

POLICY FOR THE USE OF COMPUTERS, INTERNET, AND EMAIL

PURPOSE AND APPLICABILITY

The purpose of these procedures, standards, and guidelines is to establish a policy for the use of computers, including laptops and related equipment, internet, and email by City of Franklin employees on City-provided computers, accounts, and through City of Franklin's internet and email servers, whether accessed directly or remotely.

Computers and related items furnished by the City are City property and intended for use by employees for City business. These items include, but are not limited to, hardware, software (including email and internet software), computer files and documents.

The following procedures apply to all employees ("users"), including probationary, full-time, temporary and part-time employees, as well as interns and contractor personnel and to all equipment, electronic media and services that are:

- Accessed on or from City premises;
- Accessed using City-owned or leased computer equipment or via remote access methods; or
- Used in a manner that identifies the individuals with the City

This policy is intended to be illustrative of the range of acceptable and unacceptable uses of the City's computers, equipment, electronic media, software, and internet and email facilities and is not necessarily exhaustive. Questions about specific activities not enumerated in this policy should be directed to the user's supervisor.

WAIVER OF PRIVACY

Users of the City of Franklin system have no expectation of privacy while using City-owned or City-leased equipment. Users understand that any connection to the internet offers an opportunity for non-authorized users to view or access City information. Therefore, it is important that all connections be secure, controlled, and monitored. Electronic mail, whether sent via the internet or internally, **may be a public record subject to public disclosure** under the Tennessee Public Records Law and may be inspected by the public (T.C.A. § 10-7-512), or possibly subject to disclosure in litigation.

Internet browsing, establishing links, and file accessing are not private activities. Information passing through or stored on City equipment, including but not limited to computer data, a history of websites visited, and emails obtained or deleted (even if password protected or encrypted), can and will be monitored and recorded using internet filtering software or other technology as the City deems appropriate. Use of passwords or encryption does not confer a special status on the internet-generated files with respect to applicability of laws, policies, and practices. Users should also understand that the City maintains the right to monitor and review-without notice or a user's permission-computer use, internet use and email communications 24 hours a day, whether sent or received by users.

PROHIBITED USES

Users shall not use the City of Franklin's computer equipment, internet or email for unacceptable purposes or in an unacceptable manner as described below:

- **Excessive Personal Use:** Use that interferes with City operations, compromises

functioning of the City's network, or interferes with the user's employment or other obligations to the City of Franklin is unacceptable. Examples: accessing sports, entertainment, and job information and/or sites, or partaking in activity on behalf of organizations or individuals having no affiliation with the City for a personal gain.

- **Illegal activities:** Examples include but are not limited to: violating federal and state laws dealing with copyrighted materials (including articles and software) or materials protected by a trade secret; transmission of offensive statements that might incite violence or describe or promote the use of weapons or devices associated with terrorist activities.
- **Permitting unauthorized access by another.** Includes giving a password or access code to a non-employee, leaving equipment vulnerable to unauthorized use, etc.
- **Privacy Rights:** Violating or infringing on the rights of any other person, including the right to privacy, (i.e., Social Security numbers), and to confidential health information under HIPAA.
- **Work Interference:** Sending of messages likely to result in the loss of recipients' work or systems, and any other types of use that could cause congestion of the network or otherwise interfere with the work of others, including annoyance or harassment. Modifying files or data belonging to other users without proper authorization to do so.
- **Sexually explicit materials:** Generating, soliciting, viewing, storing, transmitting or other use of data or other matter which depicts or describes nudity, including sexual activities or organs, in a manner which is lewd and intended to elicit a sexual response, except for an official law enforcement investigation.
- **Obscene/Profane/Discriminatory materials:** Generating, soliciting, viewing, storing, transmitting or other use of data or other matter which is abusive, profane, vulgar, contains offensive content of any kind, or otherwise offensive to a reasonable person except for an official law enforcement investigation. This includes, but is not limited to, any material containing ethnic slurs, racial comments, off-color jokes, or material that may be construed as harassment or the showing of disrespect for others, or that which may create a hostile or unsafe work environment.
- **Paid subscription:** No user shall have authority to subscribe to any service for which a fee is charged unless approved by the Director or City Administrator.
- **Promoting messages of a religious, political, or racial nature.**
- **Unauthorized Web Page, Blog or Other Unofficial Postings:** Blogging and other posting for personal or department purposes is not permitted on a City account or on or through City equipment, unless reviewed and approved by the City Administrator.
- **Breaching Security/Tampering with Records.** Attempting to test, circumvent or defeat security or auditing systems or tampering with programs, records or other another's saved data without prior authorization.

USE OF EMAIL

In addition to the prohibitions outlined in Prohibited Uses above, unacceptable uses for the use of email include, but are not limited to, the following:

- Personal use of email that violates this policy or the HR Manual;
- Commercial use, candidate or political fund-raising, and use by individuals or organizations not authorized to use City facilities. Authorization for other external uses of email, such as professional organizations, requires written approval of the City Administrator and will be granted only when that use is determined to further the City's mission;
- Intercepting, eavesdropping, recording, or altering another person's email

message(s), except for system administrators or other individuals as approved by the City Administrator for purposes described below;

- Forwarding a message sent to you without the recipient's permission, including chain letters, junk mail or advertisements;
- Spamming email accounts from the City's email services;
- Adopting the identity of another person on any email message, attempting to send electronic mail anonymously, or using another person's password;
- Consuming the City's system resources or storage capacity on an on-going basis;
- Composing, forwarding, or displaying to others email that contains racial, religious, or sexual slurs or jokes, sexually explicit content, or harassing, intimidating, abusive, or offensive material to or about others; or
- Sending or receiving any software in violation of local, state, or federal laws.

SECURITY

Email security is a joint responsibility of the City's technical support staff and the email user. Users must take all reasonable precautions, including safeguarding and changing passwords, to prevent the use of unauthorized access to their email. Overriding or otherwise tampering with security systems shall be considered a serious breach of this Policy.

PRIVACY AND ACCESS

Email messages are **not** personal or private. Email messages originating from or received into the City's email system are the property of the City of Franklin.

The IT Security Officer, City Attorney, or others as designated with prior approval of the City Administrator may access an employee's email, as follows:

- for a legitimate business purpose (e.g., the need to access information when an employee is absent for an extended period of time);
- to diagnose and resolve technical problems involving system hardware, software, or communications;
- to review any message relevant to a lawsuit or other legal action involving the City;
- to investigate possible misuse of email when a reasonable suspicion of abuse exists or in conjunction with an approved investigation;
- to randomly check emails.

PUBLIC ACCESS TO EMAIL RECORDS

The City Administrator, or his designated appointee, shall accommodate members of the public who request access to email records, subject to the City's records production regulations.

Email that is created by any City staff is a public record. These records are subject to **Tennessee Public Records Law, TCA Code 10-7-503**, et seq., and the rules of the Public Records Commission.

USER RESPONSIBILITIES

The City of Franklin's users are responsible for:

- Reading, understanding, and complying with this Policy;
- Honoring acceptable-use policies of networks accessed the City's internet and email services;
- Abiding by existing federal, state, and local telecommunications and networking laws and regulations;
- Following copyright laws regarding protected commercial software or intellectual

- property;
- Minimizing unnecessary network traffic that may interfere with the ability of others to make effective use of the City's network resources;
- Not overloading networks with excessive data;
- Immediately notifying IT whenever it appears the security of the user's system or the city's network is in danger of compromise or is compromised by an event (i.e., hacker, virus, etc.);
- Considering organizational access before sending, filing, or destroying email messages;
- Protecting passwords;
- Removing personal messages, transient records, and reference copies in a timely manner;
- Complying with the City's policies, procedures and standards; and
- Following the Records Retention Policy.

PERSONAL USE

The prohibitions in this policy shall not be construed to prohibit *infrequent and brief* use of the system for incidental personal matters by an employee during a meal or other personal break time. This is similar to an employee's limited ability to make a personal telephone call on personal time.

VIOLATIONS

The City will review alleged violations of this policy on a case-by-case basis. Clear and willful violations or abuse of acceptable usage will be subject to appropriate disciplinary actions, depending upon the severity of the transgression and policy abuse, up to and including termination. Criminal or civil action may be initiated in appropriate instances.

User's access to internet and email may be suspended, with or without notice, when deemed necessary for the operation or integrity of the City's communications infrastructure, connected networks, or data.

REVISIONS

The City of Franklin, TN retains the right to edit and/or make changes to this policy as deemed necessary.

WAIVER OF PRIVILEGE NOT INTENDED.

Nothing contained within this policy is intended to waive any privileges provided by law.

NOTE: This policy supersedes the any other policy statement adopted by The Board of Mayor and Aldermen.

CITY OF FRANKLIN, TENNESSEE
Acknowledgment of Terms and Conditions for
Computer, Electronic Equipment, Internet, and Email Usage

I hereby acknowledge that I have received and read a copy of "Policy for the Use of Computers, Internet and Email" ("Policy") and agree to the terms and conditions stated therein. Specifically, but not exclusively, I understand the following:

1. I understand all the provisions specified in the policy. I understand that all computers, electronic equipment, access to the internet and email systems are the property of the City, as is the information received from, transmitted by, or stored in these systems.
2. I understand that, except with respect to certain content deemed confidential by state and federal law, I have no expectation of privacy in connection with any email messages, the use of City equipment, or the transmission, receipt, or storage of information in this equipment. I understand that my correspondence in the form of electronic mail may be a public record under the public records law and may be subject to public inspection.
3. I acknowledge and consent to the City's monitoring my use of city equipment, computer(s), the internet and email at any time the City deems it necessary in accordance with its policy. Monitoring may include saving, reading and printing out all electronic mail entered, stored in, deleted or disseminated by the City of Franklin's system and equipment, including but not limited to retention of a history of websites visited and information obtained or sent.
4. I agree not to use any unauthorized code, access a file, or retrieve any stored information unless authorized to do so. I understand that this content is a condition of my employment and/or continued association with the City;
5. I recognize that a violation of this policy may result in disciplinary action, including possible termination.
6. I fully assume all legal liability for claims against the City of Franklin, Tennessee, relating my actions or inactions arising out of or relating to my use of computer, electronic equipment, internet and email usage in violation of this Policy.

EMPLOYEE—PRINT NAME

EMPLOYEE SIGNATURE

SUPERVISOR

DATE

This document will be retained in the employee's personnel file.