger.org](mailto:agalloway@vtdigger.org)  
**Subject:** FW: PRAs re Emails

Anne,

Please see below and attached responsive to your request of April 18, 2016.

Thank you,

*Kristy Pirie*

Administrative Services Coordinator III  
Department of Information & Innovation  
Office of the CIO  
133 State Street, 5<sup>th</sup> Floor  
Montpelier, VT 05633  
(802) 828-4141

**Please note my email has changed to [Kristy.Pirie@vermont.gov](mailto:Kristy.Pirie@vermont.gov).**

**From:** Pirie, Kristy  
**Sent:** Thursday, April 21, 2016 4:54 PM  
**To:** 'costa@wcax.com' <[costa@wcax.com](mailto:costa@wcax.com)>  
**Subject:** PRAs re Emails

Jennifer, attached please find records in response to your public records act request dated April 11, 2016 directed to the Department of Information and Innovation. As a courtesy, DII and the Governor's Office have each collected responsive records for this request, so that this production includes records from both offices. DII and/or the Governor's Office are happy to follow up on any questions. Thank you.

*Kristy Pirie*

Administrative Services Coordinator III  
Department of Information & Innovation  
Office of the CIO  
133 State Street, 5<sup>th</sup> Floor  
Montpelier, VT 05633  
(802) 828-4141

**Please note my email has changed to [Kristy.Pirie@vermont.gov](mailto:Kristy.Pirie@vermont.gov).**

## FW: Old email accounts

London, Sarah

Fri 4/8/2016 9:51 AM

To: Quinn, John <John.Quinn@vermont.gov>;

Cc: Boes, Richard <Richard.Boes@vermont.gov>;

John, below are the email accounts that are more than three years old and therefore beyond record retention requirements. Thank you,  
Sarah

---

**From:** Mishaan, Jessica

**Sent:** Friday, April 08, 2016 9:49 AM

**To:** London, Sarah <Sarah.London@vermont.gov>

**Subject:** Old email accounts

3+ years old:

Bankowski, Elizabeth

Slota, Bianca

Weingroff, Ariel

Lofy, Bill

MacLean, Alex (2 accounts)

## Deleting of user email

Quinn, John

Fri 4/8/2016 5:14 PM

To: Tanya Marshall <tanya.marshall@sec.state.vt.us>;

Hi Tanya, recently Richard and I got a request from Sarah London at the GOV's office. The request was to delete all archived email for users that had been gone for 3 years. She provided a list of users and we are complying with their request but my question is; can we do that for all user email archives that have been gone from state employment for more then 3 years? Obviously we would want to work with departments, but I wanted to get your take on it. Feel free to call me to clarify if needed.

Thank you.

John

Sent from my iPhone

---

## RE: Deleting of user email

Marshall, Tanya <tanya.marshall@sec.state.vt.us>

Fri 4/8/2016 5:46 PM

To: Quinn, John <John.Quinn@vermont.gov>;

Hi John,

Sarah's request is not in compliance with state law and destruction hasn't been authorized. We have been working with the Governor's Office for the last year and they are aware of it. Nick Connizzo was just there on Wednesday and reaffirmed that email can't be handled this way.

I can give you a call if you would like. Not sure if are in the office or if you would like to talk next week. My cell is 802-872-0015.

Thanks,

Tanya

----- Original message -----

From: "Quinn, John" <John.Quinn@vermont.gov>  
Date: 04/08/2016 5:15 PM (GMT-05:00)  
To: "Marshall, Tanya" <tanya.marshall@sec.state.vt.us>  
Subject: Deleting of user email

Hi Tanya, recently Richard and I got a request from Sarah London at the GOV's office. The request was to delete all archived email for users that had been gone for 3 years. She provided a list of users and we are complying with their request but my question is; can we do that for all user email archives that have been gone from state employment for more then 3 years? Obviously we would want to work with departments, but I wanted to get your take on it. Feel free to call me to clarify if needed.

Thank you.

John

Sent from my iPhone

## Re: Deleting of user email

Condos, Jim <jim.condos@sec.state.vt.us>

Fri 4/8/2016 6:14 PM

To: London, Sarah <Sarah.London@vermont.gov>; Thompson, Darwin <Darwin.Thompson@vermont.gov>; Quinn, John <John.Quinn@vermont.gov>; Boes, Richard <Richard.Boes@vermont.gov>;

Cc: Winters, Chris <chris.winters@sec.state.vt.us>; Marshall, Tanya <tanya.marshall@sec.state.vt.us>;

I ask you not to delete ANY emails from any state employee until we meet to discuss further!

If any emails have already been deleted, please save a backup and journal!

We do not believe this is in compliance with state law!

Jim Condos  
VT Sec of State

Sent from my iPhone

On Apr 8, 2016, at 5:52 PM, Marshall, Tanya <tanya.marshall@sec.state.vt.us> wrote:

We (SoS/VSARA) continue to lose ground. I don't know why Sarah would make this request but, at the same time, our plans to pilot the email management policy and former user accounts with SoS as a first step fell through with our IT staff. DLI was waiting on that pilot.

Even so, this is not okay and not in compliance with state law. What are my options?

----- Original message -----

From: "Marshall, Tanya" <tanya.marshall@sec.state.vt.us>  
Date: 04/08/2016 5:45 PM (GMT-05:00)  
To: "Quinn, John" <John.Quinn@vermont.gov>  
Subject: RE: Deleting of user email

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Thank you.

John

Sent from my iPhone

## Re: Deleting of user email

Winters, Chris <chris.winters@sec.state.vt.us>

Fri 4/8/2016 7:34 PM

To: London, Sarah <Sarah.London@vermont.gov>

Hi Sarah,

Jim has a fondness for exclamation points, but it does not mean he is angry or shouting, just trying to convey a sense of urgency. If I can help you in any way with this issue going forward, please let me know. I hope you have a great weekend.

Chris

"London, Sarah" <Sarah.London@vermont.gov> wrote:

Jim, as we discussed earlier tonight I am happy to talk with Tanya, and you if you would like, next week. I have already been in touch with Commissioner Boes about holding off until we meet. Thank you and have a good weekend all,  
Sarah

---

Sent from my iPhone

On Apr 8, 2016, at 6:14 PM, Condos, Jim <jim.condos@sec.state.vt.us> wrote:

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Sent from my iPhone

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----- Original message -----

From: "Marshall, Tanya" <tanya.marshall@sec.state.vt.us>

Date: 04/08/2016 5:45 PM (GMT-05:00)

To: "Quinn, John" <John.Quinn@vermont.gov>

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Subject: RE: Deleting of user email

Hi John,

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Date: 04/08/2016 5:15 PM (GMT-05:00)

To: "Marshall, Tanya" <[tanya.marshall@sec.state.vt.us](mailto:tanya.marshall@sec.state.vt.us)>

Subject: Deleting of user email

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Thank you.

John

Sent from my iPhone



## Re: Deleting of user email

London, Sarah

Fri 4/8/2016 7:17 PM

To: Condos, Jim <Jim.Condos@sec.state.vt.us>;

Cc: Thompson, Darwin <Darwin.Thompson@vermont.gov>; Quinn, John <John.Quinn@vermont.gov>; Boes, Richard <Richard.Boes@vermont.gov>; Winters, Chris <chris.winters@sec.state.vt.us>; Marshall, Tanya <tanya.marshall@sec.state.vt.us>;

Jim, as we discussed earlier tonight I am happy to talk with Tanya, and you if you would like, next week. I have already been in touch with Commissioner Boes about holding off until we meet. Thank you and have a good weekend all,  
Sarah

Sent from my iPhone

On Apr 8, 2016, at 6:14 PM, Condos, Jim <[jim.condos@sec.state.vt.us](mailto:jim.condos@sec.state.vt.us)> wrote:

I ask you not to delete ANY emails from any state employee until we meet to discuss further!

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Sent from my iPhone

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Even so, this is not okay and not in compliance with state law. What are my options?

----- Original message -----

From: "Marshall, Tanya" <[tanya.marshall@sec.state.vt.us](mailto:tanya.marshall@sec.state.vt.us)>  
Date: 04/08/2016 5:45 PM (GMT-05:00)  
To: "Quinn, John" <[John.Quinn@vermont.gov](mailto:John.Quinn@vermont.gov)>  
Subject: RE: Deleting of user email

Hi John,

Sarah's request is not in compliance with state law and destruction hasn't been authorized. We have been working with the Governor's Office for the last year and they are aware of it. Nick Connizzo was just there on Wednesday and reaffirmed that email can't be handled this way.

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Thanks,

Tanya

----- Original message -----

From: "Quinn, John" <[John.Quinn@vermont.gov](mailto:John.Quinn@vermont.gov)>

Date: 04/08/2016 5:15 PM (GMT-05:00)

To: "Marshall, Tanya" <[tanya\\_marshall@sec.state.vt.us](mailto:tanya_marshall@sec.state.vt.us)>

Subject: Deleting of user email

Hi Tanya, recently Richard and I got a request from Sarah London at the GOV's office. The request was to delete all archived email for users that had been gone for 3 years. She provided a list of users and we are complying with their request but my question is; can we do that for all user email archives that have been gone from state employment for more then 3 years? Obviously we would want to work with departments, but I wanted to get your take on it. Feel free to call me to clarify if needed.  
Thank you.

John

Sent from my iPhone

## Re: Deleting of user email

Condos, Jim <jim.condos@sec.state.vt.us>

Fri 4/8/2016 8:08 PM

To: London, Sarah <Sarah.London@vermont.gov>;

Sarah

Just an FYI, Jennifer Costa from WCAX has emailed me asking about this - I have no idea how she would know - it certainly did not come from Tanya or me!

I'm going to try and ignore her this weekend.

Jim

Sent from my iPhone

On Apr 8, 2016, at 7:18 PM, London, Sarah <[Sarah.London@vermont.gov](mailto:Sarah.London@vermont.gov)> wrote:

---

Jim, as we discussed earlier tonight I am happy to talk with Tanya, and you if you would like, next week. I have already been in touch with Commissioner Boes about holding off until we meet. Thank you and have a good weekend all,  
Sarah

Sent from my iPhone

On Apr 8, 2016, at 6:14 PM, Condos, Jim <[jim.condos@sec.state.vt.us](mailto:jim.condos@sec.state.vt.us)> wrote:

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We do not believe this is in compliance with state law!

Jim Condos  
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Sent from my iPhone

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We (SoS/VSARA) continue to lose ground. I don't know why Sarah would make this request but, at the same time, our plans to pilot the email management policy and former user accounts with SoS as a first step fell through with our IT staff; DII was waiting on that pilot.

Even so, this is not okay and not in compliance with state law. What are my options?

---

----- Original message -----

From: "Marshall, Tanya" <[tanya.marshall@sec.state.vt.us](mailto:tanya.marshall@sec.state.vt.us)>  
Date: 04/08/2016 5:45 PM (GMT-05:00)  
To: "Quinn, John" <[John.Quinn@vermont.gov](mailto:John.Quinn@vermont.gov)>  
Subject: RE: Deleting of user email

Hi John,

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Tanya

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Thank you.

John

Sent from my iPhone

## Fwd: Deleting of user email

Quinn, John

Fri 4/8/2016 10:39 PM

To: Canas, Karen <karen.canas@vermont.gov>;

FYI. Don't delete anything.

Sent from my iPhone

Begin forwarded message:

From: "London, Sarah" <[Sarah.London@vermont.gov](mailto:Sarah.London@vermont.gov)>  
Date: April 8, 2016 at 7:17:34 PM EDT  
To: "Condos, Jim" <[Jim.Condos@sec.state.vt.us](mailto:Jim.Condos@sec.state.vt.us)>  
Cc: "Thompson, Darwin" <[Darwin.Thompson@vermont.gov](mailto:Darwin.Thompson@vermont.gov)>, "Quinn, John" <[John.Quinn@vermont.gov](mailto:John.Quinn@vermont.gov)>, "Boes, Richard" <[Richard.Boes@vermont.gov](mailto:Richard.Boes@vermont.gov)>, "Winters, Chris" <[chris.winters@sec.state.vt.us](mailto:chris.winters@sec.state.vt.us)>, "Marshall, Tanya" <[tanya.marshall@sec.state.vt.us](mailto:tanya.marshall@sec.state.vt.us)>  
Subject: Re: Deleting of user email

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Thank you.

John

Sent from my iPhone

# FW: Emails

Coriell, Scott

Mon 4/11/2016 10:20 AM

To: Boes, Richard <Richard.Boes@vermont.gov>;

-----Original Message-----

From: Coriell, Scott

Sent: Sunday, April 10, 2016 8:34 AM

To: Condos, Jim <Jim.Condos@sec.state.vt.us>

Subject: Re: Emails

Thanks, Jim.

> On Apr 10, 2016, at 7:58 AM, Condos, Jim <jim.condos@sec.state.vt.us> wrote:

>

> FYI - here is what I sent to Anson Tebbetts

>

> From: Condos, Jim

> Sent: Sunday, April 10, 2016 7:54 AM

> To: Tebbetts, Anson

> Cc: Costa, Jennifer

> Subject: RE: Emails

>

> Hi, Anson,

>

> I did call you yesterday and left a message and since we did not connect I am responding here to your email to me on Saturday morning.

>

> I'm not sure what you had heard re: the Administration and purging of emails. What is occurring between my office and the Administration are normal discussions relating to the archiving of the records as the current administration concludes its service. These discussions are intended to make the process as smooth as possible.

>

> My office – specifically the VT State Archives and Records Administration (VSARA) – have been in discussions with the Governor's office for almost a year as we prepare to receive the Governor's records – and those discussions will continue right up to the time the Governor leaves office next January. The Secretary of State's Office provides information and advice to outgoing administrations on issues such as what type of records and communication get archived and retention schedules. (<https://www.sec.state.vt.us/archives-records/records-management/records-retention.aspx>).

>

> Both you and Jennifer Costa asked about whether my office 'intervened' in the elimination of state employees' email from the state's server system at DII. What occurred was that last Friday we received a question from DII as to whether emails from employees who have left state government service at least 3 years ago could be deleted. I asked that no emails be deleted until the VSARA team could meet with the Administration to discuss what records are allowed to be deleted and what records must be maintained. It is important to ensure that all agencies and departments are informed and educated about the provisions of Vermont law relating to public records.

>

> Jim Condos

>

>

> From: Tebbetts, Anson [tebbetts@wcax.com]

> Sent: Saturday, April 09, 2016 9:02 AM

> To: Condos, Jim

> Cc: Costa, Jennifer

> Subject: Emails

>

> Mr. Secretary

>

> It's our understanding you may have intervened to stop emails being purged from the servers from the administration?  
We would love more details.

>

> I have copied Jennifer on this too. She has been trying to get more details from the administration.

>

> Thanks

> Anson

>

> Anson Tebbetts

> News Director WCAX

> 802-652-6360

> @WCAX\_Anon

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# Re: Emails

Coriell, Scott

Sun 4/10/2016 8:34 AM

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> To: Condos, Jim

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> Subject: Emails

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>  
> Thanks  
> Anson  
>  
> Anson Tebbetts  
> News Director WCAX  
> 802-652-6360  
> @WCAX\_Anson  
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## FW: Emails

Condos, Jim <jim.condos@sec.state.vt.us>

Sun 4/10/2016 7:58 AM

To: London, Sarah <Sarah.London@vermont.gov>; Coriell, Scott <Scott.Coriell@vermont.gov>;

Cc: Marshall, Tanya <tanya.marshall@sec.state.vt.us>; Winters, Chris <chris.winters@sec.state.vt.us>;

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To: Condos, Jim  
Cc: Costa, Jennifer  
Subject: Emails

Mr. Secretary

It's our understanding you may have intervened to stop emails being purged from the servers from the administration?  
We would love more details.

I have copied Jennifer on this too. She has been trying to get more details from the administration.

Thanks  
Anson

Anson Tebbetts  
News Director WCAX  
802-652-6360  
@WCAX\_Anson

## FW: WCAX -- emails

Coriell, Scott

Mon 4/11/2016 11:05 AM

To: London, Sarah <Sarah.London@vermont.gov>; Springer, Darren <Darren.Springer@vermont.gov>;

---

**From:** Boes, Richard  
**Sent:** Monday, April 11, 2016 11:05 AM  
**To:** Coriell, Scott <Scott.Coriell@vermont.gov>  
**Cc:** Allen, Susan <Susan.Allen@vermont.gov>; Johnson, Harriet <Harriet.Johnson@vermont.gov>  
**Subject:** RE: WCAX -- emails

Spoke with Jennifer and it was very brief. I told her it was a normal part of the process to remove records that were beyond the retention threshold and that DII assists with IT those departments and agencies that don't have their own IT workforce. She asked how those retention times were set and I responded that DII was not involved in that. She asked what emails I had concerning deletion of records and I said that would be covered in her public records request.

---

**From:** Coriell, Scott  
**Sent:** Monday, April 11, 2016 10:20 AM  
**To:** Boes, Richard <[Richard.Boes@vermont.gov](mailto:Richard.Boes@vermont.gov)>  
**Cc:** Allen, Susan <[Susan.Allen@vermont.gov](mailto:Susan.Allen@vermont.gov)>  
**Subject:** RE: WCAX -- emails

What's the best number for you right now?

---

**From:** Boes, Richard  
**Sent:** Monday, April 11, 2016 10:09 AM  
**To:** Coriell, Scott <[Scott.Coriell@vermont.gov](mailto:Scott.Coriell@vermont.gov)>  
**Cc:** Allen, Susan <[Susan.Allen@vermont.gov](mailto:Susan.Allen@vermont.gov)>  
**Subject:** FW: WCAX -- emails

Jennifer called again this morning and left another message asking me to call. I'll plan to call her back once I get the latest info from one of you. Please give me a call when you have a few minutes.

---

**From:** Costa, Jennifer [<mailto:costa@wcax.com>]  
**Sent:** Friday, April 08, 2016 6:45 PM  
**To:** Boes, Richard <[Richard.Boes@vermont.gov](mailto:Richard.Boes@vermont.gov)>  
**Cc:** Thompson, Darwin <[Darwin.Thompson@vermont.gov](mailto:Darwin.Thompson@vermont.gov)>  
**Subject:** WCAX -- emails

Hi,

I understand the Department of Information & Innovation has been asked to delete emails of former state employees.

I also understand this may be an unusual request.

I reached out to you this morning, but I missed your secretary's message at the end of business today, looking for more information regarding my request.

My cell is: 401-688-0797.

I am readily available over the weekend by that number.

Thanks,

**Jennifer T. Costa**

Anchor/Reporter WCAX-TV

802-652-6376

[costa@wcax.com](mailto:costa@wcax.com)

@WCAX\_Jennifer

[www.wcax.com](http://www.wcax.com)

# RE: WCAX -- emails

Coriell, Scott

Mon 4/11/2016 11:05 AM

To: Boes, Richard <Richard.Boes@vermont.gov>;

Cc: Allen, Susan <Susan.Allen@vermont.gov>; Johnson, Harriet <Harriet.Johnson@vermont.gov>;

Thanks, Richard.

---

**From:** Boes, Richard

**Sent:** Monday, April 11, 2016 11:05 AM

**To:** Coriell, Scott <Scott.Coriell@vermont.gov>

**Cc:** Allen, Susan <Susan.Allen@vermont.gov>; Johnson, Harriet <Harriet.Johnson@vermont.gov>

**Subject:** RE: WCAX -- emails

Spoke with Jennifer and it was very brief. I told her it was a normal part of the process to remove records that were beyond the retention threshold and that DII assists with IT those departments and agencies that don't have their own IT workforce. She asked how those retention times were set and I responded that DII was not involved in that. She asked what emails I had concerning deletion of records and I said that would be covered in her public records request.

---

**From:** Coriell, Scott

**Sent:** Monday, April 11, 2016 10:20 AM

**To:** Boes, Richard <Richard.Boes@vermont.gov>

**Cc:** Allen, Susan <Susan.Allen@vermont.gov>

**Subject:** RE: WCAX -- emails

What's the best number for you right now?

---

**From:** Boes, Richard

**Sent:** Monday, April 11, 2016 10:09 AM

**To:** Coriell, Scott <Scott.Coriell@vermont.gov>

**Cc:** Allen, Susan <Susan.Allen@vermont.gov>

**Subject:** FW: WCAX -- emails

Jennifer called again this morning and left another message asking me to call. I'll plan to call her back once I get the latest info from one of you. Please give me a call when you have a few minutes.

---

**From:** Costa, Jennifer [<mailto:costa@wcax.com>]

**Sent:** Friday, April 08, 2016 6:45 PM

**To:** Boes, Richard <Richard.Boes@vermont.gov>

**Cc:** Thompson, Darwin <Darwin.Thompson@vermont.gov>

**Subject:** WCAX -- emails

Hi,

I understand the Department of Information & Innovation has been asked to delete emails of former state employees.

I also understand this may be an unusual request.

I reached out to you this morning, but I missed your secretary's message at the end of business today, looking for more information regarding my request.

My cell is: 401-688-0797.

I am readily available over the weekend by that number.

Thanks,

**Jennifer T. Costa**

Anchor/Reporter WCAX-TV

802-652-6376

[costa@wcax.com](mailto:costa@wcax.com)

[@WCAX\\_Jennifer](#)

[www.wcax.com](http://www.wcax.com)



## RE: WCAX -- emails

Boes, Richard

Mon 4/11/2016 11:04 AM

To: Coriell, Scott <Scott.Coriell@vermont.gov>;

Cc: Allen, Susan <Susan.Allen@vermont.gov>; Johnson, Harriet <Harriet.Johnson@vermont.gov>;

Spoke with Jennifer and it was very brief. I told her it was a normal part of the process to remove records that were beyond the retention threshold and that DII assists with IT those departments and agencies that don't have their own IT workforce. She asked how those retention times were set and I responded that DII was not involved in that. She asked what emails I had concerning deletion of records and I said that would be covered in her public records request.

---

**From:** Coriell, Scott

**Sent:** Monday, April 11, 2016 10:20 AM

**To:** Boes, Richard <Richard.Boes@vermont.gov>

**Cc:** Allen, Susan <Susan.Allen@vermont.gov>

**Subject:** RE: WCAX -- emails

What's the best number for you right now?

---

**From:** Boes, Richard

**Sent:** Monday, April 11, 2016 10:09 AM

**To:** Coriell, Scott <Scott.Coriell@vermont.gov>

**Cc:** Allen, Susan <Susan.Allen@vermont.gov>

**Subject:** FW: WCAX -- emails

Jennifer called again this morning and left another message asking me to call. I'll plan to call her back once I get the latest info from one of you. Please give me a call when you have a few minutes.

---

**From:** Costa, Jennifer [<mailto:costa@wcax.com>]

**Sent:** Friday, April 08, 2016 6:45 PM

**To:** Boes, Richard <Richard.Boes@vermont.gov>

**Cc:** Thompson, Darwin <Darwin.Thompson@vermont.gov>

**Subject:** WCAX -- emails

Hi,

I understand the Department of Information & Innovation has been asked to delete emails of former state employees.

I also understand this may be an unusual request.

I reached out to you this morning, but I missed your secretary's message at the end of business today, looking for more information regarding my request.

My cell is: 401-688-0797.

I am readily available over the weekend by that number.

Thanks,

**Jennifer T. Costa**

Anchor/Reporter WCAX-TV

802-652-6376

[costa@wcax.com](mailto:costa@wcax.com)

@WCAX\_Jennifer

[www.wcax.com](http://www.wcax.com)

London, Sarah

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**From:** London, Sarah  
**Sent:** Monday, April 04, 2016 5:01 PM  
**To:** Boes, Richard  
**Cc:** Quinn, John  
**Subject:** Re: Current email archive accounts

Thanks very much.

Sent from my iPad

On Apr 4, 2016, at 4:45 PM, Boes, Richard <[Richard.Boes@vermont.gov](mailto:Richard.Boes@vermont.gov)> wrote:

Sarah,

Our normal procedure in response to removal of data is to provide the department access to the archives for former employees and let them make the appropriate determination with regard to their retention policies. DII has not historically been in the business of deleting data. That said, we are happy to facilitate you, as the representative from the governor's office, making a determination about what should be removed. John Quinn will be facilitating on our end, but may have questions to ensure we only delete the data you are requesting. I've asked him to follow up directly with you for any questions related to the email below.

-rich

---

**From:** London, Sarah  
**Sent:** Friday, April 01, 2016 5:02 PM  
**To:** Boes, Richard <[Richard.Boes@vermont.gov](mailto:Richard.Boes@vermont.gov)>  
**Subject:** FW: Current email archive accounts

Can't seem to leave you a message, just tried. Below are the former staff accounts we have. Our longest relevant retention period under our Secretary of State schedule is three years. As we prepare to archive this office, I would therefore like to remove the accounts of folks that are more than three years old (keeping in mind we have all GPS correspondence from all accounts). At a minimum, would like to start with the first three accounts listed below. Please let me know how we can start this process. Thanks very much.

---

**From:** Mishaan, Jessica  
**Sent:** Wednesday, March 30, 2016 9:58 AM  
**To:** London, Sarah <[Sarah.London@vermont.gov](mailto:Sarah.London@vermont.gov)>  
**Subject:** Current email archive accounts

Name and date of most recent email in archive

Bankowski, Elizabeth - 10/4/11  
Slota, Bianca - 7/13/12  
Weingroff, Ariel - 7/16/12  
Lofy, Bill - 1/11/13  
MacLean, Alex (2 accounts) - 1/12/13

Roessle, Drusilla - 8/9/13  
Kasnetz, Joel - 5/13/14  
Klepeis, Ernest - 5/19/14  
Porter, Louis - 5/19/14  
Sylvester, Marisa - 5/27/14  
Wallack, Anya - 1/7/15  
Miller, Elizabeth - 6/1/15  
Richards, Alyson - 7/3/15

London, Sarah

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**From:** London, Sarah  
**Sent:** Tuesday, April 19, 2016 11:39 AM  
**To:** Boes, Richard  
**Subject:** FW: Governor's Statement on Emails

#### STATEMENT FROM GOV. SHUMLIN LEGAL COUNSEL SARAH LONDON

##### Legal Background:

The Governor's Office formally adopted the General Record Schedules (GRS) created by the Secretary of State's Office in 2011. All GRS are online at: <https://www.sec.state.vt.us/archives-records/records-management/records-retention/general-record-schedules.aspx>

Since 2011, Governor's Office staff has been advised that under the GRS, various records do not need to be retained indefinitely. Governor's Office guidance to staff explaining retention requirements of the GRS has been shared with the Secretary of State's Office.

Vermont law places special requirements on the Governor's correspondence. Under 3 VSA 4:

(a) The official correspondence of the Governor is the property of the State. Upon retiring from office, he or she shall cause such correspondence and an itemized list thereof to be deposited with the Secretary of State. The Secretary of State shall preserve these records in accordance with professional archival practices recommended by the State Archivist.

(b) In the discretion of the Secretary of State, such correspondence and list, in whole or in part, may be microfilmed or otherwise reformatted in accordance with archival principles. In the discretion of the Secretary of State the originals of those papers that are actually reformatted may be disposed of.

To date, our legal framework for record retention has been: (a) 3 VSA 4 for all Governor correspondence, including his email. (b) GRS for other records including correspondence not involving the Governor.

##### Recent developments:

We (myself, Jessica Mishaan, and other staff) have been working with the Secretary of State's Office on how to archive the Governor's Office since shortly after the Governor announced he would not be seeking re-election. My goal has been for us to handle the archiving process with existing resources, without incurring the cost of additional temporary employees to process records. With that goal in mind, we have been moving forward on archiving for the last many months. For example, we have already started to convert old portions of our "IQ database" – our constituent correspondence database – into a format that we hope will be readily searchable, but that will also protect the volumes of personal information that our correspondence can contain.

I have been working with the Department of Information and Innovation on a contract with our document management vendor to archive "IQ" over the last many months. On March 22, 2016, I was advised by DII that the last required contract amendment to conduct this work had been completed. That contract has been executed and work is underway.

I have also sought to prepare other records for archives, including emails. I have various emails involving former staff, including attorney-client emails and others, that I have saved or copied from former staff accounts. We have always

expected to send the Governor's emails to archives pursuant to 3 VSA 4. My expectation for staff email has been to follow the GRS and any other guidance from the Secretary of State's Office, or DII on common practices with respect to email. I sought guidance from DII in addition to SoS because my understanding is that no prior Governor's Office has sent staff emails to archives. Commissioner Boes and I began discussing prior staff email accounts in 2015. My understanding from those conversations was that, at that time, DII generally did not delete staff email accounts that are less than three years old.

On March 30, 2016, our office received, via a sharepoint site, more recent guidance from staff at the SoS that shortened some retention periods for archiving purposes to align with GRS. On April 1, I sought to reconnect with Commissioner Boes regarding accounts that have not been active for over three years. On April 8, staff from DII called me about old email accounts, wanting to follow up on our previous correspondence. I followed up with DII staff via email that day as requested by phone. When I received a call from Secretary Condos later that day that the Secretary of State's Office had concerns with the request, I immediately called Commissioner Boes to advise him to hold off until we could discuss further with the Secretary's Office.

#### EB-5 related records:

Separate and apart from the above has been the non-public litigation hold process related to the now public EB-5 litigation. I have run that process as I have with prior litigation holds in the office – circulating the litigation hold notices from the Attorney General's Office to all Governor's Office staff. I have also created folders in my email account for EB-5 related-records of Alex Maclean, Bill Lofy, and other prior staff. This approach has previously allowed the Attorney General's Office easy, remote access to emails that are potentially relevant to litigation. Our hope is that the Attorney General's Office will be reviewing those folders this week to make a determination as to whether their contents can be released. The litigation hold is broad, meaning that these folders contain every reference to "EB5," "EB-5," Ariel Quiros, Bill Stenger, Q Burke, etc.

The litigation hold process and my request to DII had nothing to do with each other, and my request to DII had nothing whatsoever to do with the expected timing of any litigation.



# Vermont State Archives and Records Administration

## Office of the Secretary of State

106 USHIE2 Address • Phone: VT 802-271-7701 • Fax: 802-271-3100 • E-mail: VSARA@VT.GOV • WWW.VSARA.VT.GOV

### GENERAL RECORD SCHEDULES: NOTICE OF ADOPTION

General Record Schedules (GRS) are developed by the Vermont State Archives and Records Administration (VSARA) to provide consistency in recordkeeping by Vermont public agencies for common functions and activities. Provided that there are no specific laws or requirements requiring a longer retention, any Vermont public agency may adopt any or all of the requirements in a general record schedule approved by the Vermont State Archivist. Adopting an approved GRS means that the agency agrees to implement the retention and disposition requirements outlined in the GRS (where applicable). An agency does NOT have to create or receive all of the records listed in the GRS to adopt the GRS.

Records custodians, officers and directors are responsible for evaluating General Record Schedules (GRS) in concert with business, legal, and information technology staff to ensure that the GRS (1) meets legal requirements specific to the agency and its records and (2) can be effectively carried out by agency employees. An agency MUST seek an agency specific record schedule if a GRS does not meet an agency's administrative and/or legal needs.

*As the individual responsible for my agency's records program, I am hereby notifying the Vermont State Archives and Records Administration of the agency's adoption of General Record Schedules. I understand that VSARA will contact me to void any disposition orders previously issued to my agency for records that are now covered by General Record Schedules. I also understand that any records not covered by a General Record Schedule must be covered by an agency-specific record schedule.*

Records Officer or Records Liaison (Records Officer & Liaison Designation Must Be On File with VSARA)

Printed Name	Signature	Date
--------------	-----------	------

Agency Name:

Mailing Address:

Phone: E-mail Address:

Please return this form to the address above (attn: Records Analyst) upon return of a copy signed by the Vermont State Archivist; your agency may begin using the General Record Schedules (where applicable).

#### FOR VSARA USE ONLY:

This Notice of Adoption has been received and acknowledged by the Vermont State Archives and Records Administration

Craig Sanford 1/11/11  
Gregory Sanford  
Vermont State Archivist

March 30, 2016

Record	Description	Record Type	Retain in Office	Plus	Then	SRS/GRS Reference	Notes	Donation	Activity
Applications for Governor Office jobs and internships	Correspondence and applications for jobs and internships in Governor's Office includes reference materials	Applications	Obsolete	0	Destroy (Shred)	1304.1103.8		Employees	Managing
Social Media	Facebook, Twitter, Instagram, YouTube posting and public comments	Videos	Videos			1609.1102	Social media is not its own category of records, the content in which the social media tool was used is necessary. If a press release goes out over social media, treat it as a press release. Etc.	Executive	Administering
Time sheets	Time sheets and other timekeeping records used to track attendance	Worksheets	Obsolete	0	Destroy	1304.1103.104	Staff time sheets	Employees	Managing
Travel authorizations		Authorizations	Expired	3	Destroy (Shred)	1304.1103.141	GHS	Employees	Managing
Agreements & MOUs	Formal agreements with other jurisdictions and other agencies	Agreements	Expired	3	Archives	1609.1102.5		Executive	Administering
Bill Reviews	Agency reviews of pending legislation as available (electronically stored starting in 2013)	Decisions	Completed/Closed	3	Archives	1609.1102.133		Executive	Administering
Certificates and letters of greeting	Letters from the Governor for publications or events	Correspondence (Substantive)	End of term	0	Archives	1609.1102.53		Executive	Administering
Executive Orders	Original signed Executive Orders	Executive Orders	Completed/Closed	0	Archives	1609.1102.185	Actual signed executive orders should already be coming to Secretary of State's office, not for files related to the process of issuing an executive order. This is significant supporting material to other processes (declarations, decisions, agreements, decisions, etc.) and should be filed with those records for context.	Executive	Administering
Federal Government-White House	White House Conferences and correspondence					1609.1102		Executive	Administering
Governor's briefing materials for daily calendar	Agency/staff briefings for the Governor that accompany the daily schedule	Transitory	End of term	0	Archives	1609.1102.36		Executive	Administering
Governor's calendar (calendar)	Governor's schedule	Calendar	Calendar year ends	1	Archives	1609.1102.19		Executive	Administering
Governor's Office constituent correspondence	Letters and website submitted messages, and responses	Correspondence (Substantive)	End of term	0	Archives	1609.1102.53		Executive	Administering
Governor's weekly public appearance calendar	Governor's weekly public appearance calendar (highlighted to all press)	Calendar	Calendar year ends	1	Destroy (Shred)	1609.1102.19		Executive	Administering
Governor's calendar (word)	Governor's daily calendar documents	Calendar	Calendar year ends	1	Archives	1609.1102.19		Executive	Administering
Grant award letters - grants administered by Governor's Office and supporting materials	Copies of letters received upon being awarded federal grants	Grants	Completed/Closed	3	Archives	1609.1102.173		Executive	Administering
Greeting, congratulatory, thank you and condolence correspondence to and from Governor	Letters and certificates for awards, milestones, anniversaries, birthdays, Page certificates, letters of congratulation, etc.	Correspondence (Substantive)	End of term	0	Archives	1609.1102.53		Executive	Administering
Land and Easement Acquisition Records	Governor's informational copies of requests for approval for acquisitions, with supporting materials, complete packet, of information on each acquisition, including official decision approving acquisition, is maintained with the agency.	Reference Sources	Completed/Closed	0	Destroy (General)	1609.1102.80		Executive	Administering
Legislative messages: Bills Signed/Vetoed Messages	Formal messages to legislature regarding specific bills and whether the Governor signed, vetoed or allowed to become law without signature.	Decisions	Completed/Closed	3	Archives	1609.1102.133	Decisions related to the signing/voting of a law. Related to a different schedule (i.e. something related to Legislating?). Acts signed by the Governor should already be coming to VSARA through SOS responsibilities. Use for files related to Bill tracking and policy decisions.	Executive	Administering
Letters of recommendation	Requests for Governor letters or recommendations of recognition, letters of support for potential appointees, appointments, agency nominations, etc.	Correspondence (Substantive)	End of term	0	Archives	1609.1102.53		Executive	Administering



Record	Description	Record Type	Retain in Office	Pgs	Thru	SRs/GNS Reference	Notes	Branch	Activity
HQA and Council of New England Governors	General informational meetings and conference materials.	Reference Sources	Obsolete.	0	Destroy (General)	1609 1102 80	Depends upon the context in which the photo or video was entered.	Executive	Administrative
Photographs & videos	Photographs and videos of Governor's public events as available.	Supporting Material	End of term.	0	Archives	1609 1102 36		Executive	Administrative
Proclamations	Proclamations	Proclamations	Completed/Closed	0	Archives	1609 1102 110		Executive	Administrative
Public Record Act requests	Request under Access to Public Records Act and responses.	Requests	Completed/Closed	0	Destroy (General)	1609 1102 139		Executive	Administrative
Weekly reports	Weekly reports to the Governor from Cabinet	Reports	Calendar year ends	3	Archives	1609 1102 144		Executive	Administrative
Governor's Office policies	Personal Governor Office policies	Policies	Superseded	0	Archives	1609 1102 69		Executive	Administrative
Appointment records (see breast-act)	Final appointment records of successful applicants for all boards, commissions, and vacancies	(various)				1609 1104			Appointing
Advisory Boards & Commissions	Recommendations submitted by the Senate, sent to Governor.	Decisions	Expired	3	Archives	1609 1004 133		Executive	Appointing
Senate Confirmation Matters	Letters of appointment on the advice and consent of interested parties. Identical from letters tracking individually.	Applications	Obsolete.	0	Destroy (Shared)	1609 1004 8		Executive	Appointing
Advice and Consent letters	Applications submitted by appointment seekers	Applications	Obsolete.	0	Destroy (General)	1609 1004 8		Executive	Appointing
Applications for Appointment (unsuccessful)	Database or system used to track current appointments, past appointments, etc.	Registers	Superseded	0	Archives	1609 1004 81		Executive	Appointing
Appointment tracking software application	Be it Remembered	Decisions	Expired	3	Archives	1609 1004 133		Executive	Appointing
Code of Ethics (personal files)	Fris regarding disclosures required under Executive Code of Ethics and, required permits	Questionnaires	Completed/Closed	1	Destroy (Shared)	1609 1004 76		Executive	Appointing
Databases for position	Copies of ethics code acknowledgments signed by Governor's appointees	Decisions	Expired	3	Archives	1609 1004 133	This is significant supporting material to the decision.	Executive	Appointing
Ethics Code Acknowledgments	Notices sent to current office holders that position is up for (re)appointment	Acknowledgments	Obsolete. (Keep for one year per EO 9.11)	1	Destroy (Shared)	1609 1004 106		Executive	Appointing
Greetings Letter	Original, signed seals of office for all appointed commissioners.	Decisions	Expired	3	Archives	1609 1004 50		Executive	Appointing
Notices of Reappointment	Original, signed seals of office for all appointed commissioners.	Oaths	Completed/Closed	0	Destroy (General)	1609 1004 108	I don't necessarily feel that these are official, but as a heads up we get a lot of requests for these files. All in the Archives Room.	Executive	Appointing
Oaths of Office	Applications sent to office holders if reappointment sought	Applications	Obsolete.	0	Destroy (General)	1609 1004 8		Executive	Appointing
Reappointments for appointments from	Hard copies of bills received by Gov's office	Applications	Obsolete.	0	Destroy (Shared)	1609 1004 8		Executive	Appointing
Health Commissioner's Agencies		Invoices	Audit Complete	0	Destroy (General)	1609 1002 49		General	Accounting
Bills (financial)		Receipts	Audit Complete	0	Destroy (General)	1001 1002 77		General	Accounting
Travel receipts		Vouchers	Audit Complete	0	Destroy (General)	1000 1002 101		General	Accounting
Vouchers			Calendar year ends	1	Destroy (General)	1000 1103 19		General	Administering
Calendars (other than Governor's)	All staff and conference room daily calendars	Calendars	Calendar year ends	3	Archives	1000 1012 17	Budgeting GNS applicable to Agency of Administration	GENERAL	Budgeting
Governor's Office budget documents		Budgets	Obsolete	0	Destroy (General)	1000 1000 60	What bond and loan documents are these? Loans and Bonds should be kept separately. Prudent of info from register; not significant to appointing decision but useful tool for candidate info summary.	GENERAL	Treasurer (GENERAL)
Bonds and loans	Official copies maintained by AGA/Treasurer's Office	Reference Sources	Obsolete	0	Destroy (General)	1000 1000 1004		GENERAL	Treasurer (GENERAL)
Databases for candidate		Workbooks	Obsolete.	0	Destroy (General)			GENERAL	

Record	Description	Record Type	Retain in Office	Page	Item	SRS/SRS Reference	Notes	Disposal	Activity
Drafts	Preliminary or tentative versions of a document	Drafts	Obsolete	0	Destroy (General)	1000, 1000.37		GENERAL	Transitory (GENERAL)
Federal Government general correspondence	Informational mailings or federal notices where the Governor is a statutory party, etc.	Reference Sources	Obsolete	0	Destroy (General)	1000, 1000.80		GENERAL	Transitory (GENERAL)
FEMA correspondence - requests for disaster declarations, etc.	Official copies maintained by AOA and Department of Emergency Management	Reference Sources	Obsolete	0	Destroy (General)	1000, 1000.80	Substantive correspondence related to specific functions of the office will be kept with the records related to that function.	GENERAL	Transitory (GENERAL)
Investigation invitations	Copies of invitations for Governor's investigations. All identified, except for recipient's name and address.	Correspondence (Routine)	Obsolete	0	Destroy (General)	1000, 1000.28		GENERAL	Transitory (GENERAL)
Informal information requests (not formal public record requests)	Informal requests for information (generally from press)	Requests	Completed/Closed	0	Destroy (General)	1000, 1000.139		GENERAL	Transitory (GENERAL)
Invitations and meeting requests	Invitations to attend an event or meeting, with reply.	Correspondence (Routine)	Obsolete	0	Destroy (General)	1000, 1000.28		GENERAL	Transitory (GENERAL)
Notes	Direct attachments for review, or as an aid to memory, or to inform someone else.	Notes	Obsolete	0	Destroy (General)	1000, 1000.60	*Private difference between notes and reference sources. Try to keep records of similar content together.	GENERAL	Transitory (GENERAL)
Production requests	Requests for productions.	Requests	Obsolete	0	Destroy (General)	1000, 1000.139		GENERAL	Transitory (GENERAL)
Publications and reports from public and private entities, Boards and Commissions	Copies sent for informational purposes where governor's office is not the creator or filing office.	Reference Sources	Obsolete	0	Destroy (General)	1000, 1000.80		GENERAL	Transitory (GENERAL)
Requests for photographs or autograph	Requests from institutions, schools, etc. for photographs and autographs, and responses.	Requests	Obsolete	0	Destroy (General)	1000, 1000.139		GENERAL	Transitory (GENERAL)
Routine correspondence not involving the Governor	All correspondence not involving the Governor that is routine and not subject to specific legal requirements	Correspondence (Routine)	Obsolete	0	Destroy (General)	1000, 1000.28	Clearly articulate what "routine" means. Most correspondence is not routine but instead substantive to a specific function of the Governor's office.	GENERAL	Transitory (GENERAL)
State Trooper Notifications	Notifications to Governor concerning state police internal affairs.	Reference Sources	Obsolete	0	Destroy (General)	1000, 1000.80	Is there any action to be taken on these records?	General	Transitory (GENERAL)
VHFA annual allocation report	Copy of VHFA annual allocation report, official report maintained at agency.	Reference Sources	Obsolete	0	Destroy (General)	1000, 1000.80		GENERAL	Transitory (GENERAL)
Workshops	Forms, checklists and other documents used to prepare or update a formal or ongoing record on track workshops.	Workshops	Obsolete	0	Destroy (General)	1000, 1000.104		GENERAL	Transitory (GENERAL)
Exhibitions (exempt)	Copy of state of exhibition signed by the Governor; official copy is AOA	Reference Sources	Obsolete	0	Destroy (General)		Transitory - Reference sources. See Bringing Offenders record schedule for Attorney General's information. Still needs review notes.	GENERAL	Exempting
Pardons awarded	(Pardon Decision (official))	Decisions	Completed/Closed	3	Archives	1492, 1160.133	See Pardoning SRS	Offenders	Pardoning
Pardons awarded	General materials for successful applicants	Reports	Completed/Closed	1	Archives	1492, 1160.144	See Pardoning SRS	Offenders	Pardoning
Pardons awarded	(Pardon Award letter)	Notes, Legal	Completed/Closed	1	Destroy	1492, 1160.50	See Pardoning SRS	Offenders	Pardoning
Pardons awarded	Pardon requests from successful applicants	Applications	Completed/Closed	3	Archives	1492, 1160.8		Offenders	Pardoning
Accounting	Documents related to Accounting (handled by AOA)								
Budgets	Documents related to Budget process (Handled by AOA)	see AOA schedules							