

CITY OF PORT ST. LUCIE

E-MAIL

INTERNET

&

TELECOMMUNICATIONS

POLICY

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TABLE OF CONTENTS

PURPOSE:.....	1
INTENT:.....	1
GENERAL POLICY:	2
PASSWORDS:	2
INTERNET:.....	2
RETENTION OF ELECTRONIC MAIL:.....	2
COPY OF RECORD:	4
GUIDELINES: INTERNET:	4
EMPLOYEE TERMINATION, LEAVE-OF-ABSENCE, VACATION AND OTHER LEAVES:	5
ELECTRONIC MESSAGES:.....	5
APPROPRIATE USE AND ETIQUETTE:.....	5
ACCESS AND PRIVACY:	6
SYSTEM DESIGN ISSUES:.....	6
ROLE OF THE MANAGEMENT OF INFORMATION SERVICES DEPARTMENT (MIS):.....	7
RECOMMENDATION:	8

CITY OF PORT ST. LUCIE
E-MAIL, INTERNET
AND TELECOMMUNICATIONS POLICY

PURPOSE:

This policy shall apply to all offices, divisions, bureaus, and advisory bodies of the City of Port St. Lucie in the conduct of their official duties as prescribed by law. Public employees must be conscious of the fact that their work is subject to the scrutiny of the press and the public, and privacy concerns are secondary to the constitutional presumption of the openness of Florida government. This e-mail policy applies to all full-time employees, part-time employees, contract employees, volunteers, and other individuals who are provided access to the City's e-mail and telecommunications systems (hereinafter referred to as Users). The purpose of this policy is to implement guidelines for the establishment, administration, maintenance, and use of the City's information network resources, including the City Local Area Network/Wide Area Network (LAN/WAN) and the Internet. This policy also implements guidelines for the proper use of telecommunications system (telephones and facsimiles). The City of Port St. Lucie Electronic Mail System (e-mail) is designed to facilitate City business communication among employees and other agencies for messages or memoranda. Since no computer system is completely secure, the e-mail system is not intended to transmit sensitive materials, such as personnel decisions and other similar information which may be more appropriately communicated by written memoranda or personal conversation. This policy may be changed to meet changing conditions and/or technology. Any questions regarding this policy should be directed to the Administrative Services Department, City Clerk, or the Manager of Information Services.

INTENT:

This policy explains procedures and provides guidelines on the management of electronic mail (e-mail) messages as public records within the Florida Department of State. Within this context, e-mail can still function as a viable, efficient means to conduct City business.

The purpose of this policy is to ensure that the City's electronic mail systems support the City's business functions to their full capability. This policy is not intended to discourage the use of e-mail to conduct City business, but rather to establish a framework for its proper use as a communications tool. Consistency, predictability, and reliability in the manner in which the e-mail system is used and in which public records are maintained within the City are the primary focus of this policy.

This policy has a two-fold purpose. First, it is intended to enable employees in the City of Port St. Lucie to comply in their use of the City's e-mail system with the Florida's Public Records Law, Chapter 119, Florida Statutes. Second, the objective of the policy is to establish guidelines that will promote the effective capture, management, and retention of electronic messages as public records in compliance with records management retention requirements.

CITY OF PORT ST. LUCIE
E-MAIL, INTERNET
AND TELECOMMUNICATIONS POLICY

GENERAL POLICY:

The City, through its department heads and supervisors, reserves the right to review the contents of employees' e-mail communications when necessary for City business purposes, including but not limited to monitoring to ensure compliance with policy and to protect productivity. Employees may not intentionally intercept, eavesdrop, record, read, alter, or receive other persons' e-mail messages without proper authorization.

The misuse of e-mail privileges, the LAN/WAN, the Internet or telecommunications systems shall be disciplined in accordance with the City's Personnel Rules and Regulations. Violation(s) of this policy may be grounds for termination. In addition, violations of this policy or misuse of the e-mail, the LAN/WAN, the Internet or telecommunications systems may be referred for criminal prosecution. Department heads shall be responsible for the implementation and adherence of this policy within his/her department.

PASSWORDS:

While they have a confidential password for e-mail, users should be aware that this does not suggest that the system is for personal confidential communication, nor does it suggest that e-mail is the property right of the employee. **The use of the e-mail system is for City business.** Passwords should be periodically changed to ensure security of the e-mail system. Users should not share their passwords with anyone else.

INTERNET:

Internet provides the City with significant access and dissemination of information to individuals outside the City of Port St. Lucie. The use of the City Internet system access and dissemination is intended to serve City business. Like all e-mail messages, Internet messages are capable of being forwarded without the express permission of the original author. Therefore, users must use caution in the transmission and dissemination of messages outside the City, and must comply with all state and federal laws.

RETENTION OF ELECTRONIC MAIL:

Generally, e-mail messages are temporary communication, which are non-vital and may be discarded routinely. However, depending upon the content of the e-mail message, it may be considered a more formal record and should be retained pursuant to a state guidelines/schedule. Examples of messages of this nature include: policy; decision-making connected to specific case files; contract related or otherwise an essential part of a larger record; or other memoranda or significant public business. As such, these e-mail messages are similar to printed communication and should be written with the same care.

CITY OF PORT ST. LUCIE
E-MAIL, INTERNET
AND TELECOMMUNICATIONS POLICY

However, employees should be aware that when they have deleted a message from their mailbox, it might not have been deleted from the e-mail system. The message may be residing in the recipient's mailbox or forwarded to other recipients. Furthermore, the message may be stored on the computer's back-up system.

E-Mail is not considered a record series or category. It is a means of messages or information. The content of e-mail messages may vary considerably, and therefore; e-mail messages must be evaluated for content to determine the length of time the messages must be retained. For example, retention schedules published by the Bureau of Archives and Records Management of the Division of the Library and Information Services require the retention of memoranda and correspondence for specified time periods. Transmitting such records electronically would not alter the obligation to retain these records, nor would it alter their corresponding retention periods.

Much of the communication via e-mail has a very limited administrative value. For instance, an e-mail message notifying employees of an upcoming meeting would only have value until the meeting has been attended or the employee receiving the message has marked the date and time in his/her calendar. The user may delete these types of e-mail messages immediately after they have served their intended purpose.

In conjunction with the Department of State's Office of General Counsel, the Bureau of Archives and Records Management has developed a record series entitled TRANSITORY MESSAGES. The description and retention requirements of this record series is as follows:

TRANSITORY MESSAGES:

This record series consists of those records that are created primarily for the communication of information, as opposed to communications designed for the perpetuation of knowledge. Transitory messages do not set policy, establish guidelines or procedures, certify a transaction, or become a receipt. The informal tone of transitory messages might be compared to a communication that might take place during a telephone conversation or conversation in an office hallway. Transitory messages are messages that would include, but not be limited to: e-mail messages with short-lived or no administrative value, voice mail, self-sticking notes, and telephone messages.

RETENTION:

- a) Record copy. Retain until obsolete, superseded or administrative value is lost.
- b) Duplicates. Retain until obsolete, superseded or administrative value is lost.

CITY OF PORT ST. LUCIE
E-MAIL, INTERNET
AND TELECOMMUNICATIONS POLICY

As specified in Rule 1B-24.010(3) of the Florida Administrative Code, records having an OSA retention period may be destroyed without seeking approval from the Records Analysis Section in the Bureau of Archives and Records Management.

It should be noted that the description of transitory messages says "e-mail messages with short-lived, or no administrative value" fall into the category of transitory record. Under certain circumstances; however, e-mail messages may have a more significant administrative, fiscal or legal value, and therefore, can be categorized under another record series requiring longer retention. Two basic options are available for handling messages falling into this category.

1. Messages may be printed to hard copy and filed in a traditional filing system, or
2. Messages can be retained in an appropriate electronic filing system.

It will be the responsibility of the sender to choose the appropriate option.

COPY OF RECORD:

Note that in most cases where e-mail communication is between a sender and a recipient, it is a generally accepted practice that the sender's copy is designated as the copy of record. In other words, it is the sender's copy to which any retention requirements should apply. Take, for example, an intra-agency memo: a memo sent via e-mail from the Personnel Office to all employees. The copy of record would be the copy in the Personnel Office. All other copies are merely "duplicates" and can be disposed of at will. Cases where this principle does not apply include e-mail received from other agencies or from the public.

GUIDELINES: INTERNET:

1. Users must receive authorization from their department heads or designees to access the Internet and or any service related to the Internet.
2. Users may access the Internet only to conduct official business of the City of Port St. Lucie. Personal use of Internet access before, during or after normal working hours is strictly prohibited, as is any use that is not related to conducting City business.
3. E-mail sent or received over the Internet must be for official City business only. Any other Internet use for e-mail is strictly prohibited.

CITY OF PORT ST. LUCIE
E-MAIL, INTERNET
AND TELECOMMUNICATIONS POLICY

4. Access to the Internet is granted on the need and overall benefit to the City of Port St. Lucie. Access is limited to those locations within the Internet that clearly relate to specific functions or areas concerning the City.
5. Downloading files that are not related to conducting business for the City of Port St. Lucie is strictly prohibited. Receipt of unauthorized subscriptions (e.g., newsletters) is prohibited.
6. Accessing a web site or location on the Internet where a fee is charged is prohibited. Users acquiring such charges bear sole responsibility for them, unless accessing a fee-based site has been approved in advance by the department head or his/her designee.
7. Randomly exploring the Internet (a.k.a. "Surfing the Net") for personal use is not appropriate.

EMPLOYEE TERMINATION, LEAVE-OF-ABSENCE, VACATION AND OTHER LEAVES:

Employees who are terminated or laid off have no right and are not allowed access to the e-mail system. Supervisors or management may access an employee's e-mail, if the employee is on a leave-of-absence, vacation, or is transferred from one department to another department and it is necessary for City business purposes, including but not limited to monitoring to ensure compliance with policy and to protect productivity. Management should notify their Network Administrators in the event of impending employee terminations or leaves-of-absence, where appropriate.

ELECTRONIC MESSAGES:

Electronic messages are any communication using an electronic system for the conduct of official business internally, between other state and local government agencies, and with constituents, voters, vendors, clients, citizens, and others in the outside world. These messages may be in the form of e-mail, electronic document exchange (electronic fax), electronic data interchange (EDI), and multi-media communications such as voice mail and tele/video conferencing. In this policy and guideline the term's electronic messages and e-mail are used, dependent on the context, to mean the same thing.

APPROPRIATE USE AND ETIQUETTE:

E-Mail within the City of Port St. Lucie shall be used for official business only.

CITY OF PORT ST. LUCIE
E-MAIL, INTERNET
AND TELECOMMUNICATIONS POLICY

ACCESS AND PRIVACY:

Users should take note that the information generated on e-mail is a public record subject to public inspection and is not confidential, unless specifically cited by statute. Section 119.011(1), F.S., defines records as:

all documents, papers, letters, maps, books, tapes, photographs, films, sound recording, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.

“Means of transmission” is the key phrase in this definition that encompasses electronic mail as a public record. The Florida Supreme Court has provided further clarification of the definition of a public record. The definition of public record has been interpreted to encompass all materials made or received by an agency in connection with official business, which are used to perpetuate, communicate, or formalize knowledge. E-mail is primarily a communicative medium; thus, records created in an e-mail system are subject to public record provisions under the scope of the Supreme Court interpretation.

Throughout the Florida Statutes, there exist numerous specific exemptions to the access and inspection requirements of the public record law. For this reason, users will be responsible for assuring that any public records which are exempt from access or inspection by statute will be safeguarded in a manner consistent with the practices normally provided for public records in a paper format.

M.I.S. Department is responsible for establishing new web sites.

SYSTEM DESIGN ISSUES:

When addressing e-mail retention issues, keep in mind that information system managers routinely back-up servers, and the back-up media is recycled on a timetable. It is important not to rely on this back up exclusively for e-mail messages, or to store non-transitory e-mail messages on a local drive that is not routinely backed up. If non-transitory e-mail messages are to be filed electronically, information systems managers should be consulted and appropriate storage locations should be designated and users should be educated on classification and filing procedures so that the information will not be lost.

CITY OF PORT ST. LUCIE
E-MAIL, INTERNET
AND TELECOMMUNICATIONS POLICY

ROLE OF THE MANAGEMENT OF INFORMATION SERVICES DEPARTMENT (MIS):

The MIS should be viewed in the e-mail retention process as functioning similar to the U.S. Post Office. The MIS's responsibility is to provide the user with an address upon request, and to collect and deliver mail to anyone with a legitimate address. It is not the MIS's responsibility to hold or store mail for long term use; that is the responsibility of the sender or receiver of the mail, as deemed appropriate by the individual.

In the course of being able to provide consistent mail service (and protect from disk drive failure or power outages), disk back ups of the cc:mail post office and associated files are made periodically. That schedule is explained below. Because of these backups, messages are sometimes available for retrieval despite the user's intention to delete them or throw them away. It should be emphasized that the file back ups made by MIS are made solely for the purpose of being able to recreate the post office and files in case of hardware or software failure.

The backup schedule is as follows:

Monday through Thursday – the cc:mail files are backed up nightly. The messages on these files are available from the backup until the next week when they are overwritten.

Friday – the cc:mail files are backed up and sent off site. These files will be retained for five weeks until they are overwritten.

The effect on the e-mail users is:

1. Messages received after a nightly backup and deleted prior to the next nightly backup are gone. (This assumes that the individual cc:mail user parameters are NOT set to keep deleted documents in the "trash".)
2. Messages received that are not deleted until after a nightly backup on Monday through Thursday are available for retrieval until the same day of the next week. (Saved on Monday night's backup, available until Monday night backup of next week.)
3. Messages that are not deleted prior to Friday night backup are available for five weeks.
4. Messages that are not deleted are available indefinitely.

CITY OF PORT ST. LUCIE
E-MAIL, INTERNET
AND TELECOMMUNICATIONS POLICY

RECOMMENDATION:

The MIS recommends that each user “archive” their e-mail files (in-basket, folder, etc.). In order to allocate the user the responsibility of determining which messages are “public record” and therefore retained for various periods of time, the MIS recommends that the user copy his files to diskette. This allows the user to determine which files are retained for the appropriate period of time.

For the purpose of this policy, “archive” will refer to one of the following procedures.

1. Creating an archive file using the tools provided within the e-mail product in use by the agency, and moving or copying relevant messages to it. Such a file may be saved to the file server and/or to floppy disk. The e-mail program that created them may only open files of this type.
2. By saving a text file for each message to a directory (folder) on the file server and/or to floppy disk
3. By printing the message and filing it in a paper file.

The MIS Help Desk is familiar with each of these procedures and is available to instruct users in the specifics of each. It is recommended that any files copied to floppy disk be copied to two different disks.

The MIS backup files are intended to recover from disasters, not to provide “archive facilities” for e-mail other documents.