

Legislative Branch Email Retention

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September 16, 2025 | 2025-R-0154

Issue

Does the law prohibit Connecticut's legislative branch agencies from deleting email messages?

The Office of Legislative Research is not authorized to issue legal opinions and this report should not be considered as one.

Summary

The law does not prohibit legislative branch agencies from deleting email messages, as it does not explicitly address record retention by legislative agencies. The state's statutory records retention requirements appear to only apply to the state's executive branch agencies and political subdivisions, leaving the law silent on legislative records retention ([CGS §§ 11-8, 11-8a, & 11-8b](#)).

The Office of Legislative Management's employee handbook includes a policy for retaining each employee's personnel and medical records for at least 25 years after the employee stopped working for the legislature unless the executive director approves their destruction sooner because the material is no longer relevant and necessary to accomplish the legislature's business (section 4.4(5)). However, the handbook is otherwise silent on requirements for retaining emails or other records.

Background

The state's Freedom of Information Act (FOIA) generally requires public agencies, including legislative branch offices, to make documents that they maintain available to the public, subject to

various exceptions ([CGS § 1-210](#)). However, FOIA is silent on any requirements for public agencies to retain public records.

Instead, a separate law (1) makes the state librarian responsible for developing and directing a records management program for the public records of the state's executive branch agencies and political subdivisions and (2) allows her to establish retention schedules for these records ([CGS §§ 11-8 & 11-8a](#)). Additional information about the State Records Management Program is available [here](#). Additional information about the program's policy on the disposition of public records is available [here](#). General retention schedules are available [here](#) and agency-specific retention schedules are available [here](#). Guidance specific to emails is available [here](#), [here](#), and [here](#).

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