

CITY OF HUGHSON
ELECTRONIC COMMUNICATIONS, DEVICES, AND
INTERNET ACCESS POLICY

Purpose:

The purpose of this policy is to establish guidelines for the use of computer systems, devices/equipment, electronic mail (hereinafter "E-mail") and Internet Access on the City of Hughson's (hereinafter "City") computer network. The City's computer systems devices/equipment, E-mail and Internet Access are business tools which will be used in accordance with generally accepted business practices and current law reflected in the California Public Records Act to provide an efficient and effective means of City communications.

Application:

This policy, as approved by the City Council on April 28, 2003, shall apply to all City officials (elected, appointed or otherwise)(hereinafter "City officials"), appointees, employees, volunteers, consultants and any other non-employees utilizing general application computer systems, devices/equipment, and electronic communications owned, managed, supervised, controlled or operated by the City of Hughson.

Provisions:

Information technology facilitates electronic communication between staff, residents and other organizations. Computer systems and electronic communications are for business-related purposes only. The data created, stored on, or transmitted using City computer systems or devices/equipment is the property of the City, except as otherwise required by law. City Management reserves the right to access all data stored on or transmitted using its computers, IPADS, cell phones, and other systems. The City respects the individual privacy of City officials and its employees, however, employees and City officials do not have the right to privacy concerning work-related conduct, use of City owned equipment or supplies, or electronic communications that are sent or received from the City. Consequently, ***E-mail and Internet Access users shall have no reasonable expectation of privacy in communications sent over the City's general application computer network as such communications are not confidential.*** The City reserves the right to lawfully inspect and service all aspects of its computer system and devices/equipment.

The determination of those department employees who will be provided or denied E-mail and/or Internet access shall be at the sole discretion of the City Manager.

In addition to existing systems and services, this Administrative Policy is intended to apply to new computer based systems, devices/equipment, and services as implemented in the future.

A. **PROPER USE OF COMPUTER SYSTEMS AND ELECTRONIC COMMUNICATIONS**

1. The use of E-mail and Internet access is for City Business activities. Some incidental and occasional personal use of the E-mail system is permitted as long as such use is kept to a minimum. Personal messages are not confidential and subject to access and disclosure pursuant to the provisions of this policy.
2. Users of E-mail are responsible for the management of data and messages. Data stored on the network server will be backed up regularly. Sensitive and confidential data shall be protected with passwords.
3. Employees and City officials shall protect all computer equipment against viruses, physical abuse and unauthorized use. Specifically, employees shall use and not disable virus protection software and not willfully introduce virus-infected files.
4. Employees and City officials shall notify City Management of any updates or changes in user ID's, passwords, or any other changes to the set up of devices/equipment or computer systems.
5. Employees and City officials shall notify City Management of any possible viruses, malfunctions, or if their device/equipment becomes compromised, or is lost or stolen.

B. PROHIBITED USES OF E-MAIL AND INTERNET ACCESS

Unless otherwise permitted by law, the following constitutes abuse of the City's computer systems and electronic communications and are prohibited:

1. Messages that disrupt or threaten to disrupt the efficient operation of City business or administration are prohibited. Messages prohibited in this section include, but are not limited to:
 - a. Messages that publicize a personal dispute, other than according to an approved grievance procedure.
 - b. Messages that constitute or counsel insubordination.
 - c. Messages that may harm close working relationships
 - d. Messages that harm the integrity of the computer system or network.
2. Messages that violate law, violate individual rights, create potential liability for the City, or violate public policy are prohibited. These prohibited messages include, but are not limited to:
 - a. Any message that would be in conflict with the City's Harassment Policy and/or comments or images (including screen savers and wallpaper) that could offend on any basis protected by law such as, but not limited to, race, color, religion, sex, national origin, ancestry, age, physical disability, mental disability, medical condition, veteran status, marital status, sexual orientation or any other status protected by local, state or federal law.

- b. Any message or comment containing disparaging remarks concerning elected officials, appointed officials, employees, volunteers, consultants or other non-employees of the City.
 - c. Any E-mail message, any Internet site or screen saver, including wallpaper, which any reasonable person would find to be defamatory, offensive, harassing, derogatory or disruptive.
 - d. Messages that may undermine the City's ability to provide public services through its employees.
 - e. Messages that are pornographic, obscene, indecent, or sexually explicit.
 - f. Messages that contain the use of racial, religious, or ethnic slurs.
 - g. Messages intended to harass or annoy, including derogatory, vulgar, defamatory, or hate messages.
 - h. Messages that contain threats to personal safety.
3. Messages that contain confidential, privileged or otherwise private information except when such messages are transmitted for an authorized purpose and are transmitted in an appropriately secure manner. These messages include, but are not limited to:
- 1. Personnel, payroll and medical files or confidential information from these files.
 - 2. Financial or account codes, numbers or authorizations that could be misused if intercepted by or disclosed to unauthorized persons or that may otherwise lead to unauthorized financial obligations to the City.
 - 3. Privileged or confidential communications or documents from or to legal counsel.
4. Personal messages which include, but are not limited to:
- 1. Messages for personal gain or profit or for private or non-City commercial activity including personal research or surveys.
 - 2. Messages to promote, distribute materials, or solicit individuals on behalf of commercial ventures, political causes (unless specifically authorized), religious causes, charitable organizations or other organizations in which the user is involved.
 - 3. Chain letters.
 - 4. Junk mail sent via distribution lists that concern non-City business related topics.

5. Participation in non-business related "chat-room" discussions.
5. Using someone's passwords or codes without proper authorization.
6. Disclosing anyone's passwords or codes including the employee's or city official's own without authorization.
7. Use of the Internet or E-mail system for gambling.
8. Messages sent anonymously or with fictitious names.

C. STATUS OF ELECTRONIC DATA AND MESSAGES

1. E-mail communications are not confidential and are subject to review by authorized personnel, as designated by the City Manager or authorized personnel, and disclosure to the public.
2. E-mail communications may be subpoenaed or requested under the California Public Records Act and/or may be used as evidence in court or as part of an investigation. The content of E-mail may be subject to disclosure within or outside of the City without employee permission or knowledge.
3. The City, through its authorized personnel, has the authority to access communications in the E-mail system at any time for any lawful City business-related reason.
4. The City has unlimited access to protect system security or the City's property rights. However, the City does not routinely monitor E-mail communications or Internet usage and expects that employees will voluntarily abide by this policy. With the approval of the City Manager, authorized personnel may establish rules for the retention/storage/deletion of electronic mail in order to preserve the integrity of the file server and system.

D. RECORDS MANAGEMENT

1. E-mail messages which are intended to be retained in the ordinary course of the City's business are recognized as official records that need protection/retention in accordance with the California Public Records Act. Because the E-mail system is not designed for long term storage, E-mail communications which are intended to be retained as an official record should be stored in appropriate electronic form or printed out and the hard copy filed in the appropriate subject file.
2. The City will maintain E-mail messages designated as official records for a minimum of two (2) years or as otherwise designated in the City's records management schedule. These E-mail messages are subject to public disclosure, even if they are drafts or informal notes, unless the need to retain their confidentiality outweighs the need for disclosure, or the E-mail message is otherwise exempt under any provision of the Public Records Act or other state or federal law.

3. E-mail communications that are not intended to be retained and which serve no useful purpose to the City should be deleted from the system.

E. E-MAIL PROCEDURES/ETIQUETTE

Employees who are granted E-mail and Internet access are required to abide by the following procedures and etiquette. Employees and city officials are to:

1. Remember they are representing the City through their communications both internally and externally, and it is critical that they maintain a positive image for both themselves and the City.
2. As a good business practice, E-mail is to be checked at least once each work day and messages responded to promptly.
3. Be certain that their messages are addressed to the proper person. The list of persons being E-mailed when choosing a "REPLY ALL" function must be checked prior to sending the E-mail message. E-mail should not be used for broadcast purposes unless the message is of interest to all users.
4. Capitalize words only to emphasize an important point or to distinguish a title or heading. Capitalizing whole words that are not titles is generally interpreted as shouting.
5. Be professional and careful of what is said about others. E-mail is easily forwarded and blind copied.
6. Be cautious when using sarcasm and humor. Without face to face communication, humor may be viewed as criticism. By the same token, E-Mail users must carefully read what others write. The perceived tone may easily be misinterpreted.
7. Be aware that deleting or erasing information, documents, or messages maintained on the City's network is, in many cases, ineffective. Information kept on the City's system may be electronically recalled or recreated regardless of whether it may have been erased or deleted by an employee. Further, since the City may periodically back-up files and messages, and because of the way in which computers re-use file storage space, files and messages may exist even after a user assumes they are deleted. Finally, information or messages may still exist in the storage areas of other users. Therefore, employees who delete or erase information or messages should not assume that such information or messages are confidential.

F. PENALTIES FOR MISUSE OF E-MAIL OR INTERNET ACCESS

1. All E-mail and Internet Access users will be provided a copy of this regulation, upon the granting of access to the computer network. Each such person shall be required to complete an "Employee/City Official Acknowledgement" in substantially the form attached hereto as Attachment A. One copy of the form shall be given to the employee/City official, and another shall be kept in the employee's personnel file with the

City Clerk.

2. Failure on the part of any employee/city official to comply with the provisions of this policy may result in suspension or revocation of the privilege of using or accessing E-mail and Internet Access, as well as disciplinary action up to, and including, termination of employment.
3. Failure on the part of any contractor or consultant to comply with the provisions of this policy will constitute grounds for termination of their contract with the City.

CITY OF HUGHSON

EMPLOYEE/CITY OFFICIAL ACKNOWLEDGMENT

ELECTRONIC COMMUNICATIONS, DEVICES, AND INTERNET ACCESS POLICY

I hereby acknowledge receiving and reading a copy of Administrative Policy ELECTRONIC COMMUNICATIONS, DEVICES, AND INTERNET ACCESS POLICY. I also understand that any questions concerning the policy may be addressed to the City Manager and/or authorized personnel.

I understand that the City's E-mail and Internet access system and computer network are for City business only. I further understand that all information contained on or communicated through the E-mail and Internet access system and computer network is subject to monitoring, review and disclosure.

(Initial)

I understand that in the event that I am no longer an employee of the City of Hughson, I must return any and all City owned devices, equipment, etc, that were issued for my use.

(Initial)

Consequently, I have no expectation of privacy in communications stored on, or communicated through, any City computer system or network as such communications are not private or confidential.

(Initial)

Finally, as an employee/city official, I understand that violation of this Administrative Policy may result in disciplinary action, up to and including dismissal.

(Initial)

Name (printed or typed): _____

Signature: _____ Date: _____