

Policy: Electronic Communications Policy

Date Originally Approved: October 29, 2009

Motion: “That Council approves the Electronic Communications Policy as presented.” Motion Carried

This Policy is current as of: November 27, 2009

Municipality of the County of Colchester Electronic Communications Policy

Definitions

User: Employee (part-time and full-time), Council members

MCC: Municipality of the County of Colchester

Remote Access: Any access to MCC's corporate network through a non MCC controlled network, device, or medium.

Purpose

The Municipality of the County of Colchester (MCC) continues to adopt and make use of new means of communication and information exchange. This means that users have access to one or more forms of electronic media and services, including computers, printers, e-mail, telephones, cell phones, fax machines, on-line services, intranet and the internet.

MCC encourages the use of these media and associated services because they can make communication more efficient and effective and because they are valuable sources of research information about vendors, customers, technology, and new products and services.

All users within the organization should remember that electronic media and services provided by the Municipality is Municipal property and their purpose is to facilitate and support Municipal business. Therefore, the purpose of this policy is to prohibit and prevent activities that are facilitated by electronic communications which:

- (a) are unlawful;
- (b) are contrary to principles of the equality of persons;
- (c) tend to create or increase any liability of MCC;
- (d) interfere with the efficient operation of MCC;
- (e) may give the impression that statements made by individuals associated with MCC are official statements of MCC;
- (f) violate any other MCC policy of general application; and,
- (g) are likely to introduce harmful viruses or facilitate malicious code and other malicious activity.

The following procedures apply to all electronic media and services that are:

- 1) accessed on or from Municipal premises;
- 2) accessed using computer equipment or via Municipal paid access methods; or,
- 3) used in a manner that identifies the individual with the Municipality.

Scope

This policy applies to all MCC users, contractors, vendors, and agents with a MCC owned or personally owned computer or workstation used to connect to the MCC network. This policy applies to remote access connections use to do work on behalf of MCC, including reading or sending email and viewing intranet web resources.

General

- 1) It is the responsibility of MCC users, contractors, vendors and agents with remote access privileges to MCC's corporate network to ensure that their remote access connection is given the same consideration as the user's on-site connection to MCC.

Requirements

- 1) At no time should any MCC user provide their login or email password to anyone, not even family members.
- 2) MCC users and contractors with remote access privileges must ensure that their MCC owned or personal computer or workstation, which is remotely connected to MCC's corporate network, is not connected to any other networks at the same time, with the exception of personal networks that are under the complete control of the user.
- 3) MCC users and contractors with remote access privileges to MCC's corporate network must not use non MCC email accounts (i.e. Hotmail, Yahoo, AOL), or other external resources to conduct MCC business, thereby ensuring that official business is never confused with personal business.
- 4) All hosts, including personal computers, that are connected to MCC internal networks via remote access technologies must use the most up to date anti-virus software. Employees should verify this with the IT department.

Prohibited Communications

Electronic media cannot be used for knowingly transmitting, retrieving, displaying, or storing any communication or activity contrary to the purpose for which this policy has been developed. The list below is intended to provide examples of communications or activities, which are contrary to such policy and purposes, and is not meant to be all-inclusive and maybe modified at any time:

- 1) Sending or displaying information that is:
 - a. discriminating, harassing, insulting or attacking others based on race, national origin, sex, sexual orientation, age, religion, disability and/or any other legally protected class;
 - b. derogatory or offensive to any individual or group;
 - c. obscene, pornographic;
 - d. defamatory or threatening; and,
 - e. otherwise unlawful.
- 2) Sending chain letters;
- 3) Responding to and participating in internet discussion groups, www comment pages, and the like from Municipal computers unless pre-approved by the Director/Supervisor/Manager or CAO;
- 4) Disseminating unauthorized confidential or proprietary documents or information;
- 5) Disseminating, including printing, copyrighted materials, including articles, software, etc., in violation of copyright laws;
- 6) Disseminating false, damaging, defamatory or misleading information;
- 7) Operating a business or conducting activities for personal gain;

- 8) Conducting or participating in solicitations or promotions related to commercial ventures, religious or political causes, or solicitations or promotions other than those specifically approved by the Director or CAO;
- 9) Theft or copying electronic files without permission;
- 10) Downloading or swapping music, videos, etc.,
- 11) Communicating on another's or the Municipality's behalf without consent;
- 12) Data restricted by government laws and regulations;
- 13) Engaging in communications for any purpose that is illegal or contrary to MCC policy or Municipal interests; and,
- 14) Using MCC communication or computer facilities to gain unauthorized access to data or electronic systems, whether internal or external to MCC.

Personal Use

Electronic media and services are provided primarily for authorized users' Municipal use. Limited, occasional, or incidental use of electronic media (sending or receiving) for personal, non-business purposes is understandable and acceptable. However, users are expected to demonstrate a sense of responsibility and not abuse this privilege.

MCC allows incidental personal use of its e-mail and Intranet System subject to the following conditions and restrictions:

Personal use must be infrequent, must demonstrate good judgment and must be in accordance with all policies of MCC. Personal use must not:

- 1) involve any prohibited activity (See Sections: Prohibited Communications, and Personal Use above, and Monitoring of User Communications below);
- 2) interfere with the productivity of the user or his or her co-workers;
- 3) consume significant system resources or storage capacity; or
- 4) involve large file transfers or otherwise deplete system resources available for Municipal purposes.

Monitoring of User Communications

MCC reserves the right, at its discretion, to review any user's electronic files and messages to the extent necessary to ensure electronic media and services are being used in compliance with the law, this policy, and other MCC policies, and may, for example, become public via the discovery process in connection with legal actions brought against MCC.

MCC does not routinely access or monitor user communications directly. However, individual use patterns, for example, length and time of telephone numbers dialed, internet sites accessed, call length, and time at which calls are made, are monitored for the following purposes:

- 1) detecting patterns of use that indicate users are violating MCC policies or engaging in illegal or inappropriate activity;
- 2) productivity analysis;
- 3) cost analysis;
- 4) resource allocation;
- 5) optimum technical management of information resources; or,
- 6) other legitimate business needs.

Users should not assume electronic communications are private. Accordingly, if they have sensitive information to transmit, they should use other means such as courier or regular mail.

Use of the internet by users is a privilege, not a right. Inappropriate conduct or failure to abide by these guidelines could result in loss of internet access and could result in disciplinary action. Access may be revoked at any time for inappropriate conduct. All users are responsible for complying with the policies, guidelines and standards, as set out by MCC.

Use of the internet encompasses many different interconnected networks and computer systems. Many of these systems are provided free of charge by governments, universities, public service organizations and commercial companies. Each system has its own rules and limitations, and guests on these systems have an obligation to learn and abide by the rules.

Users must be aware that their conduct can reflect on the reputation of the Municipality of the County of Colchester.

International Travel

Users are discouraged from taking their laptop or BlackBerry or other computer devices with them when they plan to travel outside of the Country. If the user must, users should report their intention to the Chief Administrative Officer or Director of Corporate Services prior to departing the Country. The Director of Corporate Services prepares an annual report to the Nova Scotia Department of Justice, outlining general usage, as required under PIIDPA (Personal Information International Disclosure Protection Act).

Security / Appropriate Use

Users must respect the confidentiality of other individuals' electronic communications.

Except in cases in which explicit authorization has been granted by Director or CAO, users are prohibited from engaging in, or attempting to engage in:

- 1) monitoring or intercepting the files or electronic communications of other users or third parties;
- 2) downloading or installing unauthorized software;
- 3) accessing external e-mail services from within the MCC network;
- 4) hacking or obtaining access to systems or accounts they are not authorized to use;
- 5) disabling company anti-virus software;
- 6) using someone else's log-ins or passwords;
- 7) breaching, testing, or monitoring computer or network security measures;

- 8) use of network for private business or soliciting money for personal causes; and,
- 9) use of network for political lobbying.

Users are expected to secure and maintain any electronic equipment (computer, printer, BlackBerry, etc. that has been entrusted to them for their business use. Any loss, or failure of equipment for any reason, should be reported immediately to MIS. Equipment is not to be loaned to any other person, unless approved by the Chief Administrative Officer.

Encryption

Encrypting e-mail messages or attached files sent, stored, or received on MCC's e-mail system is prohibited except where explicitly authorized. Users are prohibited from using or installing any encryption software without prior permission from Director/CAO. Users with a Municipal need to encrypt messages should submit a written request to the systems administrator, with a copy sent to their Director/CAO.

Participation in Online Forums

Users should remember that any messages or information sent on MCC provided facilities to one or more individuals via an electronic network for example, internet mailing lists, bulletin boards, and on-line services, are statements identifiable and attributable to MCC.

Emails sent are public documents, care should be taken to ensure that email correspondence is written to the same professional standard that is used for correspondence on letterhead, etc.

MCC recognizes that participation in some forums might be important to the performance of a user's job. For instance, a user might find the answer to a technical problem by consulting members of a newsgroup devoted to the technical area.

Users should include the following disclaimer in all of their postings to public forums:

"The views, opinions, and judgments expressed in this message are solely those of the author. The message contents have not been reviewed or approved by the Municipality of the County of Colchester."

Users should note that even with a disclaimer, a connection with MCC exists and a statement could be imputed legally to MCC. Therefore, users should not rely on disclaimers as a way of insulating MCC from the comments and opinions they contribute to forums. Instead, users must limit their discussion to matters of fact and avoid expressing opinions while using MCC systems or an MCC-provided account. Communications must not reveal information about MCC processes, techniques, trade secrets, or confidential information and must not otherwise violate this or other MCC policies.

Confidential Information

Users should consult their Director/CAO and the Manager of Computer and Information Systems before e-mailing highly sensitive or confidential information, transferring files from other computers, or disseminating information to others on the internet.

With MCC staff using all forms of internet service to communicate with colleagues, the public and businesses all around the world, it should be understood that documents produced on the internet, including

e-mail, are considered government records. They are subject to the same information management legislation (Government Records Act and the Freedom of Information and Protection of Privacy Act); description and scheduling standards (STAR/STOR); and practices (to ensure access, integrity, and preservation of public records) as internal departmental documents.

Retention

MCC strongly discourages the storage of a large number of e-mail messages. *Retention of messages takes up a large amount of space on the e-mail server and can slow down system performance.* In addition, because e-mail messages can contain confidential information, it is desirable to limit the number, distribution, and availability of such messages.

Electronic messages, whether sent or received have the same legal status as hard copy documents and their retention is governed by MCC established records retention guidelines. Accordingly, individuals are responsible for ensuring compliance with appropriate records retention requirements. All relevant documents, including e-mail messages, must be preserved once a formal investigation or lawsuit has commenced.

Policy Violations

Employees violating MCC's electronic communications policy may be subject to discipline, up to and including termination. Employees using the system for defamatory, illegal, or fraudulent purposes and users who break into unauthorized areas of MCC computer system also may be subject to civil liability and criminal prosecution.

Councillors violating MCC's electronic communications policy may be subject to disciplinary procedures as directed by council as a whole in accordance with the Municipal Government Act.

Procedures

Users

All new users will review the electronic communications policy and sign a confirmation and consent form. This will be monitored by Human Resources and filed in the user's personnel file.

Contractors, Vendors, and Agents

All users requesting an e-mail address are to review the electronic communication policy and sign a confirmation and consent form. This will be monitored by the Director/CAO.

Internet Access

Users who have a business purpose for accessing the internet and have been approved for internet access will have to complete the "Internet Access Agreement". The Department Director's signature must be obtained before access will be provided. Upon completion, the form should be forwarded to the Manager of Computer and Information Systems.

E-mail Access

Users who have been approved for e-mail access will have to complete the "Internet Access Agreement". The Department Director's signature must be obtained before access will be provided. Upon completion, the form must be forwarded to the Manager of Computer and Information Systems.

Electronic mail may best be treated as if it is a postcard rather than a sealed letter. Users should delete unwanted messages or files that are not Government records immediately, because they take up disk storage space.

APPENDIX A:

A. Examples of things you should DO:

1. Be aware that by communicating through the Municipality of the County of Colchester Electronic Communications Media you will be regarded by recipients as a representative and ambassador of and the respective MCC. Care should be taken to communicate at all times in a professional and cautious manner.
2. Be aware that it is easy to misaddress messages. Always check the recipient's identification.
3. Delete outdated messages from live mailboxes and folders, but make sure that relevant documents are properly saved and filed, either as a hardcopy or electronically, in accordance with applicable laws and internal archives guidelines.
4. Remember that messages you send can be forwarded without your knowledge. Do not assume that the recipient will keep your message confidential.
5. Remember that all laws governing copyright, defamation, discrimination etc., also apply to communication through Electronic Communications Media.
6. Remember that communication through MCC Electronic Communications Media might generate legal obligations for MCC and that in this respect all internal rules of competence authority and form must be observed.

B. Examples of things you should NOT DO

1. Do not use MCC Electronic Communications Media for the release of information that is sensitive or contentious or may have contractual or other legal implications for MCC, authorized, municipal purpose and approved encryption is used.
2. Do not use MCC Electronic Communications Media for private purposes, unless:
 - 1) occasionally, and in full compliance with the rules and principles of this policy, especially in respect of security, ethics and applicable laws,
 - 2) it does not interfere negatively with the ordinary work; and,
 - 3) it does not expose MCC to any risks or liability or to increased costs or expenditures (such as phone charges, computer memory, and bandwidth).
3. Do not issue information that infringes any law, especially copyright or other intellectual property rights.
4. Do not issue emotional, hasty, angry or otherwise heated communications.

5. If you receive a message classified under Appendix A, Section C below as misuse, delete the message immediately and inform the sender to refrain from sending such messages to you in the future.
6. Do not download any unauthorized or unlicensed software onto MCC. The MCC provides you with such licensed software that you need to conduct your business.
7. Do not use "Rules" to automatically forward or receive e-mails to or from outside e-mails systems, such as "hotmail", etc.

C. Examples of misuse of the Municipality of the County of Colchester:

1. Playing games on the internet.
2. Swamping the network by downloading music, videos, listening to streaming radio, etc.
3. Brokering, retailing, trading or bidding.
4. Breaking confidentiality.
5. Engaging in any communication that may intimidate, embarrass or injure the dignity of another person or company, or that is perceived as hostile on the basis of nationality, gender, sexual orientation, religious belief or disability (physical or mental), including specifically, without limitation, pornography, racism and Nazism.
6. Originating or forwarding chain letters.
7. Hacking/cracking of security controls or other use jeopardizing or attacking the integrity of the MCC or any third party's networks or data.

<u>Clerk's Annotation for Official Policy Book</u>	
Date of Notice to Council Members of Intention to Consider (7 days minimum): <u>October 15, 2009</u>	
Date of Passage of Current Policy: <u>October 29, 2009</u>	
I certify that this Policy was adopted by Council as indicated above.	
<u>Dan McDougall</u> Municipal Clerk	<u>January 11, 2010</u> Date

Internet Access Agreement
The Municipality of the County of Colchester

The internet is a global network that makes it possible to communicate and share information with people and institutions all over the world. During internet contacts, MCC users are ambassadors for the organization and consequently must act in a way that is worthy of the organization.

Everyone must act under his or her own name, and must take responsibility for statements expressed and documents distributed via the internet.

This means that you must:

- 1) pay attention to your use of language;
- 2) show respect for other people; and,
- 3) respect all forms of copyright.

It means that you must not:

- 1) make offensive or provocative statements;
- 2) distribute text, pictures, video or sound that may be felt to be insulting;
- 3) download, distribute or store any form of pornographic;
- 4) forward personal correspondence without the consent of the originator;
- 5) install any form of program or game; and,
- 6) download, distribute, or store any non-work related files or pages, including jokes, video cards, etc.

NO PRIVACY EXPECTATION

The internet permits access to text, pictures, video and sound that are insulting to many groups of users. There is no possible way in which these phenomena can be eliminated. It is the responsibility of every user to avoid them when "surfing" the net. All activities on the internet are logged and are therefore traceable. The MCC users have no privacy expectation in any authorized or unauthorized communication or in any electronic communications media. In keeping with applicable law, the MCC reserves the right to monitor, retrieve and disseminate all such communications as well as any data retrievable from the MCC electronic communications media. The internet is a service that is provided for work purposes only, and as a matter of Local & Corporate Information Security, Management has the right at any time to remove access to this service from anyone who abuses it's use.

Remember, the internet should be used exclusively as a tool for work.

I have read and understood the above-stated rules and the Electronic Communications Policy.

I am aware that any deviation from them is unacceptable and may result in my connection to the internet immediately being withdrawn and/or discipline up to and including termination.

Internet User

Date

Department Director

Date