

City of Menasha
Electronic Communications & Information Technology Policy

I. Electronic Communications

To better serve our citizens and give our workforce the best tools to do their jobs, the City of Menasha (“City”) continues to adopt and make use of new means of communication and information exchange. This means that many of our employees have access to one or more forms of electronic media and services, including (but not limited to) computers, e-mail, telephones, cellular telephones, voice mail, fax machines, external electronic bulletin boards, on-line services, the Internet, and the World Wide Web.

The City of Menasha encourages the use of these media and associated services because they are valuable sources of information. However, all employees, and everyone connected with the City, should remember that electronic media and services provided by the City are the sole property of the City of Menasha, and their purpose is to facilitate and support City business. The City expects all electronic communication use to demonstrate the same level of ethical and professional manner as required in face-to-face or written communications.

This policy cannot lay down rules to cover every possible situation; however, the purpose of this policy is to express the City’s philosophy and set forth general guidelines to ensure the proper use of the City of Menasha’s electronic communications. By adopting this policy, it is the City’s intent to ensure the electronic communication systems are used to their maximum potential for business purposes and not used in a way that is disruptive, offensive to others, or contrary to the best interest of the City.

The City encourages the use of electronic communication to:

- Communicate with fellow employees, citizens, elected officials, and other individuals regarding matters within an employee’s assigned duties;
- Acquire information related to or designed to facilitate the performance of regular duties; and
- Facilitate performance of any task or project in a manner approved by an employee’s supervisor.

Access & Personal Use: Each department supervisor shall determine which employees in their department shall have access to the various media and services, based on business practices and necessity. It is understood that the Police Department may need to have access to various websites that would otherwise be prohibited by this policy. The policy shall not prohibit the legitimate use of City computers or the access to websites used in conjunction with Law Enforcement activities. It is required that authority be given to any Police Officer needing to use City computers for legitimate law enforcement activities prior to that use. Such authority shall be given by a Supervisory Lieutenant, the Operations Lieutenant, Investigations Lieutenant or the Chief of Police. Such authorization shall be documented by the Supervisor and need not be reported to the Information Technology Manager.

Chat Rooms: Employees may not access and/or speak on behalf of the City of Menasha in news groups or chat rooms unless authorized by the department

supervisor. Use of e-mail and/or the Internet does not ensure confidentiality and the City of Menasha has software that can monitor and record Internet use.

Hardware – Software Applications: The City has established a platform of software and hardware that meets the needs of the department and the City. Therefore, employees are not allowed to add, modify or delete any hardware and/or software without the express consent of the systems administrator. This includes any software packages, games, screensavers, etc. Violation of this provision will result in loss of electronic privileges, and/or discipline, up to termination of employment.

Personal Use: The City allows limited, occasional use or incidental personal use of electronic communications systems during lunch and breaks, or immediately before or after normal business hours, subject to the following conditions and restrictions. Personal use must not:

- Involve any prohibited activity (see Prohibited Activities.);
- Interfere with the productivity of the employee or his/her co-workers;
- Consume system resources or storage capacity on an on-going basis; or
- Involve large file transfers or otherwise deplete system resources available for business purposes.

Confidentiality/Public Record: Use of e-mail and/or the Internet does not ensure confidentiality. The City of Menasha has software that can monitor and record Internet use. Electronic mail falls within the definition of a public record and, as such, can be requested as an open record. Any information that is requested or sent by any employee is stored and can be retrieved, even if the user denotes it as classified or personal in nature, or deletes the information at the site. Therefore, remember when utilizing electronic communications, there is no guaranteed right to privacy; inappropriate, unprofessional, illegal activities, or confidential information should not be forwarded via e-mail or the Internet. The City retains the right to enter the system, and the public has a right to request information off the system.

Anyone receiving an electronic communication in error shall notify the sender immediately. The communication may be privileged, confidential and/or exempt from disclosure under applicable law. Such privilege and confidentiality shall be respected.

Prohibited Activities: As a condition of providing electronic access to City employees, the City of Menasha places certain restrictions on workplace use of e-mail and the Internet. The following uses of electronic communication are strictly prohibited:

- The creation, solicitation, and/or exchange of messages or images that are offensive, harassing, disruptive, sexually oriented, defamatory, obscene or threatening. This includes offensive or harassing statements or language including disparagement of others based on their race, national origin, sex, sexual orientation, age, disability, religious or political beliefs. Discrimination and/or harassment over computerized systems will not be tolerated and constitutes a clear violation of City policy.
- Vandalism is prohibited. This includes, but is not limited to, any attempt to test, circumvent, harm or destroy the data of another user, the network,

Internet, or any networks or sites connected to the City network. Attempts to breach security codes and/or passwords will also be considered a form of vandalism.

- Engaging in illegal, fraudulent, or malicious activities.
- Hacking or obtaining access to systems or accounts than an individual is not authorized to use.
- Dissemination, copying, downloading or printing of copyrighted materials (including games, articles and software) in violation of copyright laws.
- The creation and/or exchange of advertisements, solicitations, chain letters, gambling and other unsolicited e-mail, or any activity in violation of local, state or federal law.
- Operating a business, usurping business opportunities or soliciting money for personal gain, or searching for jobs outside of the City of Menasha.
- Conducting stock market transactions or operating a stock ticker notice.
- Registration to list servers without proper authorization. Participating in or establishing without administrator's permission any types of electronic bulletin boards, conferencing features, or chat rooms.
- Willful destruction of computer hardware or software, or attempts to exceed or modify the parameters of the system is prohibited. Nothing in this policy shall prohibit the Network Administrator from intercepting and stopping e-mail messages that have the capacity to overload the computer resources.
- Messages should not be read or sent from another user's account except under properly delegated arrangements.
- Sending, altering, reading, deleting, modifying, or copying a message belonging to another user without the permission of the originator, or attempting to hide the identity of the sender, is prohibited.
- The continued usage and/or access to contents of e-mail and/or the Internet when an employee terminates or is laid off from employment with the City.

Note: All City policies and procedures dealing with the privacy, misuse of City resources, sexual harassment, data security and confidentiality apply to all electronic communications usage. As laws and/or decisions regarding electronic communications change, the City reserves the right to change and/or add restrictions to e-mail and Internet use.

Monitoring & Security: The use of electronic communication is a tool for business communications, and users have the responsibility to use this resource in an efficient, effective, ethical and lawful manner. All uses of electronic communications

are the sole property of the City of Menasha. The City of Menasha has the right to monitor any employee's electronic communications for legitimate business reasons, including compliance with this policy and employee performance, and where there is reasonable suspicion of activities that violate this policy.

The use of passwords is intended to keep unauthorized individuals from accessing messages stored on the system. The practice of using passwords should not lead employees to expect privacy with respect to messages sent or received. The use of passwords for security does not guarantee confidentiality.

E-Mail Record Retention: As a general rule, e-mail is a public record whenever a paper message with the same content would be a public record. (See WI Stats. 19.32(2) for a definition of a record.) The same rules apply with respect to record retention and disclosure as do with other City documents.

Components of an E-Mail record: The e-mail record is defined to include the message, the identities of the sender and all recipients, the date, and any non-archived attachments to the e-mail message. Any return receipt indicating the sender received the message is also considered to be part of the record.

Saving and Indexing E-Mail records: The Records Custodian of an e-mail bears the responsibility for determining whether or not a particular e-mail record is a public record which should be saved and ensuring the record is properly indexed and forwarded for retention as a public record. E-Mail which is subject to records retention must be saved and should be indexed so that it is linked to the related records in other media (i.e., paper) so that a complete record can be accessed when needed. E-Mail records to be retained shall be archived to a local diskette or printed out and saved in the appropriate file.

Public Access to Electronic Communications: If a Department receives a request for release of an e-mail, or other public record, the Records Custodian of the record shall determine if it is appropriate for public release, in whole or in part, pursuant to law, consulting the City Attorney's office, if necessary. As with other records, access to, or electronic copies of, disclosable records shall be provided within a reasonable time.

Disciplinary Action: This policy is effective to all stand-alone units as well as units connected to the network and/or Internet. Employees who violate the provisions of the policy will have all user privileges revoked for themselves, and possibly other employees, regardless of the success or failure of the attempts. Disciplinary action for violation of the City of Menasha's Electronic Information Systems Policy may include, but is not limited to, progressive discipline: an oral warning, a written warning, suspension, and/or termination, depending upon the type of offense. The nature of the violation may also be subject to civil liability and criminal prosecution. The measure of the discipline will correspond to the gravity of the offense as weighted by its potential effect on the City of Menasha and fellow employees. Payment will be required for damage necessitating the repair or replacement of equipment and/or software.

Any employee who discovers a violation of this policy shall notify the Help Desk, who, in turn, will notify the Department Head, or Human Resources Director or both.

Any employee who inadvertently violates this policy shall immediately notify the Department Head who shall notify the Help Desk.

II. Purchasing, Installation, and Testing

Any computer system, software, telecommunications, or other technology paid for by, or donated to the City of Menasha, or brought into the City of Menasha for use by a third party, intended for use on any workstation, or which intends to utilize the City's network backbone as a carrier, or will interface in any manner with the City's network, must be evaluated and approved by the Information Technology (IT) Manager prior to purchase, acceptance, use, or distribution with regard to current IT standards. Of greatest concern are those acquisitions or installation plans that involve devotion of large amounts of capital, broad distribution, or non-standard operating systems or protocols. These guidelines apply to all technology purchases or installations, regardless of funding sources. The Information Technology Manager reserves the right to remove any non-approved technology installation.

Any approved technology will be installed by, or have the installation monitored by, the IT Manager. City Departments are advised they have no authority to disseminate information on the City's technology installation to any outside party or vendor without prior approval of the IT Manager, as such dissemination presents the possibility of compromising network security. If a department needs to converse with a vendor concerning the possible implementation of new technology and such discourse requires details on the City's technology setup, the department will arrange to have the IT Manager present during all contacts to provide the necessary information in such a manner as to not compromise security.

The Information Technology Manager will attempt to do all testing of new technology with regard to its effect on network or systems performance. Testing will either be performed in isolated test environments or during times of low network usage. If such testing will require downtime during normal production periods, the IT Manager will arrange suitable testing times with the affected department in advance.

III. E-Mail Open Record Guideline

1. The general rule is that e-mail is a public record whenever a paper message with the same content would be a public record. It is the message and not the medium that determines whether an item is a public record.
2. Each employee must decide whether or not an e-mail that is either sent or received constitutes a public record. If an e-mail is determined to be a public record, then it must be saved. E-mail may be saved electronically or in hard copy, or both.
3. Public record do not include non-final drafts of documents, personal notes or business matters, preliminary computations, or like materials.
4. Public records do not include personal messages, invitations to meetings, or confirmations of meetings.
5. Public records do not include generic requests for information or replies to requests for information.

6. Public records do not include documents subject to attorney-client privilege.
7. Public records do include conversations, discussions, recommendations, or decisions of specific cases or matters under your jurisdiction.
8. If you have any doubt or question as to whether an e-mail is or is not a public record, please contact the City Attorney's office.

Revised: 9-26-07 (IT Committee)

**City of Menasha
Electronic Communications & Information Technology Policy
User Agreement***

As an employee of the City of Menasha (the "City"), I recognize and understand that the City's electronic information systems are provided for conducting the City's business. However, City policy does permit some limited, occasional, or incidental personal use of the equipment and services under certain circumstances. I understand that all equipment, software, messages and files are the exclusive property of the City. I agree not to add, modify, or delete any hardware and/or software application without the authorization of the Information Technology Manager. I agree not to use the electronic information systems in a way that is disruptive, offensive, or harmful to others or to the City of Menasha. I agree not to use passwords, access a file, or retrieve any stored communication other than where authorized. I agree not to copy, send or receive confidential information without prior authorization from my immediate supervisor.

I am aware that the City reserves and will exercise the right to review, audit, intercept, access and disclose all matters on the City's electronic information systems at any time. I am aware that the City may exercise these rights with or without employee notice, and that such access may occur during or after working hours. I am aware that use of a log-in name and password do not guarantee confidentiality, guarantee privacy, or restrict the City's right to access electronic communications or information systems. I am aware that violations of this policy may subject me to disciplinary action, up to and including discharge from employment.

I acknowledge that I have read and that I understand the City of Menasha's policies regarding e-mail, electronic communications, and acceptable software.

Printed Name of Employee _____

Signature of Employee _____

Date _____

* To be placed in Employee's personnel file.

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