

**TOWN OF FAIRFAX
STAFF REPORT**

To: Mayor, Members of the Town Council

From: Michael Rock, Town Manager 
Laurie Ireland-Ashley, Finance Director

Date: February 2, 2011

Subject: Adoption of a Resolution adopting an Electronics Communication policy

RECOMMENDATION

Approve a resolution adopting an electronics communication policy for the Town of Fairfax.

DISCUSSION

The Finance Department in the continued process of building a well defined administrative Town policy and procedure structure submits the Electronic Communication Policy for Council review. In this technological world with electronic communications being utilized every day the *Electronic Communications Policy (Email and Internet)* is vital to the Town's control of resources and data. The Email policy addresses how we send, manage, receive, and store all the electronic communications the Town has. Some of the highlights are the prohibitions:

- Sending email that is intimidating or harassing
- Using email for other than Town business
- Use of unauthorized email software

And most importantly that email is a privilege and that there is no expectation of privacy by the user of the Town's email system. All messages transmitted over the Town network are considered Town records, and therefore are the property of the Town.

FISCAL IMPACT

Our Email storage costs will be slightly reduced by the adoption of this policy as it will limit the stored record size.

ATTACHMENTS

1. Electronic Communications Policy
2. Employee Electronic Communications Policy Acknowledgement

Town of Fairfax

Electronic Communications Policy

PURPOSE:

Employees are given access to the Electronic Communications (Email and the Internet) to assist them in the performance of their jobs and conducting Town business. The computer and telecommunications systems belong to Fairfax and may only be used for authorized Town purposes. This policy establishes guidelines for the proper use of Fairfax's Electronic Communications (Email, and Internet) resources. All employees have their responsibility to use these resources in a professional, ethical, and lawful manner. Employees should be aware that all records, whether on paper or computerized, are subject to the mandatory public disclosure requirements of the Public Records Act, subject to the exceptions provided under the Act. This policy may be amended or revised from time to time. Employees will be provided with written copies of all amendments and revisions to this Policy.

Note:

The Internet is a worldwide network of computers containing millions of pages of information and many diverse points of view. Because of its global nature, users of the Internet may encounter material that is inappropriate, offensive, and, in some instances, illegal. The Town of Fairfax cannot control the availability of this information or restrict access to it.

POLICY:

1. Employees may only access the Electronics Communications (Email and the Internet) through an approved Internet firewall.¹. Accessing the Internet directly by modem is strictly prohibited unless the accessing computer is **not** connected to Fairfax's network via wired or wireless. Employees are notified that they are responsible for the material they review and download on the Internet.

PROHIBITED ACTIVITIES AND USES:

2. Prohibited Activates: sending, receiving, displaying, printing, or otherwise disseminating material that is fraudulent, harassing, illegal, embarrassing, sexually explicit, obscene, intimidating, or defamatory is prohibited. Employees encountering such material should report it to their supervisor immediately.
3. Prohibited uses: Employees may not use Fairfax's Electronic Communication resources for commercial or personal advertisements, solicitations, promotions, games, chain emails, electronic cards, destructive programs (i.e., viruses and/or self-replicating code), political material, violating copyright laws, or any other unauthorized or personal use: including personal email or social networking websites. Posing as anyone other than oneself when sending email, except when authorized to send messages for another when serving in an administrative support role. Use of unauthorized email software.

¹A Firewall describes a device that separates the network server from the outside cyberspace and serves as a clearing house for incoming Internet material to filter out viruses.

4. Communicating Information. Employees should exercise the same care in drafting e-mail, and posting items as they would for any other written communication. Anything created on the computer or Internet may, and likely will, be reviewed by others.
5. Email Retention: the email system is not designed for long-term retention of messages; therefore any email that the employee desires to save or that becomes part of an official record should be stored in another database. Users of the email are solely responsible for the management of their mailboxes. All messages in excess of (90) days old will be deleted at regular intervals from the server.

VIRUS DETECTION:

6. All material downloaded from the Internet via email or directly; or from computers or networks that do not belong to Fairfax MUST be scanned for viruses and other destructive programs before being placed onto Fairfax's computer system.

EXPORT RESTRICTIONS:

7. Because of export restrictions, programs or files containing encryption technology are not to be placed on the Internet or transmitted in any way outside the United States without prior written authorization from the Town Manager.

DISCLAIMER OF LIABILITY

8. Fairfax will not be responsible for any damages, direct or indirect, arising out of the use of its Electronic resources.

WAIVER OF PRIVACY AND DISCLOSURES:

9. Fairfax has the right, but not the duty, to monitor any and all aspects of its Computer system, including, but not limited to, monitoring sites employees visit on the Internet, monitoring chat groups and news groups, reviewing material downloaded or uploaded by employees, and reviewing e-mail sent and received by employees. Employees waive any right to privacy in anything they create, store, send, or receive on the computer or the Internet. All user activity on the Town's computer system, including electronic messages and attachments are considered Town records, and therefore are the property of the Town and the employees have no expectation of privacy concerning communications utilizing the Town's system. Note that use of personal email systems for Town business can potentially open such systems to subpoenas or public records request.

COMPLIANCE WITH APPLICABLE LAWS AND LICENSES:

10. Employees must comply with all software licenses, copyrights, and all other State and federal laws governing intellectual property and online activity, including the Town's record retention policy.

EMPLOYEE ACKNOWLEDGEMENT

Employee Name:	Position Title:
Supervisor Name:	Department:

(Print or Type)

Employee must read and complete this document, initial each item in the space provided, sign and date, and return it to the supervisor. A copy will be placed in the employee's official personnel file. Employees may periodically be required to update their acknowledgement of these policies.

1. _____ I acknowledge receiving Town of Fairfax Electronic Communications Policy.

2. _____ I understand that I may have access to confidential and sensitive information. I agree to use reasonable precautions to assure that this information is not disclosed to unauthorized persons or used in an unauthorized manner.

3. _____ I understand that non-compliance with these policies may result in internal discipline, up to and including discharge, in accordance with agency and civil service rules. Criminal or civil action may be initiated by the appropriate authorities in certain instances.

4. _____ I understand that any tampering, interference, damage, or unauthorized access to computer data or computer systems may constitute a criminal violation of Penal Code Section 502.

SIGNATURE:

In signing this document below, I agree to comply with my responsibilities under all terms of the Town of Fairfax Electronic Communications Policy (version/date _____).

Employee Signature:

Date:
