

ADMINISTRATIVE REGULATION

SUBJECT: Monitoring and Use of Electronic Media

ADOPTED: October 5, 1998 (Replaces AR adopted December 9, 1996)

PURPOSE

The purpose of this policy is to ensure the appropriate use of the City of Loveland's electronic media systems including, but not limited to, personal computers, electronic mail, Internet, voice mail, electronic facsimile (fax), bulletin boards and electronic subscription services.

POLICY

All employees shall utilize the City's electronic media systems for approved purposes only. The City intends to honor the policies set forth below, but reserves the right to change them as may be required by changed circumstances.

1. **Electronic media systems are City property.** The City maintains electronic media systems, and such systems are City property. Additionally, all messages or data composed, sent or received through the electronic media systems are and remain the property of the City. These messages and data are *not* the private property of any employee.
2. **Electronic media systems are to be used for City business.** The use of the City's electronic and voice mail systems is reserved for the conduct of City business. However, incidental and occasional personal use of the systems is permitted. The use of broadcast messages to all employees for personal use is prohibited. In addition, these systems may not be used to solicit for commercial ventures, religious or political causes, outside organizations or other non-job-related solicitations.
3. **City policies apply to electronic media systems.** All conduct prohibited by City policies is prohibited when the City's electronic media systems are used as a medium for such conduct. Prohibited conduct includes, but is not limited to, the creation of any offensive or disruptive message. Among those which are considered offensive are any messages which contain sexual implications, racial slurs, gender-specific comments, or any other comment that offensively addresses someone's age, sexual orientation, religious or political beliefs, national origin or disability.
4. **Proprietary information.** The City's electronic media systems shall not be used to send or receive copyrighted materials, trade secrets, proprietary financial information or similar materials without prior authorization.
5. **The confidentiality of any message should not be assumed.** Communications created, sent or retrieved using the City's electronic media systems *may be read or heard by individuals other than the intended recipient.* The City has the capability to retrieve computer information, including

messages employees send or receive and Internet sites accessed through the City's electronic media systems. Even when an electronic mail message is erased or deleted, it may still be possible to retrieve and read the message. Further, the use of passwords for security does not guarantee confidentiality.

6. **Electronic mail may be a public record.** Correspondence of an employee in the form of electronic mail may be a public record under the public records law and may be subject to inspection under section 24-72-203, C.R.S.

7. **Monitoring of electronic media systems.** The City reserves and intends to exercise the right to review, audit, intercept, access and disclose any message created, received or sent over the City's electronic media systems for any legitimate business purpose. The contents of such electronic media messages properly obtained for legitimate business purposes may be disclosed by the City without the permission of the employee. Such disclosure will be limited to those who have a legitimate need to know the information. Legitimate business purposes for monitoring include, but are not limited to, a need to determine whether City policy has been violated, to prevent or investigate unlawful actions, to respond to discovery requests during litigation or perform network/software maintenance. Disciplinary action, up to and including termination, may result from information obtained by monitoring or inspection of electronic media files in accordance with Administrative Regulation "Counseling and Discipline."

8. **Unauthorized access prohibited.** Notwithstanding the City's right to retrieve any electronic media message for legitimate business purposes, such messages should be treated as confidential by other employees and accessed only by the intended recipient. Employees are not authorized to retrieve any electronic media message that was not sent to them. Additionally, employees shall not use a code, access a file, or retrieve any stored information, unless authorized to do so.

PROCEDURE

Any employee who discovers a violation of this policy shall notify the Human Resources Director. Any employee who violates this policy or uses the City's electronic media system for improper purposes shall be subject to discipline, up to and including termination, in accordance with Administrative Regulation "Counseling and Discipline."

Use of the City's electronic media systems by City employees constitutes acknowledgment of this policy.

Brian Moeck, City Manager