

SUBJECT: ELECTRONIC MAIL POLICY

Introduction

The Town of Greenwich electronic mail policy (hereinafter referred to as “e-mail Policy”), applies to all electronic communications sent and received using the Town’s electronic communications resources. This policy replaces the Town’s electronic mail policy dated 07/2000. All Town employees using the electronic mail system must read and review this e-mail policy. Use of the Town’s electronic mail system constitutes acceptance of this policy.

Electronic mail (“e-mail”) is a communication tool that allows transmission of electronic messages between Town Hall employees and other Town Hall employees (hereinafter “internal e-mail”) and between Town Hall employees and anyone in the world (hereinafter “external e-mail”).

The Town's electronic communications resources are provide on an as-is, as-available basis. The Town makes no warranties of any kind, either expressed or implied, in connection with its provision of access to and use of said resources. The Town shall not be responsible for any claims, losses, damages, or costs (including attorney’s fees) of any kind suffered, directly or indirectly, arising out of the user’s violation of this Policy, including, but not limited to, “identity theft.” Each user is responsible for his or her use. No user of the Town’s system is permitted to incur costs or liabilities in such use without prior express written authorization from the Department of Information Technology and a user’s supervisor. No financial responsibility will be assumed by the Town for any costs or liabilities or damages caused to a user as a result of a user’s violation of this Policy.

Purpose

The purpose of the Town’s e-mail policy is to establish guidelines and requirements governing the acceptable use of the Town-provided e-mail system and communicate them to employees. Adherence to this Policy will minimize risks to the Town while providing a productive communication tool. The Town reserves the right to change this Policy.

Scope

This policy applies to all employees (regular, part time, temporary and seasonal), contractors, consultants, volunteers, interns, elected officials and other individuals who have been granted access to and use of the Town’s e-mail.

This Policy does not apply to public and student access of the Town’s electronic communications resources that are governed by separate polices promulgated by the Board of Education and the public libraries.

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Access

Employees, officials, contractors, interns, and other individuals may be granted access to the Town's electronic communications resources for the conduct of Town business.

Department Heads retain the discretion at all times, however, to deny e-mail access to any person.

Authorized Access

Only e-mail accounts authorized by the Town may be used for conducting Town business. Only the staff of Information Technology Department is authorized to install and provide access to an e-mail account. The installation of any other e-mail accounts that are not authorized shall not be installed on Town computers and are subject to removal.

No employee shall use any form of encryption to protect e-mail unless authorized to do so by both the employee's Department Head and Director of Information Technology. No employee shall attempt to gain access to another employee's electronic messages without the latter's permission except as otherwise permitted by this policy.

Electronic Mail Records and Freedom of Information

E-mails that you send or receive using the Town's e-mail system in the conduct of town business are "public records" and subject to disclosure under Connecticut's Freedom of Information Act (FOIA) unless an exemption to disclosure applies.

The FOIA also permits public disclosure of computer-stored electronic data if such data are non-exempt public records provided it is reasonably possible to make a copy of the data or have a copy made.

Authorized Use of Town's E-Mail System

- *Town business*
- *Lawful use*
- *Appropriate business conduct*

The Town's e-mail system (hereinafter "the Town's system") is the property of the Town of Greenwich. The Town's system is intended for the lawful and appropriate conduct of Town business and is reserved for that purpose. All users of the Town's system are expected to act and to communicate professionally using the Town's system in furtherance of Town business.

Each user of the Town's system is responsible for the content of all electronic text, audio or images that he or she transmits or seeks to receive over the Town's system. Users are

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not responsible for unsolicited email, sometimes referred to as “spam”. Users are required to delete spam that is received. Users must not respond to spam that is received. No user of the Town’s system has a personal privacy right in any e-mail or attachment created, received or sent over the Town’s system. The Town’s system should not be used for personal messages. For purposes of this Policy, “**personal messages**” do not include limited, occasional, or incidental use of electronic communications (sending or receiving) for personal convenience purposes similar to such use acceptable for personal telephone calls at work. There is no personal privacy right created, however, in this type of limited, occasional, or incidental communication using the Town’s system. Rather, these and all other communications sent or received using the Town’s system are subject to disclosure, possible monitoring (see below) and erasure.

Personal Data and other Confidential and/or Sensitive Communications

Common sense should be exercised with respect to the issuance and receipt of all sensitive electronic transmissions using the Internet as all such communications are potentially public records subject to disclosure. Where statutes or regulations govern the transmission of particular data, this Policy requires that such statutes and regulations must be followed.

Confidential Communications

- Label “CONFIDENTIAL”

Confidential e-mails transmitted should be labeled “CONFIDENTIAL.”

The Town vigorously defends its rights to the attorney-client privilege and protected attorney-work product and all other privileges or exemptions provided by law with regard to communications. Labeling emails and other written communications with the word “confidential” assists in the defense of legal protections.

Note: Documents comprising an employee’s personnel file may include e-mail documents. These kind of documents also should be labeled “confidential.”

In addition, users must be aware that e-mail communications transmitted outside the Town are highly susceptible to interception. Therefore users generally should refrain from transmitting confidential communications externally except where necessary.

Personal Data

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NOTICE: You are hereby informed of the provisions of Chapter 55 of the Connecticut General Statutes governing personal data, a copy of which is attached hereto including, but not limited to, the provisions of Sec. 4-193(a) of the Connecticut General Statutes. The requirements of Chapter 55 must be observed by any Town employees maintaining or accessing a personal data system in the course of Town business including, but not limited to maintaining records of access as to such data. Only information about a person which is relevant and necessary to accomplish the lawful purposes of the Town shall be collected, used or disseminated in any personal data system maintained by the Town including personal data stored in whole or part in a computer or in computer accessible files, on-line or off-line.

Unauthorized Use

Illegal or inappropriate use of the Town's system to conduct Town business is not permitted. Personal messages are not permitted except as provided above.

Other examples of **prohibited uses** include, but are not limited to, the following:

- Lobbying and/or campaigning;
- Use of assumed names;
- Allowing access to the Town's system by third parties;
- Sharing of passwords for purpose of allowing third parties to gain access to the Town's system;
- Attempts to evade, disable, encrypt or mask, use someone else's identity and/or password (without the users permission) or otherwise bypass existing access restrictions or other security provisions of the Town's system;
- Disclosing attorney-client communications or attorney work product;
- Disclosing confidential communications to third parties;
- Use for personal gain;
- Use for solicitation of non-Town business;
- Use for gambling;
- Entering contests or sweepstakes;
- Personal messages except as provided above;
- Internal union business;
- Installing or distributing any non-business related files or file attachments such as animations, screen savers, wallpaper, chain letters, etc;
- Use of the Town's system to commit any unlawful act including, but not limited to, wiretapping, unlawful interception of electronic communications, infringing copyright, infringing trademark or other proprietary rights, computer crimes and any and all other violations of

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local, state and/or federal laws and regulations. A copy of Connecticut General Statutes §53-451 enumerating computer crimes in the State of Connecticut is attached hereto. Use of the Town's system to violate this or any other provision of federal/state law, whether specific to computer use or not, is prohibited by this Policy;

- Inappropriate business conduct including electronic communications or transmissions which are obscene or lewd or vulgar in nature. Such communications transmissions will be permitted only if specifically authorized for officers of the Greenwich Police Department for investigatory purposes in the conduct of official police business;
- Transmitting electronic communications which are intentionally harassing or which the user reasonably should know is/are harassing;
- Transmitting communications which are discriminatory in nature by reference to race, national origin, gender, religion, age, disability, sexual orientation or other legally protected criteria;
- Transmitting electronic communications which are intended to inflict emotional distress;
- Violating copyright, trademark or other proprietary laws; and
- Inappropriately maintaining personal data (see above NOTICE).
- Other inappropriate uses.

Retention of Town's Electronic Mail

NOTICE: All e-mails sent and all e-mails received using the Town's e-mail system are now subject to potential retrieval and restoration using forensic information technology software. When requests for public records are received pursuant to the Freedom of Information that would include a request for copies of emails, the department receiving the request should determine whether there are emails responsive to the request maintained in the department and, if so, produce copies of them for the applicable fee. In addition, the department should advise the person requesting the records that all emails maintained by the department have been produced and there is the potential that the Information Technology Department may have access to responsive emails which are no longer maintained. (The person then may wish to direct a request for records to the Information Technology Department).

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State requirements for Departments to retain emails

Town Departments are required to retain public records for the periods specified in the applicable retention schedule adopted by the State Public Records Administrator. E-mails sent or received via the Town's e-mail system that are public records subject to retention must be kept for the same period of time as non-electronic documents. The governing guidelines for the retention or non-retention of electronic mail are as follows:

1. Permanent Records: Electronic mail messages that constitute Permanent Records must be retained permanently so as to be eye readable without interpretation either in the form of hard-copy printout or microfilm that meets the required standards. The Town Clerk has the applicable microfilm standards on file. If a permanent record is created or received on E-mail, it must be retained in the form of hard-copy printout or microfilm, not electronically.
2. Less Than Permanent Records - E-mail messages that fall into this category must be kept for the same legal retention period that govern non-electronic documents. During the retention period the record must be kept in hard copy or electronic format that is capable of being retrieved and interpreted throughout the legal retention period. Your Department Head has the Retention Schedules for municipal documents.
3. Transitory Messages - There is no retention requirement for transitory messages. These may be deleted automatically. Transitory messages are defined as casual and routine communications similar to telephone conversations.

Department Heads are responsible for instructing their employees as to appropriate retention periods for all public records and for determining which of the three categories is appropriate for a particular e-mail message.

Monitoring

Pursuant to C.G.S. § 31-48d, you are hereby notified that when the Town has reasonable grounds to believe that an employee is engaged in conduct which (i) violates the law, (ii) violates the legal rights of the Town or violates the legal rights of Town employees, or (iii) creates a hostile workplace environment, and electronic monitoring may produce evidence of this misconduct, the Town may conduct electronic monitoring of the employee in question without prior written notice.

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“Electronic monitoring” means the collection of information on the Town’s premises concerning a Town employee’s activities or communications by any means other than direct observation, including the use of a computer, telephone, wire, radio, camera, electromagnetic, photo-electronic or photo-optical systems, but not including the collection of information for security purposes in common areas of Town premises which are held out for use by the public, or collection of information prohibited under state or federal law.

Enforcement

The Town’s Director of Information Technology has access to all Town e-mail accounts and is authorized as necessary to monitor compliance with this Policy and to conduct electronic monitoring. The Town’s Director of Information Technology shall be provided access to all Town e-mail accounts by Town agencies, departments, boards, for this purpose. The Town’s Director of Information Technology will review alleged violations of this Policy in the use of the Town’s system on a case-by-case basis. Clear violations of this Policy may result termination of the access to e-mail system for the person(s) at fault. In addition, the Town’s Director of Information Technology shall refer all violations of this Policy for possible disciplinary action to the appropriate supervisory authority. All supervisory authorities are required to enforce this Policy and are authorized to issue appropriate discipline including possible discharge from employment for violations of this Policy. Violations of law in the use of the Town’s e-mail system subject to possible criminal sanctions will be referred to the appropriate Town, State and/or federal agency.