

**ADMINISTRATIVE MANUAL
TOWN OF LOS GATOS**

Subject: Electronic Communications and
Information Technology Resources

Page: 1 of 4

Section: Equipment (A)

Approved by: *Greg Larson, Town Manager*

Effective Date: October 6, 2010

PURPOSE

This policy establishes Town-wide guidelines regarding the appropriate use of Electronic Communications and Information Technology Resources.

SCOPE

This policy applies to all employees of the Town and temporary agency personnel, interns, or other individuals performing work on the Town's behalf. This policy governs all "Electronic Communications and Information Technology (IT) Resources" including, but not limited to, the Internet, E-mail, voice-mail, Town-owned cellular telephones, personal digital assistants (PDAs), smartphones, Blackberry devices, computers/laptops, telecommunications devices, video and audio equipment, wireless networks, data systems telecommunications equipment, transmission devices, data processing or storage systems, computer systems, servers, networks, input/output and connecting devices, software, documentation, copiers, scanners and printers that supports electronic communications services.

POLICY

The Town of Los Gatos encourages the use of Electronic Communications and IT Resources to share information in support of its mission of public service and to conduct its business. Electronic Communications and IT Resources must be used in compliance with applicable statutes, regulations, and Town's policies including those that require a work environment free from discrimination and harassment. Electronic communications should conform to the same standards of propriety and respect as any other verbal or written communication at the Town. Employees are expected to use common sense and judgment to avoid any communication which is disrespectful, offensive or illegal.

The Town, as the provider of access to its Electronic Communications and IT Resources, reserves the right to specify how those resources will be used and administered to comply with this policy. Employees may be subject to disciplinary action for using the Electronic Communications and IT Resources in a manner other than for their intended purposes, or in a manner that violates applicable laws, rules and policies.

Employees and other users of Electronic Communications and IT Resources may create criminal and civil liability for themselves and the Town by using outside or third party systems in an offensive, defamatory or illegal manner and in such event employees and other users may be subject to disciplinary action up to and including termination.

Privacy Limits. Employees do not have a right to, nor should they expect, privacy while using any government office equipment, electronic communication device or IT resource. To the extent that employees wish their private activities remain private, they should avoid using the Town's office equipment, computer, Internet, email, copiers, cell and land lines, etc., for personal incidental use. Any use of the Town's Electronic Communications and IT Resources is made with the understanding that such use is generally not secure, is not private, and is not anonymous.

All communications transmitted via the Town's Electronic Communications and IT Resources, whether or not related to personal or confidential matters, are subject to monitoring, at the Town's discretion. The existence of passwords and "message delete" functions do not restrict or eliminate the Town's ability or right to access Electronic Communications and IT Resources.

Additionally, the Town may be required to produce information transmitted or stored on its Electronic Communications and IT Resources pursuant to a court order, subpoena, or statute. In response to requests for such disclosure, it may be necessary to examine communication that users may consider to be personal to determine if they are subject to disclosure.

Use of the Town's Official Email System. The Town's email system is an official communication tool for Town business. An official email address is established and assigned by the Town to employees. All Town communications sent via email will be sent to this address. Town employees must use the official Town email, instead of their private email address (such as yahoo, hotmail, etc.) when communicating Town business via email.

Incidental Personal Use. Electronic Communication and IT Resources are provided by the Town to facilitate the performance of Town work. However, incidental personal use is permitted if the use:

- involves minimal additional expense;
- does not interfere with the Town's mission or operations; and
- does not interfere with the user's employment or other obligations to the Town.

Incidental personal use of Electronic Communication and IT Resources shall take place during the employees' personal time. Employees shall not give the impression that they are representing, giving opinions, or otherwise making statements on behalf of the Town unless appropriately authorized to do so.

Employees are expected to abide by this and other rules and regulations and to be responsible for their own personal and professional conduct. Supervisors have the responsibility to ensure the appropriate use of resources within the organization. Personal incidental use of the Town's Electronic Communications and IT Resources is a privilege and may be limited or revoked by a supervisor or Town Administration at any time.

The Town is not responsible for any loss or damage incurred by an individual as a result of personal use of the Town's Electronic Communications and IT Resources.

Restrictions. The information sources accessible via the Internet are worldwide and constantly growing in kind and number. It is not possible for any internet access provider to fully manage the types of information accessible by its systems and users, especially with regard to content limitations. Nonetheless, the Town reserves the right to restrict access to any data source, at its sole discretion. These restrictions do not constitute an implication of approval of other nonrestricted sources.

Without exhausting all the possibilities, the following are examples of inappropriate use of the Town's Electronic Communications and IT Resources:

- 1) Any use that may, for a reasonable person, create or further a hostile attitude or give offense on the basis of race, color, religion, national origin, citizenship, ancestry, marital status, gender, disability, age, veteran's status or sexual orientation.
- 2) Exposing others unwillingly, either through carelessness or intention, to material which is offensive, obscene or vulgar. This includes information which could create an intimidating, offensive or hostile work environment.
- 3) Sending messages or information which is in conflict with applicable law or Town policies, rules or procedures.
- 4) Communicating confidential Town information to unauthorized individuals within or outside of Town.
- 5) Attempting to access unauthorized data or break into any Town or non-Town system.
- 6) Engaging in theft or the unauthorized copying of electronic files or data.
- 7) Intentionally misrepresenting one's identity for improper or illegal acts.
- 8) Engaging in the creation, downloading, viewing, storage, copying, or transmission of materials related to gambling, weapons, terrorist activities, and other illegal or prohibited activities, except when necessary for research within the scope of a job assignment.
- 9) The unauthorized acquisition, use, reproduction, transmission and distribution of software or other material protected by national or international copyright laws, trademarks, or other intellectual property rights.
- 11) Engaging in personal private business activities or outside employment, including consulting for pay, sales or the sale of goods or services.
- 12) Performing acts that are wasteful of computing resources or that unfairly monopolize resources is prohibited. These acts include, but are not limited to: the creation, copying or transmission of chain letters, hoaxes, advertisements, solicitations, or other unauthorized mass mailings.
- 13) Engaging in recreational use of the Town's Electronic Communications and IT Resources that interferes with the ability of the employee or other users to conduct Town work. This includes but is not limited to downloading or uploading recreational software, games, or shareware.
- 14) Connecting personal equipment such a laptop that is not owned by the Town to the Town network without express approval of the IT Manager."
- 15) Giving another person an employee's password without the Department Head's or designee's prior knowledge and approval.

Consequence for Misuse. Unauthorized or improper use of Electronic Communications and IT Resources may result in loss or limitations on use of equipment or services, disciplinary action up to and including termination, criminal penalty or financial liability for the cost of use or loss/damage to equipment or other infrastructure.

Electronic Access Outside of Normal Schedule. It is the general policy of the Town that all work by non-exempt employees shall, as much as possible, be completed during the employee's normally scheduled work day or shift. As such, employees are not required or expected to check their email outside of work hours. Employees who spend more than a minimal amount of time accessing emails (i.e., more than ten minutes in a day) must obtain pre-approval by the supervisor and report the time as time worked.

PROCEDURES

Employees are responsible to:

- Use IT resources in accordance with this policy and coordinate with IT prior to downloading any software on Town computers.
- Ensure that incidental personal use of IT resources is limited to personal time, does not interfere with the operations of the Town or official business and involves minimal additional expense.
- Notify their supervisor if they have reason to believe IT resources are being used for other than authorized purposes.

Supervisors are responsible to:

- Counsel employees and ensure that IT resources are being used appropriately.
- Immediately notify Human Resources when they are made aware of potential misuse of IT resources.

IT Manager is responsible to:

- Provide guidance to employees regarding the appropriate use of IT resources.
- Maintain filters, monitoring systems and other methods to minimize the misuse of Town IT resources.
- Provide periodic reports to Human Resources for monitoring IT use.
- Coordinate with Human Resources as appropriate when an investigation is necessary.

Human Resources Director is responsible to:

- Ensure that all employees are aware of this policy and maintain signed acknowledgements.
- Conduct investigations into the misuse of IT resources and provide guidance on appropriate corrective or disciplinary action.

APPROVED AS TO FORM: *By Michael Martello, Interim Town Attorney (rp)*