

# City of Los Alamitos

## Administrative Regulation

Regulation:	7.1	 Bret M. Plumlee, City Manager
Title:	Telecommunications Policy	
Authority:	City Manager	
Date:	December 6, 2004	
Revised:	April 27, 2017, June 23, 2017	

**1. Purpose:** The purpose of this policy is to establish guidelines for the use of telephones and computers, and other telecommunication systems, including, but not limited to, Voice Over Internet Protocol (VOIP) communications, electronic mail and voice mail and Internet resources, provided to employees of the City of Los Alamitos ("City") to ensure efficient and effective access to these telephone and computer resources. These telephone and computer resources are a business tool to be used in accordance with generally accepted business practices and current law. This policy addresses access to and the disclosure of information from such telephone and computer resources.

**2. Application:** This regulation applies to all employees, agents, contractors, Commissioners, Council Members and volunteers of the City of Los Alamitos (collectively referred to herein as "City employees").

**3. Regulation:** This policy is applicable to all City employees as a means of controlling access to, and the disclosure of information from, such telephone and computer resources. Telephone, VOIP, electronic mail ("E-mail"), voice mail, and Internet systems are provided for the purpose of conducting City business, enhancing efficiency, and better serving the public interest. The City makes a variety of telephone and computer resources available to its employees, including, but not limited to, desktop computers, access to local area networks, Wi-Fi and the Internet, printers, fax machines, modems, application software, data files, voice mail, Electronic Mail, and data imaging (collectively referred to herein as the "City System"). The City System is City property and is to be used in a professional manner for legitimate business purposes and functions. Personal use of the City System shall be limited and occasional, and in no event shall it interfere with or delay the performance of an employee's work duties or functions.

### **A. Access and Disclosure**

Because all telephone, computer, VOIP, E-mail, voice mail, and Internet systems remain the property of the City and are for official use only, records, files, transmissions, passwords and other products or contents of the City System are not confidential; therefore, employees can have no expectation of privacy in any conversations or other communications they have or documents or other materials they write, receive, store, or send in the use of these systems. The City may override passwords at any time for routine maintenance or to monitor usage of the City's computer resources.

The City reserves the right to access and disclose, without prior notification, all contents on the City System, including computer files, E-mail and voice mail files. The City reserves the right to review use of the City System to prevent abuse, enforce policies, and access information. The City may electronically scan messages for the presence of specific content, such as viruses, or to maintain system integrity. The City will also respond to legal processes, such as subpoena or court orders, and fulfill any legal obligations to third parties.

Immediately upon termination or lay-off, an employee's right to access the City System shall cease; and the employee shall have no further right to the contents of the City System, including but not limited to, his/her computer files, voice mail messages, and E-mail messages.

City employees who have access to the City System shall acknowledge their acceptance and agreement to comply with this Policy by signing the consent form provided. Failure to do so will result in termination of access to the City System.

**B. *Computer Software***

Each piece of proprietary software operating on the City System must have valid registration (individually for stand alone personal computers) or must be covered by users' license (if connected to a local area network). Proprietary software and associated documentation on the City System are subject to copyright laws and licensing agreements and shall not to be reproduced unless authorized under a licensing agreement. Appropriate documentation to substantiate the legitimacy of the software and prior authorization of the City Manager are necessary. Employees shall not use unauthorized software on the City System.

Installation and use of privately-owned software, including screen savers and shareware, on the City System is prohibited, unless specifically authorized by the City Manager. The use of any software on the City System without the express prior authorization of the City Manager is prohibited at all times.

**C. *Personal (Private) Devices***

In order to maintain a high level of communication between City staff and the public, employees may need to use personal (private) devices to conduct City business. Therefore, the use of private devices for City business is permitted. However, if a private device is used to conduct City business, all "work related" communication must be done through your City-issued email account and may not be done through text messages or using a personal email account.

Communications that are primarily personal, containing no more than incidental mentions of City business, generally are not considered "work related". For example, if an employee texts his/her supervisor to inform him/her that the employee is sick and will not be coming to work, this would not be considered "work related" and therefore can be communicated through text messaging.

**D. *E-Mail – General Guidelines***

E-mail communication on the City System is for official City business only and shall not be

used for private, confidential or unrelated purposes, including but not limited to: To send "chain" or similar type "letters"; to send documents in violation of copyright or other laws; to knowingly open mail not directed to you; to use for personal or social purposes; to send messages in violation of this Policy; to forward electronic messages without a legitimate business purpose under circumstances likely to lead to embarrassment of the sender or to violate the clearly expressed desire of the sender to restrict additional dissemination; to send messages that are false, inaccurate, abusive, obscene, pornographic, profane, sexually oriented, threatening, offensive, discriminatory or illegal; or religious or political causes. E-mail communications are subject to public disclosure under the California Public Records Act ("Act") and monitoring by the City.

City Employees are issued e-mail address for the purpose of conducting City business. Therefore, the use of personal e-mail addresses and text messages for City business is prohibited. Additionally, forwarding City e-mail to a personal email address is also prohibited. E-mails regarding City business shall only be maintained on the City's server.

E-mail is viewed as an effective alternative to inter-office memos, suggestion boxes, or general bulletins.

- The contents of any such messages must also be in keeping with the standards of conduct appropriate to the workplace. E-mail communications are not private and will be monitored as allowed by the Electronic Communications Privacy Act of 1986.
- The unauthorized use of passwords and codes to gain access to other users' files or messages is prohibited.
- All use of the City System must comply with the City's practices and policies. Anything that could be construed as sexually explicit or discriminatory based on race, national origin, sex, sexual orientation, age, disability, or religious or political beliefs is not permitted on the City System.

#### ***Listserve or "electronic bulletin boards"***

Listserve or "electronic bulletin boards" are a messaging function hosted by server computers that automatically mail messages to subscribers. Employee use of listserve shall be limited to City business only.

#### ***Retention of E-mail***

E-mail generates correspondence and other documentation, which may be recognized as a public record in need of protection/retention in accordance with the Act. Although the use of E-mail is considered official City business, the E-mail system is intended as a medium of communication only. Therefore, the E-mail system should not be used for the electronic storage or maintenance of documentation, including, but not limited to, public records, as that term is defined in the Act.

If an E-mail message, including any attachments thereto, can be considered a public record, as defined in the Act, such E-mails should be printed as a hard copy and filed in accordance with the City's Records Management Program.

Generally, the sender of the E-mail should be the person responsible for printing and filing it accordingly, but persons responsible for a particular program or project file shall be responsible for retaining all E-mail they send or receive related to that program or project.

Network Management staff will automatically delete Inbox and Sent emails that are older than 12 months old and e-mail inboxes are also limited in size to 2GB (Directors to receive 4GB). Size limitations include all folders in your inbox. City employees who believe their needs exceed the size limitation may petition the City Manager for additional space.

While the E-mail system should not be used for the electronic storage or maintenance of documentation, the City recognizes the ease of use and accessibility the e-mail system provides. Therefore, the City will allow one folder within your inbox to be retained for over a year for ongoing projects. This folder must have the exact title of "Saved". You may create subfolders within this "Saved" folder for multiple projects; however, the "Saved" folder will be included in your total mailbox size limitation. The preferred method of storage for City records is to print and file them accordingly with the proper project file. If you need assistance creating the "Saved" folder, please contact the Network Management staff.

Although the Network Management staff will automatically delete any data stored in the E-mail system (Inbox and Sent items) that is 12 months old, individual employees are responsible for the management of their mailboxes and associated folders. In order to ensure maximum efficiency in the operation of the E-mail system, staff is encouraged to delete E-mail messages from their in-boxes once they are no longer needed. All deleted items will be held in a "deleted items" folder for only thirty days.

It is the responsibility of individual employees and their Department Heads to determine if E-mail is a public record which must be retained in accordance with the City's Record Management Program. The City Clerk will assist you in making such a determination. You should keep in mind, however, that preliminary drafts, notes or interagency or intra-agency memoranda which are not retained by the City in the ordinary course of business are generally not considered to be public records subject to disclosure. Employees are encouraged to delete documents which are not otherwise required to be kept by law or whose preservation is not necessary or convenient to the discharge of your duties or the conduct of the City's business.

Periodically, the City receives requests for inspection or production of documents pursuant to the Act, as well as demands by subpoena or court order for such documents. In the event such a request or demand is made for E-mail, the employee having control over such E-mail, once he/she becomes aware of the request or demand, shall use his/her best efforts, by any reasonable means available, to temporarily preserve any E-mail which is in existence until it is determined whether such E-mail is subject to preservation, public inspection or disclosure. The City Clerk shall be contacted regarding any such E-mails within the employee's control.

#### **E. *Internet Access - General Guidelines***

The City may provide access to the Internet for selected employees upon approval of the City Manager. Internet access will be provided on an "as needed" basis and is a revocable privilege.

The Internet is a worldwide communication network that can connect users with unlimited amounts of information. Aspects of the Internet, such as its openness, lack of security, and complexity, may make materials available which could be offensive to the sensitivities of some users. The City considers the value of allowing access to information resources through external networks to outweigh the potential harm from the possibility of misuse or that users may encounter materials they may find offensive. All users of City-provided networks and information resources do so at their own risk with regard to the possibility of encountering material they may find offensive.

While accessing the Internet, employees represent the City. As with any other communication medium, employees should conduct themselves appropriately and exercise good judgment and common courtesy. The City reserves the right to review and/or log all Internet activity and, therefore, users should have no expectation of privacy in the use of the Internet.

The City's firewall monitors, logs, and blocks all unacceptable internet use. A user's attempt to access these sites will be documented. The City's firewall encrypts data; however, this data is accessible by the Network Management Team. Users should have no expectation of privacy in the use of the Internet including use of personal email and financial data.

#### ***Internet User's Responsibilities***

It is the responsibility of each Internet user to:

- Use the Internet only to conduct City business.
- Maintain the confidentiality of the user's password and other security measures.
- Ensure the user is in compliance with this Policy and all other City Administrative policies and procedures.
- Scan for viruses all files that are downloaded from the Internet.
- Comply with licensing agreements and policies of networks and on-line services accessible via the Internet.

#### ***Acceptable Use of the Internet***

Specifically acceptable uses of the Internet include:

- Communication and information exchanges directly related to the mission, objectives and activities of the City.
- Communication and exchange of professional development information or technology, or to discuss issues related to the employee's city government activities.

- Use for advisory, standards, research, analysis, and professional society activities related to the employee's work tasks and duties.
- Announcement of City laws, procedure, policies, rules, services, programs, information, or activities.

### ***Unacceptable Use of the Internet***

- Use of the Internet for any purpose that violates a U.S. or State of California law, or this Policy.
- Use for access to and distribution of pornographic, indecent or obscene material.
- Use of the Internet that interferes with or disrupts the City System or the users thereof.
- Intentionally seeking out information on, obtaining copies of, or modifying files and other data which is private, confidential or not open to public inspection, unless specifically authorized to do so by the file owner.
- Copying software without determining that permission to do so has been granted by the file owner.
- Representing oneself electronically as another person, unless specific permission to do so has been granted by the other person.
- Accessing a web site or location on the Internet where a fee is charged, unless authorized in advance by the City Manager. Employees incurring such charges will bear sole responsibility for the payment of such charges.
- Downloading "Instant Messaging" or "Text Messaging" accounts.
- Conducting any political activity.

### **F. *Telephones***

This policy applies to land-line telephones, VOIP, and cellular telephones that may be issued by the City. Such telephones are provided for use in connection with City business, and should primarily be used for this purpose.

The City recognizes that employees may occasionally need to make or receive personal telephone calls on City telephones. In the event that it is necessary to use a City telephone for personal communications, the following rules must be observed: (1) the duration of the phone call must be kept to a minimum; (2) calls will be made or received only during employee breaks, to the greatest extent possible; (3) the City employee must track the date, time, and length of calls for which charges will be incurred, and shall fully reimburse the City for tolls or other charges incurred in connection with personal calls. The City may review and audit telephone bills to ascertain whether particular calls were personal in nature.

Whenever it is necessary to use a City-issued cellular telephone when driving a personal or City-owned vehicle, City employees must use all appropriate caution. At a minimum and under appropriate conditions, City employees must either (1) use an ear-piece for hands-free communications, or (2) pull the vehicle off the road to make or complete a telephone call.

In addition to the preceding rules, land-line telephones should be used instead of cellular telephones whenever possible. City employees should avoid using directory assistance

wherever possible, instead using telephone books or other means of finding phone numbers. Calls that incur a fee or charge in addition to applicable long-distance charges, are strictly prohibited without the prior approval of the department head of the employee wishing to make such a call. This approval will be given only where making such a call is necessary for a legitimate City purpose.

Voicemails are considered transitory records and are not retained by the City in the ordinary course of business.

**G. *Violations***

Any unlawful use of the City System or use in violation of this policy may result in discipline up to and including termination of employment. Unlawful use of the City System could also result in referral for criminal prosecution.

# City of Los Alamitos

## Telecommunication Policy Agreement

I have read and understand the City of Los Alamitos Telecommunications Policy (Dated April 27, 2017). I agree to abide by the policy.

If I choose not to sign this acknowledgment, I will not be permitted access to the City System.

Also, I understand that this signed acknowledgment will be placed in my personnel file.

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Employee Name