

JOINT MEMORANDUM OF UNDERSTANDING

This JOINT MEMORANDUM OF UNDERSTANDING (“Memorandum”) is made and entered into by and between the Office of the Governor of Missouri and the Office of the Attorney General of Missouri (the “Parties”). Now, therefore, the Parties agree as follows:

1. **Defined Terms.**

a. **Email.** “Email” means a communication distributed by electronic means from one user of an electronic device to one or more recipients using email addresses.

b. **Email Address.** “Email Address” means a destination, commonly expressed as a string of characters in the user@domain format, to which email may be sent or delivered.

c. **Office-Owned Email Addresses.** “Office-Owned Email Address” means Email Addresses ending in “governor.mo.gov” or “govelect.mo.gov”.

d. **Personal Email Addresses.** “Personal Email Addresses” means any Email Address that is not an Office-Owned Email Address.

e. **Gubernatorial Personnel.** “Gubernatorial Personnel” means any person employed by the Office of the Governor. Persons included in Gubernatorial Personnel may either be compensated or working on a volunteer basis.

f. **Gubernatorial Transition.** “Gubernatorial Transition” means the Governor-elect and the group of persons employed by the State of Missouri during the period before the Governor-elect is sworn in that assist in preparing the Governor-elect to assume the Office of the Governor in his official capacity. Persons included in the Gubernatorial Transition may either be compensated or working on a volunteer basis.

2. **Non-Admission.** No actions taken by the Parties either previously or in connection with this Agreement shall be deemed or construed to be an admission of the truth or falsity of any allegation made against the Office of the Governor, or an acknowledgment of any liability or wrongdoing against any person for any other claim, demand, or action.

3. **Resolution Point.** The Attorney General has investigated an allegation that the Office of the Governor used Personal Email Addresses to conduct government business in possible contravention of state record retention laws. The Attorney General has also investigated an allegation that the Office of the Governor used Office-Owned Email Addresses to conduct private or political business. Pursuant to this Memorandum, the Office of the Attorney General will not initiate any enforcement action relating to this allegation, and the Office of the Governor will observe the Email and Email Address best practices set forth in Paragraph 4(a)-(f) of this Memorandum.

4. **Best Practices.** The Office of the Governor shall observe the following best practices:

a. **Users.** Establish and maintain a policy requiring the creation of Office-Owned Email Addresses for all Gubernatorial Personnel.

b. **Capture and Retention.** Establish and maintain a policy declaring that all Emails made or received pursuant to law or in connection with the transaction of official business by Gubernatorial Personnel or the Gubernatorial Transition shall be treated as a government "record" under § 109.210(5), RSMo.

i. All such Emails shall be regularly captured in a searchable format, consistent with existing protocols for government records.

ii. All captured Emails that are subject to retention shall be retained, consistent with existing retention schedules for government correspondence.

iii. Content that presents a security threat is non-record material, and does not need to be captured or retained.

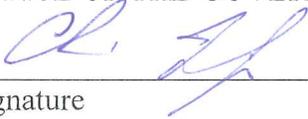
c. **Sunshine Law.** Establish and maintain a policy declaring that all captured Emails that are subject to retention shall be subject to the Sunshine Law in accordance with the rules and exceptions established by Missouri law.

d. **Personal Email Addresses.** Establish and maintain a policy declaring that Personal Email Addresses should not be used by Gubernatorial Personnel or the Gubernatorial Transition to transact state business. Use of a Personal Email Address should always copy or include an Office-Owned Email Address.

e. **Limitation on Use of Office-Owned Email Addresses.** Establish and maintain a policy declaring that Office-Owned Email Addresses may not be used to conduct political business. As with other government resources, limited personal use of Office-Owned Email Addresses must not interfere with official business, not be for personal or commercial gain, and not be otherwise prohibited.

IN WITNESS WHEREOF, the Parties hereto have executed this Memorandum of Understanding in their respective capacities as described below.

OFFICE OF THE GOVERNOR OF MISSOURI



Signature

Christopher Limbaugh

Printed Name

General Counsel

Title

May 16, 2019

Date

OFFICE OF THE ATTORNEY GENERAL OF MISSOURI



Signature

Christopher R. Wray

Printed Name

Chief of Staff

Title

May 16, 2019

Date