

SUBJECT: Electronic Communications - Computer Equipment, Software and the Internet; E-mail; Telephones & Cellular Phones; Other Electronic Devices

1.0 PURPOSE:

To establish a policy for efficient, ethical employee use of electronic communications equipment, software and data; to encourage use that enhances employee productivity; to confirm that electronic communications used in the conduct of government are public records; and to prohibit inappropriate use.

2.0 ORGANIZATIONS AFFECTED:

All department/divisions.

3.0 REFERENCES:

State Public Disclosure Act (RCW 42.17); See also the Code of Ethics for City Employees, Personnel Policies 8.2.

4.0 POLICY:

4.1 General Policy Statement. City equipment and software, and internet/e-mail access are intended to increase employee productivity in the conduct of their official duties with the City. City Employees will comply with the Public Records Act as it relates to electronic communications. Inappropriate use of information systems or electronic communications, as defined below, is prohibited.

4.2 Definitions.

1. "Electronic communication" is defined as an electronic exchange of information with a citizen, another employee, the internet, and/or the public at large.
2. "E-mail" is an electronic communication that may be sent to another user within the City's information system or to a user outside the City's system via the internet.
3. "Information systems" include all electronic equipment, software and/or data (either furnished by the City or property of the employee) used in the performance of their work

assignments, including computers, telephones, fax machines, pagers, e-mail, voice mail and palm pilots.

4. "Internet" refers to the World Wide Web.

#### 4.3 Business Use and Limited Personal Use

The City's electronic equipment and information systems are intended for professional business use in performing the duties of an employee's job. Limited personal use may be permitted, with prior approval, according to the following guiding principles:

1. It is incidental, occasional and of short duration;
2. It is done on the employee's personal time. Personal time means off-duty, on an unpaid lunch break, or for 24-hour shift personnel, while on standby.
3. It does not interfere with any employee's job activities. This includes activities which might pose a conflict of interest or appearance of fairness problem with individual's employment with the City.
4. It does not result in incremental expense to the City. Examples of "incremental expense" include, but are not limited to
  - a) if the City were paying for an hourly "dial-up" connection to the internet, and an employee's personal use incurred additional charges;
  - b) long-distance telephone, cellular phone or fax charges;
5. The employee has his/her supervisor's prior approval for said personal use, which approval shall only be given when consistent with the requirements of this policy;
6. It does not solicit for or promote commercial ventures, religious or political causes, outside organizations or other non-job related solicitations;
7. It does not violate the other "prohibited uses" or other specific limitations outlined in this policy.

#### Prohibited Uses

The creation, transmission, downloading or storage of any document, data or message which reasonably can be construed as relating to or promoting the following, are prohibited:

1. Discrimination or harassment on the basis of age, race, color, gender, creed, marital status, national origin, disability or sexual orientation;
2. An expression regarding personal political or religious beliefs;
3. An expression of rumors or gossip about any individual or group of individuals;

4. Any business or non-profit organization as defined by the IRS other than employees representing the City's labor unions when conducting union business related to the City;
5. Any language and subject matter that is objectionable, offensive, obscene, threatening or otherwise inappropriate as described in the City's Sexual Harassment Policy, 8.3;
6. Any communication to solicit for or promote commercial ventures, religious or political causes, outside organizations or other non-job related solicitations;
7. Any information that violates copyright laws;
8. Copying any City-licensed computer software for personal use is prohibited;
9. On-duty use of games, except during off-duty or lunch periods, and standby periods for 24-hour shift personnel;
10. See also specific prohibitions relating to individual types of system use, below.

#### 4.5 Electronic Communications - "e-mail"

The City encourages the use of e-mail as a method of increasing employee productivity, thereby improving the overall capabilities of the City to serve its citizens.

With few exceptions, everything in government relating to the conduct of government or the performance of governmental functions, whether written, recorded, taped, or electronically stored is subject to public inspection. The Public Records Act (RCW 40.14) applies to electronic mail; the following guidelines should be followed for records retention of e-mail. For these and other reasons, while e-mail is less formal than memoranda or letters, it should still follow the standards of good business etiquette.

1. Informal messages with no retention value and that do not relate to the functional responsibility of the recipient or sender, such as meeting notices, reminders, telephone messages and informal notes, should be deleted once their administrative purpose is served.
2. All other messages used in connection with the transaction of governmental business constitute a public record. Such records are subject to public inspection and copying; users should print out a copy of the record and file for keeping according to the City's Records Retention Schedule.
3. E-mail should not be used when seeking legal advice or to discuss matters of pending litigation or other "confidential" City business. In general, e-mail is

discoverable in litigation, and even deleted e-mail is not necessarily removed from the system.

4. External e-mail will not be used for personal use, since employees' conventional e-mail address includes the City's "return address."

5. Limited personal internal use of e-mail may be permitted if it complies with the provisions of Section 4.3 and does not violate Section 4.4. General announcements via internal e-mail should be avoided; use of an electronic "bulletin board" or the City Employee Newsletter is preferred.

#### 4.6 Internet Use: Browsing, List-Servs, Newsgroups, etc.

1. It is the policy of the City to maximize the cost-effective use of its computer systems as a means to improve efficiency and productivity. All employees are responsible for using the internet resources in an effective, ethical and lawful manner, and in accordance with this policy. Employees may be authorized by their Department Head to have internet access to enhance their ability to perform the duties of their position.

2. Limited personal use of a persistent internet connection may be approved by an employee's department head or designee if it meets the criteria of Section 4.3 above, and if said use is not in violation of Section 4.4 above. Personal use may only consist of browser capability and may not include ListSers, Newsgroups, Chat Rooms or other capabilities unless specifically approved by the Department Head, which approval shall only be given when consistent with the requirements of this policy.

3. Any purchases made on behalf of the City via the Internet must conform to the City's purchasing policy and budget allocations.

4. Using City equipment or City internet connection to violate the integrity of another system (hacking) is prohibited.

#### 4.7 System Security

1. Acquisition of computer equipment. All acquisitions of information systems components will be coordinated through the Information Systems Division. This includes demonstration hardware and software used for evaluation purposes as well as products acquired for ongoing use.

2. Conscientious care. All employees are responsible to care for the personal computer system components that they are assigned or using. Employees are responsible for promptly reporting any equipment, software and data damage and/or destruction of which they become aware.

3. Downloading/installing software (including upgrades and screensavers). The City computer system is designed to work in a network environment. Installation of

unauthorized software can result in damaging the integrity of the system. Employees are responsible for obtaining the approval of their supervisor and the Information Services Division before downloading or installing software on any City-owned computer.

4. Downloading files from the Internet. Employees are individually and directly responsible for checking files for viruses using the latest version of the recommended virus-checking program. Downloading or uploading files is restricted to City business.

5. Unauthorized access. Employees are prohibited from using "loopholes" or knowledge of a special password to damage computer systems, obtain extra resources, or to gain access to systems for which proper authorization has not been given. Employees are responsible for keeping their password confidential and not sharing it with other users.

6. Use of aliases. Use of aliases while using the internet or internal e-mail is prohibited. Anonymous messages and anonymous newsgroup postings are prohibited.

7. Unlicensed or copied software is prohibited on any City computer. No supervisor or department director may authorize the use of unlicensed or copied software on any City computer.

#### 4.8 Telephone, Fax, Cellular Phone, Computer Printers, Photocopy Machines

1. Telephones: City employees should minimize accepting and placing personal calls during business hours. Personal calls should be made during an employee's break or lunch hour. Long Distance personal calls should be charged against the employee's personal credit card or home number. If an employee makes a personal long distance call on a City account, the employee will reimburse the City for that expense.

2. Facsimile Machines: Employees may not use City FAX machines for personal use to send long distance facsimile messages, or to receive local or long distance facsimile messages. If an employee makes a personal long distance fax on a City account, the employee will reimburse the City for that expense; if an employee receives a solicited personal fax on a City machine, the employee will reimburse the City at the rate established by the Comprehensive Fee Schedule.

3. Cellular Telephones: Cellular telephones should not be used for personal use, except for necessary work-related situations such as unanticipated overtime or family emergencies. Non-work-related, local and long-distance personal cellular telephone charges should be reported to the City and reimbursed at the per minute rate the City pays for minutes billable to the phone in excess of the "free time". This reimbursement shall apply to all personal calls within or outside the "free time" range."

However, an employee's Department Director may authorize an employee to use his / her City issued cellular phone to make personal calls. The Department Director shall make

this decision based on the employee's job responsibilities. The employee who receives this permission shall reimburse the City at the rate indicated in the paragraph above.

An employee's Department Director may authorize an employee to store his / her personal cellular phone number on a City issued cellular phone. This number shall be secondary to the cellular number issued by the City for that phone. Billing for this personal phone number shall be separate from the City's cellular phone bill. Payment for the billing associated with the personal phone number shall be the sole responsibility of the employee.

4. Computers & Printers: City employees may use City computers for personal use if said use meets the criteria outlined in Section 4.3 above and does not violate Section 4.4 of this policy; said employees will reimburse the City at the rate established by the Comprehensive Fee Schedule for use of City printers.

5. Photocopy Machines: City employees may use City photocopy machines for personal use by paying a photocopy charge established by the Comprehensive Fee Schedule.

6. Other equipment. Except as provided in this policy, employees will not use City equipment for personal use. In no event shall a City employee take City property to his or her home without prior consent of the employee's supervisor.

#### 4.9 Monitoring, Enforcement and Penalties

1. All hardware, software, programs, applications, templates, data and data files residing on City information systems or storage media, whether City business or personal, are the property of the City of Bothell. The City retains the right to access, copy and change, alter, modify, destroy, delete or erase this property without prior notice to employees.

2. The City retains the right to monitor and audit the use of e-mail and internet use. The right to use these technologies does not include the right to privacy.

3. Deleted documents, messages and data may be retrieved from a variety of points in the network. Employees should assume that electronic evidence discovery might recover deleted or unsaved data.

4. Employees' use of a personal internet account on City equipment, and employees' use of a City internet account on personal equipment, are subject to prior supervisor approval and the provisions of this policy. Said employees should be aware that their personal e-mail and electronic files could be monitored by the City, and could be reviewed as part of a Public Records request.

5. Each employee is required to read and sign this policy. In addition to any other penalty, fine or cost reimbursement required by any provision of this policy, violation of this policy may result in discipline, up to and including termination of employment.