



AXIGEN Mail Server

Complying with European Union and United States Data Retention Policies

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1. Why Data Retention?

Lately, the Internet news sites and blogs have all been buzzing with reports of privacy infringements by various IT companies, regulation changes and updates on the laws already in effect, all related to data retention policies.

Well what does all this mean? In effect, the majority of companies providing IT services in one way or another have to abide by these new regulations in order to comply with the new standards. Initially, data retention was not mandatory, but it soon became clear (mostly in the past few years) that legal, administrative, commercial and even social interests can be better protected through such an initiative.

This article describes how the Axigen messaging solution is in compliance with both United States and European Union currently effective laws and policies related to data retention and data preservation. These measures were adopted by service providers mainly to minimize the risk of deletion or modification of records and communications.

The Axigen Messaging Solution is fully compliant with all the laws and regulations in effect to date over both the United States and the European Union territories. In the next few pages, each area will be treated independently and references to the specific requirements enforced for that area alone will be listed.

2. First Stop: Europe

European Union data retention policies are listed in the Directive 2006/24/EC of the European Parliament and of the Council of 15 March 2006 on the retention of data generated or processed in connection with the provision of publicly available electronic communications services or of public communications networks and amending Directive 2002/58/EC. This Directive can be accessed online at the following link:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32006L0024:EN:HTML>

According to this Directive, any service provider (SP) that offers publicly available electronic communications services or public communications networks must abide by the rules listed below.

Categories of data to be retained (excerpt from the above linked page):

- **Data necessary to trace and identify the source of a communication:**
 - a. The user ID allocated;
 - b. The name and address of the subscriber or registered user to whom an IP address or user ID was allocated at the time of the communication;
- **Data necessary to trace and identify the destination of a communication:**
 - a. The user ID or telephone number of the intended recipient(s);
 - b. The name(s) and address(es) of the subscriber(s) or registered user(s) and user ID of the intended recipient of the communication;

- **Data necessary to identify the date, time and duration of a communication:**
 - a. The date and time of the log-in and log-off of the Internet access service, based on a certain time zone, together with the IP address, whether dynamic or static, allocated by the Internet access service provider to a communication, and the user ID of the subscriber or registered user;
 - b. The date and time of the log-in and log-off of the Internet e-mail service or Internet telephony service, based on a certain time zone;

- **Data necessary to identify the type of communication:**
 - a. The Internet service used;

For all of these categories of data to be retained, the Axigen Mail Server makes use of the logging functionality to store the information and save it to disk. The data should be kept for a minimum six months and not more than two years.

As a side-note, the Directive 2006/24/EC of the European Parliament and of the Council of 15 March 2006 on the retention of data generated or processed in connection with the provision of publicly available electronic communications services or of public communications networks stipulates the following restriction on the data retention policies (Article 5, indent 2):

“No data revealing the content of the communication may be retained pursuant to this Directive.”

This Directive only applies to EU member states and includes regulations concerning Internet access, Internet e-mail and Internet telephony. For this reason, saving actual messages that pass through the email server does not comply with the European regulations. For more information, please consult the official Directive, here:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32006L0024:EN:HTML>

Therefore, in a way, the privacy of each individual is rather safe (at least for the moment). This should be of much interest to anyone who is part of a company's management, because they should be extremely cautious with how messages are stored, copied, archived and who has access to these potentially “illegal” materials.

3. And on to the United States

The legal framework for the US Preservation System can be found in Title 18 United States Code Section 2703 (f). In addition, the data retention bill also provides a considerable insight as to what information has to be stored and how.

The US has a more relaxed overall approach to data retention. The stored information must be retained for at least 90 days. Upon request of a government entity this period can be extended for an additional 90-day period for the respective records.

Categories of data to be retained:

- Name of the subscriber or registered user to whom a user identification was assigned;
- Address of the subscriber or registered user to whom a user identification was assigned;
- Logs of instant messaging
- Logs of email conversations

Regarding all of these categories, the Axigen Mail Server makes use of the logging module to store the information and save it to the disk.

Message archiving:

In addition to the logging facility, the MailArchiva archiving solution can be integrated with the product for message storing purposes. For more information related to the MailArchiva solution, please visit the company website (<http://www.mailarchiva.com>).

The archiving process can take many forms while using the Axigen Mail Server. Depending on the details that one needs to extract from the communication process, the IMAP, SMTP and proprietary filtering system can be used to get relevant session details. A very wide range of custom integration and extension mechanisms can be used alongside Axigen. These mechanisms provide a very flexible and re-usable information gathering process that can help in more situations than currently required.

4. Further Reading

Data retention and types of information that can be accessed through the log files and the logging module of the Axigen Messaging Solution:

- Source IP address
- Destination IP address
- Time, date and duration of individual sessions
- User ID for source and destination targets
- Domain names involved in the communication process
- Commands issued during the communication process
- Message / folder access
- Message / folder removal
- Message delivery
- Folder creation
- Message redirection
- Logging per service (SMTP/IMAP/POP3/Webmail)
- Unique individual session identification numbers

For more information on how to perform message archiving with Axigen, please visit these links:

- MailArchiva Integration whitepaper: http://www.axigen.com/articles/integrating-the-axigen-mail-server-with-mailarchiva_29.html
- Axigen advanced filtering and archiving: http://www.axigen.com/knowledgebase/How-to-add-recipient-to-all-outgoing-messages_228.html and http://www.axigen.com/knowledgebase/How-to-add-recipient-to-all-incoming-messages_227.html

Lastly, for anyone interested in further details on the logging system of the Axigen Mail Server, just make sure you take a look at the documentation pages, located online here:

- http://www.axigen.com/docs/en/Logging_101.html

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