

GREATER LONDON AUTHORITY

[REDACTED]
(By email)

Our Ref: MGLA150319-7950

12 April 2019

Dear [REDACTED]

Thank you for your request for information which the GLA received on 15 March 2019. Your request has been dealt with under the Freedom of Information Act 2000. I have provided our response to your questions are below:

This FOI is in relation to the GLA's policy regarding the storage of emails and any data / attachments contained within emails in GLA inboxes. I've looked at the 'policy for managing email' document from several years ago - not sure whether there's a more up to date policy somewhere.

Please see our earlier FOI response where we released a Mayoral Decision by the then Mayor of London, Ken Livingstone, and our current email and records retention (dated February 2017): https://www.london.gov.uk/sites/default/files/9950-response_redacted.pdf

Note, however, that the GLA migrated its email accounts into the Cloud, as part of adopting Microsoft Office365, over a 6 month period leading up to May 2018. As a consequence, emails in in/sent, deleted boxes are no longer automatically deleted after 90 days. This change was driven by technological considerations y. The records retention policy does, however, need to be updated to record this change.

Individual staff and teams remain responsible for the retention of any important emails and the deletion of material that does not need to be kept.

I've been told the policy is that anything in an inbox should be filed or after 90 days it will be deleted permanently. Please can you let me know whether that applies to ALL GLA inboxes and ALL attachments that might be included in such emails?

As above - this no longer applies. But when this policy was in place, the rule applied to all emails that were left in the Inbox, Sent Items or Deleted Items folders of GLA email accounts. If a user stored or saved an email into a subfolder in the email account, the 90-day deletion rule did not apply. The rule included attachments to those emails.

How is this policy enforced - are emails automatically deleted after 90 days?

When this policy was in place, emails were automatically deleted after 90 days from the Inbox, Sent Items or Deleted Items folders of GLA email accounts unless staff had proactively filed or saved emails into a subfolder on their email account.

If they are 'filed', where are they filed to?

The decision about where to file emails would be taken by each member of staff. Staff were encouraged to create subfolders in their email accounts to reflect their pattern of work. Emails could be filed in subfolders created by staff - either in their own email folder, or in a shared email folder. In some cases, attachment to emails might be extracted and saved in other formats (for example, on a GLA shared drive) and the emails themselves deleted.

Are there specific types of email (e.g. those containing contract negotiations) that have to be filed - and if so what is the specific policy and how is it enforced?

Please see our Records Management policy for information about the categories of information that must be retained by the GLA and the appropriate timeframes. The focus is on the type of information, rather than the format.

If an email has been 'deleted permanently', is there any recovery mechanism that could bring it back if necessary? Could law enforcement access it?

Before moving to Office365, the GLA maintained back-ups of all GLA email accounts for a three-month period, during which deleted email could be retrieved by the GLA Technology group. After that three-month period, emails could not be recovered.

Under our current arrangements with Office365, deleted emails are kept as part of our MS Cloud environment but only for 30 days (which is the maximum allowed). After that point, we cannot 'bring them back'.

It should be noted that for the purposes of FOI, an email is considered 'deleted' once it has been deleted or removed from the 'Deleted Items' folder in that email account. This is in line with the guidance issued by the Information Commissioner's Office on this point – see paragraphs 45 – 52 of the following - https://ico.org.uk/media/for-organisations/documents/1169/determining_whether_information_is_held_foi_eir.pdf

Has the GLA ever been asked to provide evidence from email correspondence as part of legal proceedings but been unable to as a result of emails being deleted?

We have no record of this being an issue. The GLA is entitled to retain and delete information in a manner that best supports our business process and meets any legal and statutory obligations regarding record retention. Our Retention and Disposal guidance stresses the importance of retaining information to support any potential legal proceedings which might involve the GLA.

How many FOI requests since 2016 has the GLA responded to with a response to the effect of "this information is not held", as a result of the email deleting policy?

The GLA does not hold this information. We do not record, and otherwise have no way of discerning, where an FOI request might cover information which might have been held in the past and whether that information might have involved an email which had subsequently been deleted, either by the old '90-day' policy or otherwise

As you may already be aware, FOIA and EIR legislation only involve information held at the time a request is received. There is not obligation under the legislation that states that information

should be created to answer a request (where it wouldn't or doesn't already exist), or to recover information which has been deleted prior to that request being received.

The GLA is now publishing more detailed information about how we answer FoIA and EIR requests, and this includes a breakdown of the number of requests where information is not held by the GLA. These performance figures can be found on our website here - <https://www.london.gov.uk/about-us/governance-and-spending/sharing-our-information/freedom-information>

If you have any further questions relating to this matter, please contact me, quoting the reference MGLA150319-7950.

Yours sincerely

Ruth Phillips
Information Governance Officer

If you are unhappy with the way the GLA has handled your request, you may complain using the GLA's FOI complaints and internal review procedure, available at:
<https://www.london.gov.uk/about-us/governance-and-spending/sharing-our-information/freedom-information>