



ADMINISTRATIVE POLICY AND PROCEDURE

TITLE: INTERNET & ELECTRONIC RESOURCES/ EQUIPMENT USE – ELECTED OFFICIALS			SUBJECT: ADMINISTRATION	
			INDEX NUMBER: 500-03	
EFFECTIVE DATE 01/25/09	SUPERSEDES 12/21/07	PAGE 1 OF 7	PREPARED BY: Lorrie Rempher	MAYOR'S APPROVAL

1.0 PURPOSE

To establish a policy and identify the principles of acceptable use of the internet and other electronic communications resources/equipment provided for use during his/her term of office for elected officials.

2.0 ORGANIZATIONS AFFECTED

Elected Officials

3.0 REFERENCES

RCW 42.30RCW 42.56

4.0 POLICY

To enhance Councilmembers' service to the community and their ability to communicate with staff and the public, the City provides office space, meeting facilities and office equipment for the use in City business. Each member of Council will receive a City owned Blackberry PDA (personal digital assistant) with the necessary Internet access, cellular service and e-mail capabilities. In addition, there are two computers available in the council conference area for use by council members in accessing the internet, email and synchronizing their Blackberry devices to the City systems. Information Services will provide the initial training in the use of computers and related software. Only City owned software will be installed on the laptops.

It is important to note that all letters, memoranda, and interactive computer communication (e-mail) involving City Councilmembers and members of advisory boards and commissions, the subject of which relates to the conduct of government or the performance of any governmental function, with few exceptions stated by the Public Records Act (RCW 42.56), are public records. See section 5.0 Public Disclosure.

When individual Councilmembers have completed their term of office, they will return all City electronic equipment to the Director of Information Services.

4.1 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 a Councilmember. Limited personal use may be permitted, according to the following guiding principles:

4.1.1 It is incidental, occasional and of short duration;

- 4.1.2 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 a Councilmember's personal use incurred additional charges;
 - b) long-distance telephone, cellular phone or fax charges;
- 4.1.3 It does not solicit for or promote commercial ventures, religious or political causes, outside organizations or other solicitations not directly related to the duties of a Councilmember;
- 4.1.4 It does not violate the other "prohibited uses" or other specific limitations outlined in the policy.
- 4.2 Prohibited Uses: The creation, transmission, downloading or storage of any document, data or message which reasonable can be construed as relating to or promoting the following, are prohibited:
- 4.2.1 Discrimination or harassment on the basis of age, race, color, gender, creed, marital status, national origin, disability or sexual orientation;
 - 4.2.2 Any language and subject matter that is objectionable, offensive, obscene, threatening or otherwise inappropriate as described in the City's Workplace Harassment Policy;
 - 4.2.3 Any communication to solicit for or promote commercial or non-profit ventures, religious or political causes, outside organizations, rumor or slander or other non-job related solicitations;
 - 4.2.4 Any information that violates copyright laws;
 - 4.2.5 Copying any City licensed computer software for personal use is prohibited;
 - 4.2.6 See also specific prohibitions relating to individual types of system use, below.
- 4.3 Internet Use: Browsing, List-Servs, Newsgroups, etc.
- 4.3.1 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 Councilmembers are responsible for using the Internet resources in an effective, ethical and lawful manner, and in accordance with this policy.
 - 4.3.2 Access to the City e-mail (Outlook web access) from any remote computer that has internet access may be granted to City officials, as approved by the Mayor. Those approved to have this access must maintain virus protection software on their connections. Failure to maintain virus protection may result in the access being revoked.

4.3.3 Limited personal use may only consist of browser capability and may not include ListServs, Newsgroups, Chat Rooms or other capabilities.

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

4.4 System Security

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

4.4.2 Conscientious care. All Councilmembers are responsible to care for the personal computer system components that they are assigned or using. Councilmembers are responsible for promptly reporting any equipment, software and data damage and/or destruction of which they become aware. Any damage caused by personal use, including repair costs, will be the responsibility of the Councilmember.

4.4.3 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. Councilmembers should not download or install software on any City-owned computer. If additional software is required, a request should be addressed to the Information Services helpdesk.

4.4.4 Downloading files from the Internet. Councilmembers 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.

4.4.5 Unauthorized access. Councilmembers 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. Councilmembers are responsible for keeping their password confidential and not sharing it with other users.

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

4.4.7 Unlicensed or copied software is prohibited on any City computer. No Councilmember may use unlicensed or copied software on any City computer. The City shall seek reimbursement from any Councilmember who installs, downloads, uses or authorizes the use of any unlicensed or copied software on any City computer, or any fines, costs or other expenses incurred by the City resulting from such use.

4.5 Computer Printers, Photocopy Machines

- 4.5.1 Computers & Printers. Councilmembers may use City computers for personal use if said use meets the criteria outlines in section 4.1 and does not violate section 4.2 of this policy; said Councilmembers will reimburse the City at the rate of 25 cents per page for use of City printers.
- 4.5.2 Photocopy Machines. Councilmembers may use City photocopy machines for personal use by paying a photocopy charge of 25 cents per page.
- 4.5.3 City-issued Cell Phones. For the purposes of establishing a redundant communications capability during City emergencies, specific City officials assigned City-issued cell phones (Blackberry) will have priority access subscription service added to their respective plans as approved by the Mayor. City officials assigned this service capability shall only activate it when the standard cell phone network is unavailable due to high volume in emergency situations and the need to communicate via telephone is directly related to City business.
- 4.5.4 Other equipment. Except as provided in this policy, Councilmembers will not use City equipment for personal use. Except as provided herein, in no event shall a Councilmember take City property to his or her home.

4.6 Information Services Helpdesk Services

- 4.6.1 The City of Auburn Information Services helpdesk is available for help with technical issues related to City computer and phone services
- 4.6.2 To request help, e-mail helpdesk@auburnwa.gov. A helpdesk representative will contact you within two hours during normal City business hours.

5.0 Public Disclosure

To ensure that business communications submitted to and by elected and appointed officials comply with the State Public Records Act, RCW 42.56, and the State Open Meetings Act, RCW 42.30, the following clarifies the responsibility of elected officials:

5.1 Communications – Generally

- 5.2 Written Communications: All letters, memoranda, and interactive computer communication involving City Councilmembers and members of advisory boards and commissions, the subject of which relates to the conduct of government or the performance of any governmental function, with few exceptions as stated by the Public Records Act, are public records. Copies of such letters, memoranda, and interactive computer communication may not be provided to the public or news media without the filing of a public disclosure request with the City Clerk. Written letters and memoranda received by the City, addressed to a Councilmember or the Council as body, will be

photocopied and provided to all City Councilmembers, and a copy to the City Clerk to be kept according to the City's Records Retention Schedule.

5.3 Electronic Communications

- 5.3.1 Informal messages with no retention value and that do not relate to the functional responsibility of the recipient or sender as a public official, such as meeting notices, reminders, telephone messages and informal notes, do not constitute a public record. Users should delete these messages once their administrative purpose is served.
- 5.3.2 All other messages that relate to the functional responsibility of the recipient or sender as a public official constitute a public record. Such records are subject to public inspection and copying.
- a) All mail that is received at a Councilmember's City e-mail address will be duplicated electronically and saved to an archival mailbox.
 - b) All mail that is sent via a Councilmember's City e-mail account will be duplicated electronically and saved to an archival mailbox. Information Services' staff will automatically save the archived e-mail according to an established schedule in accordance with State guidelines. The City Clerk and City Attorney have access for record retention purposes.
- 5.3.3 E-mail communications that are intended to be shared among four or more Councilmembers, whether concurrently or serially, must be considered in light of the Open Public Meetings Act. If the intended purpose of the e-mail is to have a discussion that should be held at an open meeting, the electronic discussion should not occur. Further, the use of e-mail communication to form a collective decision of the Council is inappropriate.
- 5.3.4 E-mail should be used cautiously 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. Confidential e-mail communications should not be shared with individuals other than the intended recipients, or the attorney-client privilege protecting the document from disclosure may be waived.
- 5.3.5 E-mail between Councilmembers and between Councilmembers and staff shall not be transmitted to the public or news media without the filing of a public disclosure request with the City Clerk.
- 5.3.6 City e-mail will not be used for personal use, since Councilmembers' conventional e-mail addresses include the City's "return address."
- 5.3.7 As a cautionary note, if an elected public official uses his or her personal home computer to send e-mail dealing with City business, the e-mails and electronic records may be subject to discovery demands and public disclosure requests. That possibility amplifies the need for caution in how one uses e-mail for City business.

6.0 Monitoring, Enforcement and Penalties

- 6.1 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 Auburn. The City retains the right to access, copy and change, alter, modify, destroy, delete or erase this property without prior notice to Councilmembers.
- 6.2 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.
- 6.3 Deleted documents, messages and data may be retrieved from a variety of points in the network. Councilmembers should assume that electronic evidence discovery might recover deleted or unsaved data.
- 6.4 Councilmembers' use of a personal Internet account on City equipment, is to be arranged through the Information Services helpdesk, and is subject to the provisions of this policy. Said Councilmembers 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.

7.0 PROCEDURE

All Councilmembers shall be required to read the above policy and sign an acknowledgement that they have read, understand and will comply with this policy.

ACKNOWLEDGEMENT (0209)

This is to acknowledge that I have read, understand, and will comply with the City of Auburn's Internet & Electronic Resources/Equipment Use – Elected Officials Policy 500-03.

I understand that failure to follow the provisions of Policy and Procedure 500-03 may result in the City seeking reimbursement for any fines, costs, or other expenses incurred by the City resulting from prohibited use or damage caused by personal or improper use.

Further, I hereby consent that the City of Auburn or its authorized representative may monitor, review, and/or copy any information on the electronic data processing system, including the electronic mail system, whether stored or in transit, at any time, and may, without further notice, disclose such information to any third party or parties, including government and law enforcement agencies.

Printed Name:

Title:

Employee Signature:

Date:
