

## **35 Electronic Media**

### **35.1 Purpose**

The purpose of this policy is to govern the use of Electronic Media (i.e., voice mail, email, the internet/World Wide Web) by all City employees and elected officials. Because the use of voice mail, email and the internet/World Wide Web raises issues of privacy, liability and records retention, the City has adopted this Electronic Media Policy. The term "Electronic Media" includes computers, laptops, tablets, internet access, email, voicemail, cellular telephones, pagers, and other electronic communication devices.

### **35.2 Policy**

Electronic Media are provided for the use of City employees for City business-related purposes. Electronic Media may not be used for any prohibited purpose, including illegal activities, messages that may constitute discrimination or harassment under City policy or state or federal law, or other inappropriate purposes as defined below.

The City prohibits the display, transmission or downloading of sexually explicit images, messages, or cartoons, or any transmission or use of voice mail, email, or internet/World Wide Web communications that contain ethnic slurs, racial epithets, or anything that may be construed as harassment or disparagement of others based on their race, religion, color, creed, national origin, sex, sexual orientation, marital status, age, or the presence of any sensory, mental or physical disability.

Unless otherwise authorized by law, voice mail, email, or internet/World Wide Web systems may not be used to solicit or proselytize others for commercial ventures, religious or political causes, outside organizations, or other non-job-related solicitations.

### **35.3 City's Right to Access Information**

The City reserves the right to enter, search, monitor, copy and/or retrieve computer files, voice mail, email, internet or any type of electronic file of any employee or elected official, without notice, for business purposes, including, but not limited to, investigating theft, disclosure of confidential business or proprietary information, use of the system for personal reasons or for any other purpose unrelated to City business, or monitoring work flow or productivity.

Although City employees may have individual passwords or passcodes to electronic media items such as e-mail, voice mail, and computer network systems, these items are accessible at all times by the City, and may be subject to periodic unannounced examinations by the City. All passwords and passcodes must be given to the City upon request. The City reserves the right to override any password or passcode created by an employee.

Although the City reserves the right to access Electronic Media, employees are strictly prohibited from accessing another employee's personal file or voice mail or email messages without the latter's express permission. In addition, the voice mail, email and networks systems are not to be used in a way that may be disruptive, offensive to others, or harmful to morale.

Even though employees may have deleted information or files from any of the electronic media, it does not mean that the information or files are permanently deleted from the system.

Employees should be aware that any electronic media messages and information created or stored on City owned electronic media may constitute "public records" and may be subject to disclosure to the public under the California Public Record Act, Government Code 6230, or otherwise discoverable (e.g., in response to a subpoena).

#### 35.4 Radio Waves

Use of radio equipment, such as but not limited to two-way radios and Nextel lines, shall be used in a professional manner for business purposes only.

#### 35.5 Voice Mail

Although employees and elected officials have passwords or codes that restrict access to voice mail messages left for them on the system, employees and elected officials should be aware that the City can access any messages stored in the voice mail system and may do so for any reason at any time. Therefore, employees and elected officials may not assume that such messages are confidential.

The City's telephone system, including its voice mail system, is the property of the City, and is designed and intended for City business-related purposes. Employees and elected officials are required to reimburse the City for any special charges for their personal telephone calls.

#### 35.6 Email

Email is a business tool that shall be used in a professional manner for business purposes. When the City becomes the target of litigation, all records maintained by the City are subject to subpoena and review by the other party, including email. Therefore, email is neither personal nor private. Marking a message as "private" or "confidential" does not exempt information from being disclosed with limited exception. Email addressed to, generated by, or received on City computers or servers is the property of the City. As with voice mail, although employees and elected officials have passwords that restrict access to their computers, the City may access any files or email messages stored on or deleted from the computer or network system. The City reserves the right to access such information for any purpose at any time.

35.7 Internet/World Wide Web Access

Use of on-line information services such as the Internet and the World Wide Web is intended for City business purposes. Personal use should be kept to a minimum and occur only during the employee's meal and break periods.

35.8 Computers, Computer Software, Laptops, Tablets and Computer Files

The City's computers, software, laptops, tablets and files stored on the City's computer or network shall be considered City property. These devices shall be subject to search for any reason. In addition, all software that resides on any of the City's computers shall be licensed and shall be considered City property. Computers will be used for valid business purposes only; reasonable personal use is allowed at the sole discretion of the City.

No employee will install software on any City computer without first receiving permission from the City Manager or designee. No employee may alter or tamper with any City computer or interfere with their operation. All hardware failures will be immediately reported to an employee's supervisor, Department Head or the Information Technology Department. Personnel will not attempt hardware repair unless directed to do so by the Information Technology Director or designee.

35.9 Virus Scanning

City staff provided with a City owned desktop or laptop computer will receive a computer with anti-virus software installed and configured. An employee who believes that a City provided computer has been infected with a virus is required to report the issue to the Information Technology Department immediately.

35.10 Prohibited Uses of the City's Electronic Media

Prohibited uses of electronic media include, but are not limited to the following:

1. Illegal activities under local, state and/or federal law;
2. Anything that may be construed as harassment or disparagement of others based on race, religion, color, creed, national origin, sex, sexual orientation, marital status, age, or the presence of any sensory, mental or physical disability will not be tolerated. This includes, but is not limited to, slurs, obscene messages, sexually explicit images, cartoons or messages;
3. Sending threatening messages;
4. Unless otherwise allowed by law, soliciting or proselytizing others for commercial ventures, religious or political causes, outside organizations, or other non-job related matters;
5. Intentionally disrupting network traffic or crashing the network and connected systems (for example, sabotage, intentionally introducing a computer virus);

6. Unauthorized attempts to access others' files with no substantial business purpose, or vandalizing the data of another user;
7. Forging electronic mail messages;
8. Communicating confidential City information to unauthorized individuals within or outside of the City; and
9. Inappropriate use, which is deemed by the City to be a violation of the intended use of any of the Electronic Media.

#### 35.11 Violations of Policy

Violations of this policy will be reviewed on a case-by-case basis and may result in discipline up to and including dismissal.