ADMINISTRATIVE REGULATION (AR)

AR-00008 Monitoring & Use of Electronic and Technology Systems Effective: 12/5/2019

I. SCOPE:

This Administrative Regulation applies to all City of Loveland employees including: Regular, Temporary, and Volunteers.

II. 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, computers, e-mail, Internet, voice mail, electronic facsimile (fax), messaging and texting.

III. DEFINITIONS:

- Electronic and technology systems includes, but is not limited to, email, databases, spreadsheets, software, applications, and any other electronic system used by City employees to perform their job duties.

IV. POLICY:

All employees shall utilize the City's electronic media systems for approved purposes only. The City reserves the right to change policy as may be required by changed circumstances and/or the law.

1. **Electronic media and technology systems are City property.** The City maintains electronic media, technology and software systems, and such systems are City property. Additionally, all messages or data composed, images or recordings 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, software, applications, 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. Any use must not involve illegal or unethical activity (e.g. gambling, pirated software or games, or illegal hacking).

3. **City policies apply to employee conduct.** All conduct prohibited by City policies is prohibited when the City's electronic media and technology 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 inappropriate comment offensively addressing 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 authorization or license. Transmitting or sharing sensitive or proprietary information, including software applications or personal information, to unauthorized persons or organizations is prohibited.

5. **The confidentiality of any message or data 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.** Employee correspondence in the form of electronic mail, text, or instant message may be a public record under the Colorado public records law when it is sent to conduct City business and may be subject to inspection under section 24-72-203, C.R.S.

7. **Monitoring of electronic media systems and devices.** The City reserves and intends to exercise the right to review, audit, intercept, access and disclose any message or image created, received or sent over the City's electronic media systems and any City applications, software, or system technology for any legitimate business purpose. The contents of such electronic media messages obtained for legitimate business purposes, including but not limited to an open records request or a personnel investigation, 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, to respond to Open Records request, 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 AR-00012. The addition of any hardware that would allow additional access to the internet is prohibited, and any personal electronic devices, such as flash drives, are subject to inspection.

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.

Basis For Mandate:

- Protections for Consumer Data, C.R.S. § 24-73-101 *et seq.*
- Colorado Open Records Law, C.R.S. § 24-72-201 *et seq.*

V. PROCEDURE:

Any employee who discovers a violation of this policy shall notify the Human Resources. 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 AR-00012.

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

VI. OTHER RELATED REGULATIONS & PROCEDURES:

AR-00046 Email Use and Retention
AR-00045 Open Records

VII. CITY MANAGER SIGNATURE:

Stephen C. Adams

Stephen C. Adams, City Manager