

OTERO COUNTY
Electronic Mail (E-Mail) Policies
Approved:

Privacy, Confidentiality and Public Record Considerations

Otero County provides electronic mail resources to support its mission of public service. To that effect, Otero County will make reasonable efforts to maintain the integrity and effective operation of its electronic mail systems, but users are advised that these systems should in no way be regarded as a secure medium for the communication of sensitive or confidential information. The County cannot assure the privacy of an individual user's use of the County's electronic mail resources nor the confidentiality of particular messages that may be created, transmitted, or stored thereby.

In addition, Colorado law provides that communications of County personnel that are sent by electronic mail may constitute "correspondence" and, therefore, may be considered public records under Colorado's Public Records Act, C.R.S. 24-72-203.

Permissible Users

Only County staff and other persons who have received permission from the Board of County Commissioners (BOCC) are authorized users of the County's electronic mail systems and resources.

The use of County resources for electronic mail, etc., must be related to County business. Incidental and occasional personal use of electronic mail may occur when such use does not generate a direct cost for the County. Any such incidental and occasional use of County electronic mail resources for personal purposes while on "non-County time" are subject to the provisions of this policy, provided the appropriate Department Head authorizes it.

Prohibited Uses of Electronic Mail

Prohibited purposes include, but are not limited to:

- a. Personal use that creates a direct cost for the County.
- b. Use of the County's electronic mail resources for personal monetary gain or for commercial purposes that are not directly related to County business.
- c. Sending copies of documents in violation of copyright laws.
- d. Inclusion of the work of others into electronic mail communications in violation of copyright laws.

- e. Capture and “opening” of electronic mail except as required in order for authorized employees to diagnose and correct delivery problems.
- f. Use of electronic mail systems to harass or intimidate others or to interfere with the ability of others to conduct County business.
- g. Use of electronic mail systems for any purpose restricted or prohibited by laws or regulations.
- h. “Spoofing,” i.e., constructing an electronic mail communication so it appears to be from someone else.
- i. “Snooping,” i.e., obtaining access to the files or electronic mail of others for the purpose of satisfying idle curiosity, with no substantial County business purpose.
- j. Attempting unauthorized access to electronic mail or attempting to breach any security measures on any electronic mail system, or attempting to intercept any electronic mail transmissions without proper authorization.

County Access and Disclosure

1. General Provisions:

- a. The County reserves the right to access and disclose the contents of employees’ and other users’ electronic mail without the consent of the user. Electronic mail that is located on County equipment is considered to be the County’s, and there is no right of privacy.**
- b. Employees and other users are advised that the County’s electronic mail system should be treated like a shared filing system, i.e., with the expectation that communication sent or received on County business or with the use of County resources may be made available for review by any authorized County official for purposes related to County business.
- c. Any user of the County’s electronic mail resources who makes use of any encryption device to restrict or inhibit access to his or her electronic mail must provide access to such encrypted communications when requested to do so under appropriate County authority.

2. Monitoring of Communications

The County may monitor electronic mail as a routine matter to the extent permitted by law, as the County deems necessary for purposes of maintaining the integrity and effective operation of the County’s electronic mail system.

3. Inspection and Disclosure of Communications

The County reserves the right to inspect and disclose the contents of electronic mail:

- In the course of an investigation triggered by indications of misconduct or misuse,
- As needed to protect health and safety,
- As needed to locate substantive information required for County business that is not more readily available by some other means.

The County will inspect and disclose the contents of electronic mail when such action is necessary to respond to legal processes and to fulfill the County's obligations to third parties. The contents of electronic mail communications, properly obtained for County purposes, may be disclosed without permission of the user.

Disciplinary Action

Appropriate disciplinary action will be taken against individuals found to have engaged in prohibited use of the County's electronic mail resources.

Public Inspection, Retention and Archiving of Electronic Mail

1. *Public Inspection of Electronic Mail*

Communications of County employees in the form of electronic mail may constitute "correspondence" and therefore may be a public record subject to public inspection under C.R.S. 24-72-203 of the Colorado Public Records Act.

2. *Retention and Archiving of Electronic Mail*

Electronic mail messages produced or stored using County-owned equipment or software generally are excluded from the definition of "records" subject to the provisions of the State Archives And Public Records Act, C.R.S. 24-80-101, et seq.

Note, however, that if the recipient of electronic mail messages has previously segregated and stored such messages as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the County or because of the value of the official County data contained therein, then such messages must be retained, archived, and destroyed in compliance with the relevant portions of the State Archives and Public Records Act.

Note 1: An example of a use that does not create a direct cost is sending an e-mail message during an employee's lunch hour. An example of a use that does create a direct cost is printing an e-mail message without reimbursing the County.

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Internet Policies
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Computer Access

The Board of County Commissioners (BOCC) or personnel designated by the BOCC shall be authorized to:

1. Provide Internet service access; and
2. Provide directives concerning the use of Otero County computer equipment, programs and accounts, including access to the Internet by use of such equipment, programs, or accounts.

Internet Access Guidelines

Internet access may be permitted for current employees. The following conditions shall apply to employees having authorized Internet access:

- ♦ Employee Internet access shall be terminated upon leaving Otero County employment.
- ♦ Internet access shall not be available during system backups, maintenance, system off-line, etc.
- ♦ Internet access shall be terminated for those who abuse the privilege of using the Internet. Any form of harassment, acts of a malicious nature, harm to any computer systems or information, or other acts that indicate the user is not acting in good faith and demonstrating good citizenship shall be considered abuse and may also result in civil or criminal penalties.
- ♦ Employees may be allowed to access the Internet on "non-County time" provided the appropriate Department Head authorizes it. However, such use shall not be in violation of the policies indicated below in the section entitled "*Directives Concerning Use of Otero County Computer Equipment, Programs or Accounts.*"

Directives Concerning Use of Otero County Computer Equipment, Programs or Accounts (including Access to the Internet by use of Such Equipment, Programs or Accounts)

Internet access is available to Otero County employees. Internet access yields a vast, diverse and unique educational resource to employee. Along with the privilege extended to authorized Otero County employees to utilize County equipment, programs or

accounts to obtain and exchange information on the Internet comes the responsibility to use County equipment and resources reasonably, responsibly, and in a manner that is productive and promotes the mission of the County. Inappropriate use of County equipment, programs or accounts may result in termination of the privilege of using these items and, depending on the circumstances, *may result in disciplinary action, including termination. In addition, legal action (including criminal prosecution) may result from unlawful use of County computer systems.*

The following directives apply to any employee using a computer, computer equipment, or computer programs or accounts owned or maintained by Otero County, including use of such items or accounts to access the Internet. While using any such county owned or maintained computer equipment or resources, an employee shall not knowingly or intentionally:

- ◆ Transmit, publish, display, retrieve or store any information or material in violation of state or federal law. This includes, but is not limited to, actions that would be in violation of federal copyright laws.
- ◆ Transmit, publish, display or store any information or material that is obscene, profane, physically or sexually abusive, sexually explicit, or that displays males or females in a state of undress or engaging in conduct that would be considered inappropriate for general public viewing or general viewing in the workplace. If an employee believes that an exception to this restriction is appropriate given the employee's particular research or job task, the employee shall request and receive written approval, in advance, from the employee's immediate supervisor for a specific exception from the application of this directive.
- ◆ Transmit, publish, display, retrieve or store information or material that reasonably could be construed to create a hostile or offensive work or educational environment for members of a particular sex, religion, race or ethnic background.
- ◆ Engage in conduct reasonably likely to disrupt use of the Internet or use of other County computer equipment or resources by others. This includes conduct known by the employee to be contrary to accepted and reasonable rules of network etiquette when accessing the Internet. This includes the downloading of extraneous web addresses, miscellaneous data, etc., that might require additional hardware equipment or updates.
- ◆ Engage in conduct reasonably likely to compromise any system security device or security program.
- ◆ Engage in conduct reasonably likely to harm or destroy data or software maintained by another user without that user's express consent, or to harm or destroy computer equipment.

A few other points merit mention. First, electronic mail (e-mail) or other information that is transmitted, received or stored using County computer equipment or resources is not confidential or private as compared to other modes of communication. Persons operating and maintaining Otero County's computer system have access to information transmitted, received or stored on the system. See "*Electronic Mail (E-Mail) Policies.*" In addition, it should be noted that the above directives apply to employees who use his or her own computer equipment if County programs or accounts are used to access the Internet. The directives also apply even if the Internet is not involved. For example, sexually inappropriate or other "screen savers" which might create an offensive workplace for others are prohibited on County equipment by the above directives.

Finally, it is County's intention that the above restrictions be applied consistently but reasonably. If an employee has any question about whether a certain activity is or is not prohibited by the above directives, or if the employee believes that an exception to any of the above restrictions is warranted, that employee should seek advice concerning the issue, or request an exception for application of a specific directive from the BOCC.

Reservation of Rights

The County reserves the right:

- ◆ To randomly audit Internet use and specifically monitor individuals suspected of misusing the County's computer equipment, networks, or Internet access.
- ◆ To access and review information that is downloaded from the Internet on computers or systems used for Otero County purposes. Information on Otero County computer equipment is the property of Otero County, and employees have no right of privacy as concerns the same.