TOWN OF FAIRFAX
STAFF REPORT

To: **Mayor, Members of the Town Council**

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

Date: **September 1, 2010**

Subject: **Discussion of proposed Electronics Communication Policy**

RECOMMENDATION

Discuss the draft Electronics Communication Policy and direct staff to return with a resolution for adoption on October 6, 2010.

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)* is vital to the Towns 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. Email Policy
2. Employee Email Policy Acknowledgement

AGENDA ITEM # 21

TOWN OF FAIRFAX
ELECTRONICS COMMUNICATION POLICY

Introduction

Information Resources are strategic assets of the Town of Fairfax (the "Town") that must be treated and managed as valuable town resources. The Town provides various computer resources to its employees for the purpose of assisting them in the performance of their job-related duties. Thus this policy is established to achieve the following:

- To ensure compliance with applicable statutes, regulations, and mandates regarding the management of information resources.
- To establish prudent and acceptable practices regarding the use of email.

To educate individuals using email with respect to their responsibilities associated with such use.

Purpose

The purpose of the Town Email Policy is to establish the rules for the use of Town email for the sending, receiving, or storing of electronic mail.

Audience

The Town Email Policy applies equally to all individuals granted access privileges to any Town information resource with the capacity to send, receive, or store electronic mail.

Definitions

Information Resources (IR): any and all computer printouts, online display devices, magnetic storage media, and all computer-related activities involving any device capable of receiving email, browsing Web sites, or otherwise capable of receiving, storing, managing, or transmitting electronic data including, but not limited to, mainframes, servers, personal computers, notebook computers, hand-held computers, personal digital assistant (PDA), pagers, distributed processing systems, network attached and computer controlled medical and laboratory equipment (i.e. embedded technology), telecommunication resources, network environments, telephones, fax machines, printers and service bureaus. Additionally, IR includes the procedures, equipment, facilities, software, and data that are designed, built, operated, and maintained to create, collect, record, process, store, retrieve, display, and transmit information.

Electronic mail system: Any computer software application that allows electronic mail to be communicated from one computing system to another.

Electronic mail (email): Any message, image, form, attachment, data, or other communication sent, received, or stored within an electronic mail system.

Email Policy

Town has established this policy with regard to the acceptable use of Town-provided electronic messaging systems, including but not limited to e-mail and instant messaging. This policy applies to any and all electronic messages composed, sent or received by any employee or any person using Town-provided electronic messaging resources.

- The following activities are prohibited by policy:
  - Sending email that is intimidating or harassing.

- Using email for conducting personal business.
- Using email for purposes of political lobbying or campaigning.
- Violating copyright laws by inappropriately distributing protected works.
- Posing as anyone other than oneself when sending email, except when authorized to send messages for another when serving in an administrative support role.
- The use of unauthorized e-mail software.

- The following activities are prohibited because they impede the functioning of network communications and the efficient operations of electronic mail systems:
  - Sending or forwarding chain letters.
  - Sending unsolicited messages to large groups except as required to conduct Town business.
  - Sending excessively large messages
  - Sending or forwarding email that is likely to contain computer viruses.
- All sensitive Town material transmitted over external network must be encrypted.
- All user activity on Town Information Resources assets is subject to logging and review. All electronic messages, including attachments transmitted over the Town computer network are considered Town records, and therefore, are the property of the Town and employees have no expectations of privacy therein. The Town reserves the right to access and audit all messages, including attachments, transmitted over its email system or placed into its storage. The contents of the email may be disclosed within the Town organization or to third parties, including the public, without employee permission or knowledge.
- Individuals using the Town's electronic mail system shall have no expectation of privacy concerning communications utilizing the system as all communications transmitted on, to or from the system are the property of the Town.
- Electronic mail users must not give the impression that they are representing, giving opinions, or otherwise making statements on behalf of the Town or any unit of the Town unless appropriately authorized (explicitly or implicitly) to do so. Where appropriate, an explicit disclaimer will be included unless it is clear from the context that the author is not representing the Town. An example of a simple disclaimer is: "the opinions expressed are my own, and not necessarily those of my employer."
- Individuals must not send, forward or receive confidential or sensitive Town information through non Town email accounts. Examples of non-Town email accounts include, but are not limited to, Hotmail, Yahoo mail, AOL mail, Google mail, and email provided by other Internet Service Providers (ISP).
- Individuals must not send, forward, receive or store confidential or sensitive Town information utilizing non-Town of Fairfax accredited mobile devices. Examples of mobile devices include, but are not limited to, Personal Data Assistants, two-way pagers and cellular telephones.
- The E-mail 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 ninety (90) days old will be deleted at regular intervals from the server computer in accordance with the records retention policy.

Legal Disclosures

Email and attached electronic documents are, like their paper counterparts in the Town's files, are records and as such are subject to discovery in any litigation and are deemed public records by the California Public Records Act, which requires the Town to disclose most public records upon request. (Note that use of personal email systems for Town business can potentially open such systems to subpoenas or public records requests.) In addition, under state law, the Town is required to retain certain official records for certain periods of time in accordance with the Town's record retention policies. Each email user is responsible for becoming familiar with the Town's record retention policies and managing his/her emails accordingly.

Disciplinary Actions

Violation of this policy may result in disciplinary action which may include termination for employees (whether temporary or permanent, part or full-time); a termination of employment relations in the case of contractors or consultants; or dismissal for interns and volunteers. Additionally, individuals are subject to loss of Town Information Resources access privileges, civil, and criminal prosecution.

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 Information Security Email 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 E-mail Policy (version/date_____).

Employee Signature: Date:

_____ _____