

MARIPOSA COUNTY  
BOARD OF SUPERVISORS

AGENDA  
ACTION FORM

DATE: February 21, 2001  
AGENDA ITEM NO.: 4

DEPARTMENT: County Counsel

BY: Jeffrey G. Green

PHONE: 966-3222

RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes \_\_\_ No \_\_\_)

Adopt an Electronic Mail and Internet Access Policy to establish guidelines for the proper handling and processing of computer generated functions relating to use of e-mail and internet when accessed from County owned computers.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

At the Board meeting of July 17, 2000 the Board approved the dissemination of the draft E-Mail and Internet Access Policy to departments and their unions for their comments. The proposed Policy was continued to allow staff to be present to answer technical questions. At the Board meeting of October 10, 2000 this matter was continued to allow staff an opportunity to meet with Mike Bird, Iron Mountain Services, to further discuss input provided by him at the October 10<sup>th</sup> meeting. Revisions have been made to the proposed Policy as a result of these discussions.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

- Adopt the proposed E-Mail and Internet Access Policy.
- Do not adopt the proposed E-Mail and Internet Access Policy.

COSTS: ( ) Not Applicable

A. Budgeted current FY \$ \_\_\_\_\_

B. Total anticipated costs \$ \_\_\_\_\_

C. Required additional funding \$ \_\_\_\_\_

D. Internal transfers \$ \_\_\_\_\_

SOURCE: ( ) 4/5ths Vote Required

A. Unanticipated revenues \$ \_\_\_\_\_

B. Reserve for contingencies \$ \_\_\_\_\_

C. Source description: \_\_\_\_\_

Balance in Reserve for Contingencies, if approved: \$ \_\_\_\_\_

SPECIAL INSTRUCTIONS:  
List the attachments and number the pages consecutively:

memo to the Board  
Proposed Policy

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

CLERK'S USE ONLY:

Res. No.: 01-55 Ord. No. \_\_\_\_\_

Vote - Ayes: 5 Noes: \_\_\_\_\_

Absent: \_\_\_\_\_ Abstained: \_\_\_\_\_

Approved \_\_\_\_\_ ( ) Denied \_\_\_\_\_

( ) Minute Order Attached ( ) No Action Necessary

The foregoing instrument is a correct copy of the original on file in this office.

Date: \_\_\_\_\_

ATTEST: MARGIE WILLIAMS, Clerk of the Board  
County of Mariposa, State of California

By: \_\_\_\_\_  
Deputy

ADMINISTRATIVE OFFICER'S RECOMMENDATION:  
This item on agenda as:

\_\_\_\_\_ Recommended

\_\_\_\_\_ Not Recommended

\_\_\_\_\_ For Policy Determination

\_\_\_\_\_ Submitted with Comment

\_\_\_\_\_ Returned for Further Action

Comment: \_\_\_\_\_

\_\_\_\_\_

A.O. Initials: JG

**ELECTRONIC MAIL (E-MAIL)  
AND  
INTERNET ACCESS POLICY**

**I. PURPOSE**

The purpose of this Policy is to establish guidelines for the proper handling and processing of computer generated functions relating to use of e-mail and Internet when accessed from County owned, leased, or controlled computers.

The Board of Supervisors recognizes the right of every Department Head to determine the need for Internet access and the use of e-mail to assist them in carrying out official County business.

**II. DEFINITIONS**

- A. **E-MAIL:** E-Mail shall mean any computerized system or software designed for the transmittal of written messages either with or without attachments, from one person to another, from one computer to another, or from one or more e-mail addresses to one or more other e-mail addresses. E-mail shall include such messages generated from personal, network, desktop and/or laptop/notebook computers, as well as mobile digital terminals or other such vehicle-mounted systems.
- B. **INTERNET:** Internet shall mean any computerized information source accessed via modem or other means from a source external to or apart from the computer or computer network through which the information is sought.
- C. **DOWNLOAD:** The transfer of files or e-mail from a source external to the local personal computer or local area network.

**III. DISCLAIMER**

Mariposa County is not responsible for material viewed or downloaded by users from the Internet. The Internet is a worldwide network of computers that contains millions of pages of information. Users are cautioned that many of these pages include offensive, sexually explicit, and inappropriate material. In general, it is difficult to avoid at least some contact with this material while using the Internet. Even innocuous search requests may lead to sites with highly offensive content. In addition, having an e-mail address on the Internet may lead to receipt of unsolicited e-mail containing offensive content. Users accessing the Internet do so at their own risk.

**IV. POLICY**

- A. **Employee's duty of care.** Employees should endeavor to make each electronic communication truthful and accurate. Employees should use the same care in drafting e-

mail and other electronic documents as they would for any other written communication. Please keep in mind that anything created or stored on the computer system may, and likely will, be reviewed by others. Individual users must be aware of, and at all times attempt to prevent, potential County liability in their use of the Internet. For the reason, all outgoing messages, which do not reflect the official position of the County of Department, must include the following disclaimer: "The opinions expressed here are my own and do not necessarily represent those of Mariposa County."

- B. Unless authorized in accordance with Section IV. C., e-mail systems are to be used only for County business-related purposes; and all messages sent, received, or stored are treated as business messages. Unless authorized in accordance with Section IV. C., employees shall not access the Internet while on duty except for purposes directly related to work being performed in furtherance of County business. The County reserves the right to monitor, access, copy, delete, and use for County purposes, any messages being received, received, or stored on County-owned computer systems. No individual should have any expectation of privacy for messages or the data recorded in, sent through, or received via a county agency terminal.
  
- C. Personal e-mail communications and access to Internet. An employee's supervisor may permit personal e-mail communications as well as personal access to the Internet. If personal use is permitted the department head shall establish procedures to assure personal use is not abused. Employees should carefully note, however, that only their supervisor can determine what is or is not "authorized use." Further, by use of a County system for e-mail and Internet access, employees consent to monitoring of messages or on-line activity, regardless of whether the use is authorized or unauthorized, official or personal. The fact that an employee may consider a message to be personal does not mean that it is private--it isn't. As such, e-mail may be reviewed by the employer in the ordinary course of business without notice to the employee. Personal usage is also subject to the following limitations:
  - 1. Use does not adversely affect the employee's performance of duties.
  - 2. Use is of reasonable duration and frequency and, whenever possible, is made during the member's personal time, i.e., breaks and lunch.
  - 3. Use serves a legitimate public interest, such as keeping members at their workstations, improving morale, enhancing professional skills, or furthering education.
  - 4. Use does not adversely reflect on the County of Mariposa by any use that is incompatible with public service including, but not limited to, uses involving pornography, chain letters, advertising, or soliciting, or any use that could reasonably be conceived as creating a hostile work environment, or harassment, etc.
  - 5. Use does not create additional costs to the County of Mariposa.
  
- D. County e-mail is like written memoranda, and the public may have a right to see and obtain a copy of messages on e-mail systems to the intent provided in the Public Records

Act (Government Code Section 6250 et seq.). Messages shall be professional and courteous.

## V. GENERAL GUIDELINES

- A. CONFIDENTIAL COUNTY INFORMATION. Confidential information should be transmitted only to those authorized to receive it. Additionally, when such confidential or restricted information is transmitted over the Internet, it must be sent in an encrypted form. Exceptional care is to be taken to insure confidential materials are not mistakenly transmitted to unauthorized recipients.
- B. COPYRIGHTED INFORMATION. Use of County e-mail to copy and/or transmit any documents, software, or other information protected by copyright laws is prohibited.
- C. OTHER PROHIBITED USES.
  - 1. E-mail/Internet access shall not be used:
    - a. In violation of any law or County policy.
    - b. To transmit defamatory, obscene, offensive or harassing messages or those conveying threats, slurs or other inappropriate messages.
    - c. To transmit messages that disclose personal information without authorization.
    - d. To transmit private mass mailings.
    - e. To conduct any private business transactions or activities resulting in personal gain.
  - 2. Downloading files and/or programs (note: this prohibition does not apply to e-mail) from the Internet or loading any software programs without the Department Head's approval or any other misuse are prohibited actions and employees can be disciplined for violating these rules. Employees shall immediately advise their supervisor in writing of any data or material downloaded to the employee's e-mail address and/or computer terminal, involving pornography, inappropriate solicitation, or material that could reasonably be conceived as creating a hostile work environment or harassment. Failure to so advise one's immediate supervisor will result in a presumption that the employee intentionally downloaded and/or retained the material in question.
- D. Employees are reminded that log-on and other passwords are confidential and must be properly safeguarded. They may not be shared with any third party, and may only be shared with another employee as authorized by the Department. Passwords are provided in order to protect employees' mail from improper review by other employees or individuals outside of Mariposa County, but such passwords are not intended to shield e-mail/internet records from appropriate review by authorized Mariposa County employees.

- E. All computers which access the Internet are required to have installed an active anti-virus scanning software program to screen both files and e-mail.

## **VI. WEB PAGES**

It is County policy that all County departments shall establish their web pages under the County's official domain only, as designated by the Data Processing Department.

## **VII. RESPONSIBILITIES**

- A. It is each Department Head's responsibility to ensure appropriate use of e-mail and Internet resources within its department that is consistent with the County's Policy at large.
- B. Department Heads and supervisory personnel are responsible for ensuring that all users of e-mail and other Internet access programs receive a copy of this Policy and that such receipt is documented.

## **VIII. VIOLATIONS**

Violations will be investigated and may result in disciplinary action.

## **IX. SUMMARY**

In summary, all employees must recognize that e-mail and Internet access is to be used for official and authorized purposes only, unless otherwise approved pursuant to Section III.B. above. In addition, employees should apply the traditional notions of good judgment, common sense and professionalism. Finally, when in doubt, employees should seek guidance from their supervisor.

## Mariposa County Internet and Electronic Mail Use Agreement Form

The County reserves the right to monitor and log all network activity including e-mail and Internet use, on County owned computers, with or without notice, and as a user, I understand that I have no privacy in the use of these resources. Internet activity may be reviewed and may be analyzed for usage patterns, and reports may be publicized.

The County may have software and systems in place that can monitor and record all Internet usage. I am aware that security systems are capable of recording (for each and every user) each World Wide Web site visit, each chat, news group or electronic mail message, and each file transfer into and out of our internal networks, and the County reserves the right to do so at any time.

I agree that all network activity conducted while performing County business and/or being conducted with County resources is the property of Mariposa County. In addition to the terms specified herein, I have been given a copy of the "County Electronic Mail (E-Mail) and Internet Access Policy," have read and understand their requirements and information, and agree to abide by and conduct my use of the Internet in accordance therewith.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

Printed: \_\_\_\_\_

Supervisor/Manager: \_\_\_\_\_

Date: \_\_\_\_\_

*Copy to be filed with the specific County Department.*