

# Archives Advice No. 13

## Voice Mail and Recordkeeping

Considerations for Government Officials

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### What is Voice over Internet Protocol (VoIP)?

Voice over Internet Protocol, also called VoIP, IP Telephony, Internet telephony, Broadband telephony, Broadband Phone and Voice over Broadband is the routing of voice conversations over the Internet or through any other IP-based network rather than through the traditional Public Switched Telephone Network (PSTN). Protocols which are used to carry voice signals over the IP network are commonly referred to as Voice over IP or VoIP protocols.

Agencies can realize significant cost savings from the use of VoIP because it utilizes a single network to carry voice and data, and because there are no associated per-minute usage fees for long-distance calls. VoIP to VoIP phone calls on any provider are typically free, while VoIP to PSTN calls generally costs the VoIP user.

### Why Should Government Officials be concerned about VoIP?

When is a phone call not just a phone call? And how are VoIP transmissions (phone calls) similar and dissimilar from telephone calls over a PSTN? During a live VoIP call, data streams back and forth along the cable. Once the callers hang up, the data evaporates, as with a PSTN telephone call. However, when a caller leaves a VoIP voice mail message, it resides on the computer as an email in the form of an audio file, typically in .wav or .mp3 format. These files can be filed, categorized, indexed, migrated, and converted just like email messages.

### Recordkeeping Implications

The Georgia Records Act, O.C.G.A. 50-17-90 et seq. does not specifically name voice mail a record. However, it does include in the definition of a record the statement “or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in performance of functions by any agency.” (O.C.G.A. 50-18-91(5)) Arguably, this would make voice mail, like email and all other business documents, a record under Georgia law.

And, just as with email, the retention of a voice mail will be determined by the content. Some voice mail will be retained for a temporary or permanent retention as a business record of the agency; some will have only transitory value. If the voice mail is determined to be a business transaction then it must be captured into the agency’s recordkeeping system. Voice mail which is deemed to be a record may only be destroyed under authorization of an approved retention schedule.



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Copies of voice mail messages held on back-up systems can be overwritten as a normal administrative practice; however, while they are accessible they may be subject to Open Records Act requests, discovery and subpoena processes.

## Recommendations

Agencies should be aware that the law requires them to create and preserve records that adequately document their functions, decisions, and essential transactions (O.C.G.A. 50-18-94(1)). Certain voice mail messages *may* need to be preserved in order to fulfill this requirement. Agencies should consult the state archives and their legal counsel whenever they believe this may be the case.

Effective management practices for voice mail, just as with all records, enhance the agency's accountability through adherence to formal recordkeeping requirements. All records should be managed as part of an information and recordkeeping strategy covering all transactions, regardless of media.

Agency policies and guidelines should cover (among other things):

- the legislative and regulatory environment
- the agency information and recordkeeping policy and strategy
- the ownership of the messaging system and the transactions which occur on it
- the conditions of use for the messaging system including any private use
- where the responsibility lies for the capture of voice mails into a recordkeeping systems (a records management application, RMA) and user guidelines to support the process
- where the responsibility lies for determining the retention of voice mail

Agencies should adopt a risk-based approach and consult their records manager to develop appropriate management strategies for addressing all recordkeeping concerns. If you need further assistance, please call the Georgia Archives at (678) 364-3790.