

REQUEST FOR BOARD ACTION

ITEM NO. 10.

DATE OF MEETING: February 21, 2011

REQUESTED BY: Erik Harvey, Director, ITS Department

SHORT TITLE: Resolution to Adopt Updated Electronic Mail (E-mail) Policy

BACKGROUND: The purpose of this policy is to ensure the proper use of Pender County's Electronic mail systems and to make users aware of what is acceptable and unacceptable use of its e-mail systems. Electronic mail (e-mail) is a business communication tool that allows Pender County to carry out its mission in serving citizens. However, the use of Pender County's electronic mail systems and services are a privilege, not a right, and therefore must be used with respect and in accordance with the goals of Pender County.

The objectives of this policy are to outline appropriate and inappropriate use of Pender County's e-mail systems and services in order to minimize disruptions to services and activities.

This e-mail policy applies to all uses and users of the Pender County e-mail systems. Any user of the county e-mail systems consents to all provisions of this policy and agrees to comply with all of the terms and conditions set forth herein, all other applicable county policies, regulations, and procedures, and with applicable policies, local, state, and federal laws and regulations.

This policy supersedes the Pender County Electronic Communications Policy regarding Electronic Mail (e-mail) dated March 7, 2005; Section: E-mail/Internet. A copy of the Policy is attached.

SPECIFIC ACTION REQUESTED: To consider a resolution to adopt the updates Electronic Mail (E-mail) Policy.

COUNTY MANAGER'S RECOMMENDATION

Respectfully recommend approval.

RB
Initial

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED by the Pender County Board of Commissioners, that the Electronic Mail (E-mail) Policy be authorized for distribution to all county departments. The County Manager is authorized to execute any and all documents necessary to implement this resolution.

AMENDMENTS:

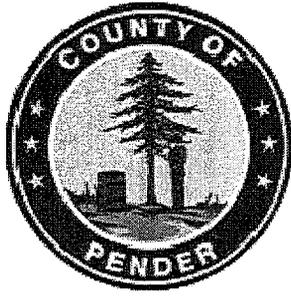
MOVED _____ SECONDED _____

APPROVED _____ DENIED _____ UNANIMOUS

YEA VOTES: Brown ___ Tate ___ Rivenbark ___ Ward ___ Williams ___

George Brown, Chairman 02/21/11
Date

ATTEST 02/21/11
Date



Pender County Electronic Mail (E-mail) Policy

Table of Contents

1. General Policies	3
1.1 Purpose	3
1.2 Key Definitions	3
1.3 Ownership of E-mail Messages	3
1.4 Staff Who Telework or Travel	3
1.5 Policy Review and Updating	4
2. Account Activation	4
2.1 Account Termination	4
3. General Expectation of Users	4
4. Best Practice	5
4.1 Composing E-mails	5
4.2 Replying to E-mails	5
4.3 News Groups and Listservs	6
5. Public Record	6
6. Appropriate use	7
6.1 Inappropriate use	7
7. Security	8
8. Employee Departure	8
9. Monitoring	9
10. Backup	9
11. Privacy	9
12. Access to E-mail Messages	9
13. Confidentiality	10
14. E-Discovery	11
15. Reporting Misuse	11
16. Disclaimer	11
17. Contact Information	11
18. Failure to Comply	11

1. General Policies

1.1 Purpose

The purpose of this policy is to ensure the proper use of Pender County's Electronic mail systems and to make users aware of what is acceptable and unacceptable use of its e-mail systems. Electronic mail (e-mail) is a business communication tool that allows Pender County to carry out its mission in serving citizens. However, the use of Pender County's electronic mail systems and services are a privilege, not a right, and therefore must be used with respect and in accordance with the goals of Pender County.

The objectives of this policy are to outline appropriate and inappropriate use of Pender County's e-mail systems and services in order to minimize disruptions to services and activities.

This e-mail policy applies to all uses and users of the Pender County e-mail systems. Any user of the county e-mail systems consents to all provisions of this policy and agrees to comply with all of the terms and conditions set forth herein, all other applicable county policies, regulations, and procedures, and with applicable policies, local, state, and federal laws and regulations.

Users of the county's e-mail systems whose actions violate this policy or any other county policy or regulation shall be subject to revocation or limitation of e-mail privileges, as well as other disciplinary actions, or may be referred to appropriate external authorities.

This policy supersedes the Pender County Electronic Communications Policy regarding Electronic Mail (e-mail) dated March 7, 2005; Section: E-mail/Internet.

1.2 Key Definitions

The term "**e-mail**" can be misleading because it can mean the e-mail systems and/or the act of sending or receiving e-mail messages. The e-mail systems allows computer users to create, send, and receive messages, graphics, and sometimes sounds and animated images.

An **e-mail message** is a single electronic mail message. The user composes a new mail message with a software application such as Microsoft Outlook. The message often contains information about the sender and receiver, body (including the content of the signature and applicable disclaimers), and attachments. An e-mail message is communication and is similar to sending a postcard using conventional mail.

1.3 Ownership of E-mail Messages

Any records, including e-mail messages created, received, and/or used on computers or mobile/portable computing devices owned or operated by Pender County, are county property and do not belong to employees or any third parties. Accordingly, county employees who use county information systems should have no expectation of privacy unless expressly granted by Pender County.

1.4 Staff who Telework or Travel

Pender County employees who have been approved to telework or use mobile/portable computing devices must comply with all information technology security policies. To ensure

proper recovery and restoration of data files, offsite employees with laptops or other mobile/portable computing devices are required to back up their information, including e-mail messages, daily or as soon as practicable. When a mobile/portable computer is outside a secure area, the backup medium must be kept separate from the mobile/portable computer. Please consult with the Information Technology Service (ITS) department to help with this process. If a personal mobile device is used, employees are unauthorized to forward their work e-mail to it, as work data is then stored on a personal device and is susceptible to potential security risks. Please consult with the Information Technology Services department before using a personal mobile device for work.

1.5 Policy Review and Updating

To ensure that this policy is current and relevant, it will be reviewed and updated as needed by the Pender County Information Technology Services (ITS) Department. Pender County Board of Commissioners approval required.

2. Account Activation

E-mail access at Pender County is controlled through individual accounts and passwords. Each user of Pender County's e-mail systems is required to read and sign a copy of this Electronic Mail Policy prior to receiving an e-mail access account and password. All terms, conditions, and restrictions governing e-mail use are included in this Policy and must be signed prior to setup and activation of such e-mail accounts. It is the responsibility of the user to protect the confidentiality of his or her account and password information.

Employees of Pender County may receive an e-mail account if the County Manager, Department Head, and/or supervisor deem that an e-mail account is necessary for the employee to conduct official county business. E-mail accounts will be granted to third party non-employees on a case-by-case basis. Possible non-employees that may be eligible for access include business associates and contractors. Applications for these third party non-employee accounts must be submitted to the Pender County Information Technology Services (ITS) Department for approval.

2.1 Account Termination

E-mail access will be terminated when the employee or third party terminates their association with Pender County, unless other arrangements are made. Pender County is under no obligation to store or forward the contents of an individual's e-mail inbox or outbox after the term of his or her employment or service has ceased.

3. General Expectations of End Users

The county often delivers official communications via e-mail. As a result, individual users of Pender County e-mail systems are expected to check his or her e-mail in a consistent and timely manner so that he or she is aware of important county announcements and updates, as well as for fulfilling business and role-oriented tasks. E-mail users are responsible for mailbox management, including organization, and cleaning. This shall include, but is not limited to: retention of e-mail messages, deletion of unsolicited and unwanted junk mail, emptying of deleted and junk folders. If a user subscribes to a mailing list, he or she must be aware of how to unsubscribe from the list, and is responsible for doing so in the event that their current e-mail

address changes. E-mail users are expected to remember that e-mail sent from the county's e-mail systems reflects on the county. Please comply with normal standards of professional and personal courtesy and conduct.

4. Best Practice

Pender County considers e-mail as an important means of communication and recognizes the importance of proper e-mail content and speedy replies in conveying a professional image and delivering good customer service. Therefore, Pender County expects users to adhere to the following guidelines:

4.1 Composing e-mails:

- Write well-structured e-mails and use short, descriptive subjects
- Pender County e-mail style is informal. This means that a sentence can be short and to the point. Employees can start their e-mail with "Hi" or "Dear", and the name of the person. E-mail messages can be ended with "Best Regards". The use of Internet abbreviations and characters such as smiley faces, however, is not encouraged.
- Signatures must include employee name, job title, departmental name, and office number. A disclaimer will be added to all users of the e-mail systems underneath their signature. (see Disclaimer)
- Use the spell checker before emails are sent out.
- Do not send unnecessary attachments. Compress attachments larger than 200K before sending them.
- Do not write e-mails in capitals. This is referred to as shouting.
- Only send e-mails of which the content could be displayed on a public notice board. If they cannot be displayed publicly in their current state, consider rephrasing the e-mail, using other means of communication, or protecting information by using passwords. (see Confidentiality)
- Only mark e-mails as important if they are really important.

4.2 Replying to e-mails:

- E-mails should be replied to within at least 8 business hours, but users must endeavor to answer priority e-mails within 4 hours.
- Priority e-mails are e-mails which are flagged as important
- Mobile users with computing devices, such as Blackberries, must copy (Cc) their county e-mail address on all outgoing e-mail.

4.3 News Groups and Listserv:

- Users need to request permission from their department head and/or supervisor before subscribing to a newsletter, news group, or listserv.

5. Public Record

Certain e-mail messages, including those with attachments, have administrative, fiscal, legal, reference, and/or archival value. As such, they must be kept as a record to satisfy county needs, record-keeping requirements, and to comply with the law. However, not every e-mail message that enters or leaves the e-mail systems is a public record as defined by North Carolina General Statute (N.C.G.S.) 132. Some e-mail messages may be public records, but may also be considered confidential by statute and should be treated accordingly. It is the employee's responsibility to classify and manage e-mail messages in accordance with their records retention and disposition schedule.

An e-mail message is considered to be a *public record* when made or received pursuant to law or ordinance in connection with the transaction of public business by any agency of North Carolina government or its subdivisions. North Carolina General Statutes (N.C.G.S.) §121-2(8) and §132-1(a) provide the following definition:

“Public record” or “public records” shall mean all documents, papers, letters, maps, books, photographs, films, sound recordings, magnetic or other tapes, electronic data processing records, artifacts, or other documentary material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of public business by any agency of North Carolina government or its subdivisions.

Some examples of e-mail messages that are public records and therefore covered by this policy include:

- Policies or directives;
- Final drafts or reports and recommendations;
- Correspondence and memos related to official business;
- Meeting agendas or minutes;
- Any document or message that initiates, facilitates, authorizes, or completes a business transaction or creates a precedent, such as issuing instructions or advice.

If an e-mail message is not created or received as part of the business of government, it is considered to be *non-record* material. Examples include:

- *Personal messages* are those received from family, friends, or work colleagues which

have nothing to do with conducting county business. Pender County user e-mail accounts are not to be used for personal use or non-county business. (See section 6.1)

- **Spam** is electronic junk mail and is similar to the advertising mail received at home. It is completely unsolicited and unwanted and is clearly not related to the transaction of county business, therefore it is considered to be non-record material. While there are tools and techniques for restricting the amount of spam received, there is currently no way to keep it out completely without interfering with the ability to receive important messages.
- **Unsolicited e-mails** are messages that may be unwanted, but are somewhat business related. These could include non-work related e-mail messages from coworkers such as miscellaneous news articles, non-work related announcements, etc. As with personal messages, these should be deleted in a timely manner.

6. Appropriate use

County e-mail users are encouraged to use e-mail to further the goals and objectives of Pender County. The types of activities that are encouraged include:

- Communicating with fellow employees, business partners of Pender County, and clients within the context of an individual's assigned responsibilities.
- Acquiring or sharing information necessary or related to the performance of an individual's assigned responsibilities.
- Participating in educational or professional development activities.

6.1 Inappropriate Use

Pender County's e-mail systems and services are not to be used for purposes that could be reasonably expected to strain storage or bandwidth.

The following activities are deemed inappropriate uses of Pender County e-mail systems and services and are prohibited:

- Use of e-mail for illegal or unlawful purposes, including copyright infringement, obscenity, libel, slander, fraud, defamation, plagiarism, harassment, intimidation, forgery, impersonation, marketing, soliciting for illegal pyramid schemes, and computer tampering (e.x. spreading of computer viruses).
- Viewing, copying, altering, or deletion of e-mail accounts or files belonging to Pender County or another individual without authorized permission.
- Use of personal web mail accounts to perform county business-related communications and transactions.

- Sending of unreasonably large e-mail attachments. The total size of an individual e-mail message sent (including attachment) should be 10MB (megabytes) or less. Large files will need to go through the Information Technology Services (ITS) Department.
- Opening e-mail attachments from unknown or unsigned sources. Attachments are the primary source of computer viruses and should be treated with utmost caution.
- Sharing e-mail account passwords with another person, or attempting to obtain another person's e-mail account password. E-mail accounts are only to be used by the registered user.
- Pender County user e-mail accounts are not to be used for personal use or non-county business.

7. Security

The security of the County's email system is a shared responsibility.

Pender County ITS is responsible for protecting the reliability, availability, and integrity of the e-mail systems and services. ITS uses appropriate security measures to detect security breaches and other violations of system integrity and reviews the security of all network activity, including all email communications, to ensure that use does not violate federal, state, and local laws, policies and standards.

Individual users should take all reasonable precautions to prevent the use of their e-mail account by unauthorized individuals. Sending e-mail messages to locations outside of the agency/department's local area network may require the use of the Internet for transport, so users should know that the Internet adheres to open standards and is inherently insecure. Users must also assess risk before sending confidential information over an open network.

8. Employee Departure

When an employee or official separates from the County, a hold will be placed on the e-mail account until the account and computer can be reviewed for record content and retention. Information Technology personnel cannot remove all software from a machine to make it available for use by another user until provisions have been made regarding the records on the machine. Microsoft Outlook stores e-mail messages in a file known as a Personal Storage Table (.pst) files which sometimes reside on a computer hard drive. The .pst files from personal folders created using Microsoft Outlook or other similar files created by other software packages must be addressed and/or saved somewhere for a supervisor to view before the machine can be "wiped" (data erased) and reassigned.

Any e-mail messages maintained on a county owned computer or a mobile/portable computing device must be transferred to the appropriate department or office for review and disposition prior to the employees last day of employment.

9. Monitoring

The e-mail systems and services used at Pender County are owned by the county, and are therefore its property. This gives Pender County the right to monitor any and all e-mail traffic passing through its e-mail systems. County e-mails can be monitored without prior notification if Pender County deems necessary. This monitoring may include, but is not limited to, inadvertent reading by authorized ITS staff during the normal course of managing the e-mail systems, review by the legal or security team during the e-mail discovery phase of litigation, observation by management in case of suspected abuse, or to monitor employee efficiency. ITS staff will read any and all e-mails sent and received when assisting county records custodians in completing requests for public records under North Carolina's Public Records Law.

10. Backup

As part of the e-mail infrastructure, the Information Technology Services (ITS) department utilizes an e-mail archiving system to preserve e-mail messages, protect against systems failures, unintentional deletions, and/or tampering, and to aid in the restoration of records to provide business recovery capability. In addition, archival and backup copies of e-mail messages shall exist, despite end-user deletion, in compliance with Pender County's records retention policy. The goals of these backup and archiving procedures are to ensure systems reliability, prevent business data loss, meet regulatory and litigation needs, and to provide business intelligence. Backup e-mail copies exist primarily to restore service in case of failure. Archival copies are designed for quick and accurate access by county delegates for a variety of management and legal needs.

11. Privacy

All Pender County e-mail users shall *have no expectation of privacy* in anything he or she creates, stores, sends, or receives while using Pender County's e-mail systems. Any records, including e-mail messages created, received, and/or used on computers or mobile/portable computing devices owned or operated by Pender County, *are county property* and do not belong to employees or any third parties. If Pender County discovers, or has good reason to suspect, that employees are not adhering to the guidelines set out in this policy or that employees are engaged in activities that do not comply with applicable laws or policy, e-mail records may be retrieved and used to document the activity in accordance with due process. Pender County reserves the right to take disciplinary action.

12. Access to E-mail Messages

E-mail messages are public records that are open and accessible to the public and media under the same conditions as all other types of government records, provided they do not contain confidential information. Therefore, all employees must assume that all non-confidential information on the county's e-mail systems is subject to public view and to review by county officials.

The following groups have access to e-mail messages:

- Senders and recipients of electronic mail in the course of normal usage of electronic mail systems.

- Department Heads and supervisors of employees who are senders or recipients of electronic mail.
- Administrators of electronic mail systems or network systems within the Department or other systems' employees only (1) as required by the operation of the electronic mail, network, or other computer systems, (2) as requested by supervisors of the senders or recipients, or (3) when there is a reasonable suspicion that there has been a violation of any proscriptions in this policy.
- Any individual may request access to public records through procedures defined in N.C.G.S. §132-6 by application made to the legal custodian of the record as defined in N.C.G.S. §132-2 and §132-6. The "legal custodian is the "public official in charge of an office having public records," and "does not mean an agency that holds the public records of other agencies solely . . . to provide data processing." Legal custody of electronic mail rests with the office of the sender or recipient.
- Both the public and media can access non-confidential county email via a secured PC, located at the Pender County Administrative Building.

13. Confidentiality

An e-mail message having confidential information should not be shared unless proper, formalized security precautions have been established. Use extreme caution when communicating confidential or sensitive information via e-mail. Keep in mind that all e-mail messages sent outside of Pender County become property of the receiver. A good rule is to not communicate anything that an employee wouldn't feel comfortable being made public. Demonstrate particular care when using the "Reply" command during e-mail correspondence to ensure the resulting message is not delivered to unintended recipients.

If there are confidential type e-mails that are intended for internal and external use, employees must type "[Private]" or "[Confidential]" in the subject line. The tag "[Private]" or "[Confidential]" will alert the county's e-mail systems to filter out confidential e-mails making them unavailable to the media and the public.

If employees are required to provide records as a result of a public records request via e-mail, then they must securely remove any confidential or privileged information from the records before releasing them. This could include:

- Information covered by HIPAA (Health Insurance Portability and Accountability Act), including health care, medical records, treatment, and billing information.
- Social Security numbers and other personal identifying information, as defined in G.S. § 132-1.10 and §14-113.20.
- Trade Secrets: as defined in G.S. § 132-1.2. Formulae, recipes, production methods, source codes, test results, and other information obtained by research or other work.

- Business Secrets: budgets, customer lists, marketing plans and other information the release of which would be advantageous to a competitor and injurious to the claimant.

14. E-Discoveries

All e-mail messages, including personal communications and other non-record material as described above, may be subject to discovery proceedings in legal actions, investigations, compliance, and audits. All County employees and officials must respond appropriately to any impending action involving e-mail messages. All measures taken in response to an e-discovery action also apply to e-mail messages retained by those working on home computers or using mobile/portable computing devices.

15. Reporting Misuse

Any allegations of misuse shall be promptly reported to a department head or supervisor, who shall also report it to the IT Director. E-mails involving allegations of misuse shall not be deleted, forwarded, or replied to except as directed by the department head or department supervisor. If any allegations of misuse involve a County Commissioner, department head, supervisor, or a non-county employee, it shall be reported to the County Manager and/or the Information Technology Services (ITS) Director. Finally, if allegations of misuse involve the County Manager, it shall be reported to the County Board of Commissioner's Chairman.

If legal action is warranted, the County Manager and/or Information Technology Services (ITS) Director will request services from law enforcement. General allegations of misuse will be investigated and adjudicated according to established personnel policies and procedures.

16. Disclaimer

The following disclaimer will be added to each outgoing e-mail:

Notice: All e-mail correspondence to and from this address is subject to the NC Public Records Law "NCGS.Ch.132", which may result in monitoring and disclosure to third parties, including law enforcement.

17. Contact Information

Pender County Information Technology Services (ITS) Department is the primary resource center for this policy and is available to answer specific questions regarding this policy. The ITS Department can be reached at (910) 259-1260.

18. Failure to Comply

Violations of this e-mail policy will be treated like other infractions related to job performance or personal conduct at Pender County. Allegations of misconduct will be adjudicated according to established procedures. Sanctions for inappropriate use of Pender County's e-mail systems and services may include, but are not limited to, one or more of the following:

- Temporary or permanent revocation of e-mail access.
- Disciplinary action according to applicable Pender County policies.
- Legal action according to applicable laws and contractual agreements.