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# City Policies

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**Subject:** Electronic Communications

**No.** G 25.0

**Approved:**

**Date:** 10/24/97

George K. Noe, City Manager

**Revised:** 09/08/03

**Purpose:**

To establish policies for the use of electronic communication systems by City employees

**Policy:**

It is the policy of the City of Corpus Christi that all electronic communication systems owned or leased by the City of Corpus Christi are to be used for work related purposes and to the benefit of the City. E-mail, voice mail, faxes and other methods of electronic communications are provided by the City to enhance delivery of responsive and quality services to citizens. Like other communication tools such as office and cellular phones, personal computers, e-mail, and faxes are primarily for business use, but may sometimes be used for personal purposes. This policy authorizes limited incidental personal use of electronic communications.

This Electronic Communication Policy is in effect until changed by the City Manager. This Electronic Communication Policy, like other City Policies, is not a contract, and the City reserves the right to change the policy at any time.

**Authority to Waive Elements of the Policy:**

The City Manager may grant waivers to any provision of this policy. Exclusions from elements of this policy may be given for law enforcement purposes.

The Director of MIS may inspect contents of any equipment and monitor all communications to monitor operation of the City's electronic communication systems; install encryption/encoding software to protect sensitive communications.

The Police Chief may authorize inspection of equipment and monitor all communications for efficient law enforcement purposes; install encryption/encoding software to protect sensitive communications.

Individual users may grant other employees access to their e-mail or files to ensure work is accomplished during a period the employee is absent from their workstation or the employee

using the computer is at a remote site. However, any electronic message must clearly identify the true sender of the message.

**Scope:**

This policy applies to all employees of the City of Corpus Christi when using electronic communication systems owned or leased by the City of Corpus Christi. All employees who use electronic communications shall certify that they have read and fully understand the contents of this policy. Policy G32.0 regulates the use of wireless telephones. Policy G31.0 regulates the use of voice mail and telephone protocol.

**Definitions:**

**Electronic Communication System** means any system that can store an electronic signal by means of a magnetic, optical, or solid-state device. The information processed by or stored in the system by electronic signals may be received from any source, including, but not limited to, the Internet, the Intranet, voice mail systems, facsimile systems, personal digital assistants (pda's), pagers, and electronic mail ("e-mail") systems.

**Internet/World Wide Web** means worldwide computer networks that electronically connect businesses, organizations and individuals for information access, commerce and message delivery.

**Intranet** means an internal organizational communication tool that is used by employees of City Departments to obtain business information and work-related reference material and messages that are sent and retrieved electronically on personal computers.

**Voice Mail** means an electronic communication system in which spoken messages are recorded or digitized for later playback by the intended recipient.

**Facsimile (Fax)** means a system of transmitting and reproducing graphic matter, such as printing or still pictures, by means of signals sent over telephone lines.

**E-mail** means messages sent and received electronically between terminals linked by telephone lines and/or microwave relays, and including, but not limited to, the Internet, Intranet, voice mail, facsimile, or Local Area Network (LAN) systems.

**Background:**

The City provides several means of electronic communications to employees at City expense for their use in performing their duties for the City. This Policy sets forth procedures for the proper use of these electronic communication systems.

## **Ownership:**

All electronic systems, hardware, software, temporary or permanent files and any related systems or devices used in the transmission, receipt or storage of electronic communications are the property of the City of Corpus Christi. All electronic communications are City property and may be retrieved from permanent storage even though the sender and receiver have deleted them. These electronic communication messages may be used in disciplinary proceedings.

Notwithstanding that any and all electronic communications are City property, any and all opinions made using a City electronic communications system, whether implied or expressed, are those of the individual and not necessarily the opinions of the City or its management.

Department Heads or designee have the authority to inspect the contents of any equipment, files, calendars or electronic mail of their subordinates in the normal course of their supervisory responsibilities. Reasons for review include, but are not limited to, system hardware or software problems, general system failure, regular system maintenance, a lawsuit against the City, suspicion of a crime or violation of policy, review of employee work, or a need to perform work or provide a service.

## **Use of Electronic Communications:**

**Authorized Uses.** Department Heads may authorize the use of electronic communications to send and receive messages and to subscribe to list-servers from recognized professional organizations and entities relating to the official duties of the City. All employees are authorized to use electronic communications as they would any other official city communication tool. Use of electronic communications is encouraged when it results in the most efficient or effective means of communication. The sender of electronic messages retains the primary responsibility for ensuring that the communication is received by the intended receiver. Incidental use of electronic communications to send and receive personal messages is allowed provided you comply with this policy and other City policies regarding the use of electronic communication systems.

**Uses Subject to Authorization.** The following uses require written approval of the employee's Department Head or approval of the Director of MIS. Designation of a proxy constitutes written approval:

- Using hardware, related computer equipment and software not owned or purchased by the City for electronic communication.
- Reading electronic communications of another employee, unless designated as a proxy.
- Encrypting/Encoding any electronic message unless specifically authorized to do so and without depositing the encryption key or code with the designated person prior to encrypting or encoding any messages. If an employee is allowed to encrypt or encode electronic

communications, this does not mean that electronic communication is intended for personal communication, nor does it suggest that encrypted or encoded electronic messages are the private property of the employee.

**Prohibited Uses.** The following actions are prohibited:

- Intercepting, eavesdropping, recording, altering another person's electronic message.
- Adopting the identity of another person on any electronic message, attempting to send electronic mail anonymously, or using another person's password.
- Misrepresenting your affiliation on any electronic message.
- Composing or transmitting electronic communications that contain harassing, intimidating, abusive, or offensive material to or about others, whether the recipient of the communication is on or off City premises.
- Using an electronic communication system in a way that causes the City to be charged an unauthorized fee by another person or entity.
- Using electronic communications for any non-City commercial, promotional, or auxiliary business purpose.
- Using electronic communications to conduct employee organization, association or union business, unless done in accordance with the terms of a public safety collective bargaining agreement.
- Using electronic communications to send or receive software, graphics, or other items, in violation of copyright law.
- Using electronic communications to communicate any material regarding confidential information from a person's personnel file or medical record; or information regarding a person's health condition or financial status; or a person's home address or telephone number; or a person's social security number.
- Using electronic communications to communicate any material of a political, religious, indecent, obscene or derogatory nature.
- Using electronic communications to respond to or forward outside requests for dissemination of information to City employees.
- Using electronic communications for solicitation for outside charities. Solicitations sponsored by the City, such as United Way, are not subject to the prohibition.

**Privacy.** Employees should be aware that electronic messages may be read by others for a variety of valid reasons. Although this statement is true of many other types of City correspondence, the nature of electronic communications can lead one to forget or ignore the fact that electronic communications cannot be considered to be the private property of the sender or recipient, even though passwords or encryption codes are used for security reasons. Passwords are the property of the City and, as such, the use of passwords for security purposes does not guarantee confidentiality or any personal privacy right. The MIS Department is responsible for establishing password procedures to ensure security. Employees are required to provide their passwords for City electronic communications to their department head or department head's designee. Communications should comply with Health Information Privacy Practices and other local, state and federal regulations.

**Public Information Act (Open Records Act):**

The City Manager is the officer for public records and each Department Head is an agent of the City Manager for the purposes of complying with the Public Information Act. Public records include, among other things, information recorded on a magnetic, optical, or solid-state device that can store an electronic signal. Most of the documents prepared and stored on the City electronic communication systems are public documents and are subject to routine disclosure under the Public Information Act. As a general rule, an electronic communication is a record whenever a "paper" record with the same content would be a record.

**Personal Use.** Should employees make incidental use of electronic communication to transmit personal messages, such messages will be treated no differently than other messages, and may be accessed, reviewed, copied, deleted, or disclosed.

You should expect that any message may be disclosed to or read by others beyond its original intended recipients.

Employees should not use City e-mail to send multiple or all user groups to communicate personal messages or opinions. Requests to disseminate information to all users, and requests to disseminate solicitation for donations via electronic communications, must be submitted to the Director of Public Information for approval.

**Unauthorized access.** All suspected intrusions by unauthorized persons or employees are to be reported to the Department Head and Director of MIS.

**Miscellaneous Considerations.** Electronic communication is a valuable form of communication that can help the City improve its quality of service. However, employees should consider the following matters when considering whether or not a message is appropriate for electronic communication:

- Avoid making a statement in an electronic message about someone if you would not make the statement face-to-face with the person or write it in a formal memo.

- Avoid making a statement in an electronic message that may be perceived as being ill considered, uninformed, or offensive.
- Avoid using electronic communication if a more time-effective or cost-effective communication is available (e.g., when a telephone conversation would be quicker).
- Avoid using electronic communication as a substitute for manager-subordinate face-to-face communications.
- Avoid using electronic communication for personnel performance related communications.
- Avoid using electronic communication as a means to disseminate jokes and cartoons.
- Avoid making any statement in an electronic message that you do not want to read in the newspaper.

### **Internet/Intranet Site Home Pages:**

A City web site and associated home pages and web pages have been established to improve and expand communications. All pages on the City Internet and Intranet sites will follow City standards for page layouts, features, timeliness, accuracy, procedures and categories of information. Ongoing development, management and monitoring of the City web site is the responsibility of the E-Government Services Department. The City home page will link City Departments and other web pages and sites that are City supported or programs related to municipal operations to provide readily available and accurate information to all users. Requests for web page development and authorization to post updated or new information on the City web site shall be submitted to the Director of E-Government Services for approval. The City will continuously improve the web site to ensure accessibility.

### **Records Management and Preservation of Records:**

**Records Management Officer.** The Records Management Officer for the City is the City Secretary. The same rules that apply to record retention for other City documents apply to information in an electronic communication system. Information in an electronic communication system must be maintained in accordance with City of Corpus Christi Records Management Plan.

Any City Officer designated by the City Manager as responsible for the administration of an office, department, division, program, commission, bureau, board, committee or other similar body of the City that creates, maintains, or disposes of records is responsible for compliance with the City Records Management Plan, including information stored in electronic communications systems.

The Texas State Library and Archives Commission (TSLAC) establishes retention schedules for records common to all local governments. The City's Record Management Plan incorporates

these retention schedules. The City Secretary's Office and departmental record management coordinators can assist in determining how long an e-mail message is required to be saved.

Email messages generally fall into the Record Series 1000-26 of the TSLAC Schedule GR:

(a) Correspondence and internal memoranda pertaining to the formulation, planning, implementation, modification, or redefinition of the policies, programs, services, or projects of a local government. Retention: 5 years.

(b) Correspondence and internal memoranda pertaining to or arising from the routine administration or operation of the policies, programs, services, and projects of a local government. Retention: 2 years.

(c) Correspondence and internal memoranda such as letters of transmittal, internal meeting notices, and similar routine matters. Retention: As long as administratively valuable.

**Deletion of Messages.** In order to manage storage space on the GroupWise server, the MIS Department will delete electronic messages on the GroupWise server 30 days after the date the message was received. The local storage of large numbers of electronic messages is strongly discouraged. Retention of messages fills up large amounts of storage space on the network server and will also slow down personal computer performance. In addition, because electronic messages can contain confidential information, it is desirable to limit the number, distribution and availability of such messages.

If the message should be saved as a local government record pursuant to the City's Records Management Plan, archive it or save it off the GroupWise server within 30 days of receipt or generation using one of the following methods:

1. Print message and file in appropriate hard copy file.
2. Save message on personal network drive or on diskette.
3. Save message on H drive.
4. Archive message using GroupWise archive feature.

After message is saved, delete the message from your GroupWise mailbox.

For assistance with the GroupWise Archive feature, please view the MIS home page on the City's Intranet site, or contact the MIS department.

**Shared Directory.** In order to manage space on the "H" drive Shared directory (H:Shared), the MIS Department will delete files on the Shared directory if more than 30 days have passed since the file was last opened. It is the responsibility of each person who uses a Shared directory file to ensure that the file is saved for the retention period set forth in the City's Record Management Plan. Upon request, the Director of MIS may place files in a permanent shared directory.

Some of the documents placed on the Shared directory may be suitable for placement on the City's Intranet site. Consult with the Director of E-Government Services regarding placement of documents on the City's Intranet site.

**Confidential Information:**

Texas law requires that all employees protect the integrity of the City's confidential information as well as the confidentiality of information of others that is held by the City. Employees must exercise a greater degree of caution in transmitting confidential information on the electronic communication system than with other communication means because of the reduced effort required to redistribute such information. If you are unsure whether information is confidential, consult the Legal Department through your Department Head. Confidential information should never be transmitted or forwarded to other employees inside the city who do not have a need to know the information. To reduce the chance that confidential information may inadvertently be sent to the wrong person, avoid the use of distribution lists when sending such information and make sure that any lists used are current. If a distribution list must be used, review each name on any such list of recipients before transmission to ensure that all recipients have a need to know the information.

Electronic messages that contain confidential information should have a confidentiality legend in all capital letters within the message in a form similar to the following:

**“THIS MESSAGE CONTAINS CONFIDENTIAL INFORMATION  
OF THE CITY OF CORPUS CHRISTI. UNAUTHORIZED USE  
OR DISCLOSURE IS PROHIBITED.”**

Since copies of electronic communications may be placed on back up or other systems you do not control, and may be under certain circumstances accessed by information system personnel or others without a need to know the information, you should keep in mind that electronic communication systems may be inappropriate to communicate certain types of confidential information.

To minimize inadvertent disclosures, employees should not access their electronic communication system messages for the first time in the presence of others. Messages should not be left visible on the monitor when a user is away from his or her computer. Electronic communication system passwords should be routinely changed at least once a month.

**Copyright Infringement.** The ability to attach a document to an electronic communication for distribution greatly enhances the risk of copyright infringement. You can be liable for the unauthorized copying and distribution of copyrighted material through electronic communication systems. Accordingly, you should not copy and distribute through any electronic communications system any copyrighted material of a third party (such as software, database files, documentation, articles, graphics files and down-loaded information) unless you confirm in advance from appropriate sources that the City has the right to copy or distribute such material.

Any questions concerning these rights should be directed to the Director of Information Systems.

**Attorney-Client Information:**

All messages to and from legal counsel seeking or giving legal advice should be marked with the following legend in all capital letters within the message:

**“CONFIDENTIAL ATTORNEY/ CLIENT PRIVILEGED INFORMATION”**

In addition, in order to preserve the attorney-client privilege, messages to and from counsel should never be sent to distribution lists, should never be forwarded to anyone else, and should never be retained on a network electronic communications system. If a copy of an attorney-client privileged communication needs to be retained, it should be printed and filed in the appropriate file.

**Violations of this Policy:**

Use of a City electronic communication system in violation of this policy or to violate other City policies is prohibited. Violations of this policy will be reviewed on a case-by-case basis and can result in disciplinary action up to and including termination. An employee who fails to comply with the requirements of this policy shall be disciplined in accordance with the Personnel Rules and Regulations of the City and any other applicable rules and laws. All electronic messages are subject to all state and federal laws and rules that may apply to the use of electronic communication. In addition, violations of this policy or misuse of the electronic communication system that are of a criminal nature may be referred for criminal prosecution.

Attachment I  
Electronic Communications Policy  
City of Corpus Christi  
Acknowledgment Form

I \_\_\_\_\_ hereby acknowledge that I have read and understand the City of Corpus Christi Electronic Communications Policy. I understand that all electronic communication systems and all information transmitted by, received from, or stored in these systems are the property of the City, and that I have no expectation of privacy in connection with the use of this equipment or with the transmission, receipt or storage of information in this equipment.

I agree not to use a code, access a file, or retrieve any stored communication unless authorized. I acknowledge and consent to the City monitoring my use of electronic communications systems at any time as provided by the Electronic Communications Policy. Such monitoring may include printing and reading all electronic mail entering, leaving or stored in or on City of Corpus Christi electronic communications systems.

I understand that all official City Internet and Intranet web pages must be authorized by the E-Government Services Department.

I understand that the MIS Department deletes all electronic messages on the GroupWise server 30 days after the date the message was received, and all files on the H drive Shared directory if more than 30 days have passed since the file was last opened.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Department Head Signature

PLEASE RETURN TO THE HUMAN RESOURCES DEPARTMENT