

ADMINISTRATIVE ORDER NO. 47

Pursuant to Administrative Order and the authority granted to me by Article 2-300, BMCC, I hereby establish the following policy regarding the Acceptable Use of Equipment, Systems and Tools Used for Electronic Communication:

**ACCEPTABLE USE OF EQUIPMENT, SYSTEMS AND TOOLS
USED FOR ELECTRONIC COMMUNICATION**

1. SCOPE OF POLICY:

This policy applies to all equipment, systems and tools used for electronic communication, local area networks, computer networks, the Internet and e-mail, whether on microcomputers, minicomputers, lap-top computers, personal computers or main-frame computers in network configurations. All City employees and volunteers who have been authorized to use the equipment, systems or tools for electronic communication are subject to this policy. This administrative order does not apply to elected officials.

Purpose: To govern the acceptable use of the City's electronic communication equipment, systems and tools which are provided by the City of Billings to its authorized employees and authorized volunteers for the purpose of performing job functions including communication, information exchange, and research.

Privilege: Use of the City's electronic communication equipment, systems and/or tools is a privilege. Misuse, abuse or unauthorized use in violation of this policy may result in the loss of access for the user and are grounds for disciplinary action up to and including termination.

Authorized Users: Authorized users of the City's electronic communication equipment, systems and tools are employees or volunteers authorized by the City Administrator or his designee to receive an account on the e-mail and/or Internet systems.

Prohibited Uses: Prohibited uses of the City's electronic communication equipment, systems and tools and the information sent, exchanged, accessed or stored, include but are not limited to the following:

1. Illegal activities. Use must be in compliance with all applicable federal, state and local laws.
2. Threats or harassment including sexual harassment.
3. Slander or defamation.

4. Obscene, profane, vulgar or offensive language, suggestive messages or offensive graphical images.
5. Political endorsements and lobbying.
6. Commercial activities or any private business purpose. During non-work hours you may use the electronic equipment, systems and tools for which you have been authorized, if available, for incidental and occasional personal use if it does not generate any additional direct costs for the City.
7. Any use in violation of the Code of Ethics applicable to City/local government and public employees.
8. Religious activities.
9. Using any unauthorized software.
10. Purposely accessing or sending messages that are racist, discriminatory, inflammatory or demeaning to others, or that encourage illegal or prohibited activities. All policies of the City against discrimination and harassment apply in full to use of the City's electronic communications equipment, systems and tools.
11. Sending or receiving copyrighted materials without the permission of the copyright holder.
12. Using any means to defeat security systems on any computer network or knowingly transmitting viruses.
13. Unauthorized changing of files that belong to another.
14. Failing to identify yourself clearly and accurately in all electronic communication.

2. E-MAIL:

E-mail (electronic mail) is an alternative electronic communications medium provided by the City of Billings to authorized City employees and volunteers for the purpose of efficiently conducting City business. Communication by e-mail is encouraged when it results in the most efficient and/or effective means of communication.

Acceptable Use: Authorized e-mail users are responsible for the content and dissemination of their messages. This responsibility includes ensuring that their messages:

- are accurate.
- are courteous (once sent, a message cannot be retracted).

- are sent to selected staff with a need to know.
- have been authorized at an appropriate level.
- are protected from inadvertent loss or destruction by complying with backup requirements and procedures.
- are appropriate to be sent through e-mail. You have no expectation of privacy when using e-mail systems owned by the City of Billings. E-mail messages may be released to the public under the public records laws.
- protect others' right to privacy or confidentiality, including but not limited to personnel information and records. No e-mail communication shall contain confidential information.
- reflect the City's official position or include the following disclaimer: "The opinions expressed here are my own and do not necessarily represent those of the City of Billings."
- are subject to discovery proceedings in legal actions.

Govern your use of e-mail accordingly. Before selecting e-mail as your means for communication or document transmission, first consider the need for immediacy, formality, accountability, access, security, and permanence. E-mail is more permanent than a telephone conversation, but it is less secure than paper mail because it is easy to duplicate and distribute.

Security: The City of Billings owns the contents of all files stored on its systems, all messages transmitted over its systems, and reserves the right to access them. E-mail may be accessed and monitored in the normal course of business by system administrators, supervisors and support staff.

You may not copy passwords belonging to others. You may not distribute or make your password or another person's password or access code available to others nor may you attempt or assist others in attempting to discover another's password or evade other security provisions.

You may not change, alter, copy or transfer files belonging to others without authorization.

If you receive a message that is objectionable or is in violation of this policy, print or save the message and immediately inform your supervisor of it.

Public Records: Electronic mail is often considered to be a public record and may be subject to public disclosure in accordance with applicable law. Although not yet decided by the Montana Supreme Court, other courts have held that e-mail messages can constitute official records and that they must be identified, accessible and retained just like records in other formats. Their public accessibility is comparable to that of other written communications.

E-mail messages that are created or received in the transaction of public business and retained as evidence of official policies, actions, decisions or transactions are public records. Examples of messages that typically constitute public records include but are not limited to policies and directives, correspondence or memoranda related to official business, agendas and minutes of meetings, any documents that initiate, authorize or complete a business transaction, final reports or recommendations, etc.

Certain e-mail messages may not constitute public records, such as phone message slips, duplicates of documents distributed for convenience, and more personal messages not constituting official City business, i.e., words of encouragement, greetings, notices of retirement parties or holiday celebrations, etc.

Retention: All e-mail messages are considered to be temporary, and the system is not to be used as a record storage device. This is not intended to prohibit the creation from time to time of reference files for user convenience, which may remain on the system for extended periods of time.

Transitory messages which typically do not constitute public records should be removed by you on a weekly basis.

All authorized users must retain and regularly transfer public records to an organized, secure, and accessible filing system. Unintentional failure to do so because of the user's failure to enter the proper save and transfer commands will not be considered a violation of this policy unless there are repeated violations.

Each department head will choose one of the following filing systems for use in his/her department.

(1) Existing Manual System. One option for storing e-mail records is to print them on paper and file them in your existing manual filing system. You may print a hard copy of the document and file it appropriately within your own manual filing system.

(2) An Authorized Electronic Filing System or Repository. This second option allows e-mail messages and other electronic records to be stored, accessed more easily, and managed. All electronic filing systems or repositories must be designed and maintained with the approval of the Director of Information Resources and must be noted on the appropriate retention schedules before being used.

The length of time for retention of saved e-mail messages is governed by the City's records retention schedules for similar paper records.

3. INTERNET:

The Internet is a computer network that links computers and databases of information from around the world. Internet access is provided to authorized City employees and volunteers. There is a wide variety of information on the Internet, some of which may be offensive or otherwise objectionable to some users. The City has no control over and is not responsible for the content of information available on the Internet.

Acceptable Use: A user must comply with the following guidelines when using City-authorized Internet access:

Compliance with Applicable Laws Required. Use of computer and network resources and the Internet access in violation of international, federal, state or local laws or regulations and licensing agreements, including but not limited to the illegal copying of software, is prohibited.

Threatening, Harassing or Obscene Data Prohibited. It is not acceptable to use the Internet access to transmit threatening, obscene, or harassing materials, or to interfere with or disrupt network users, services or equipment. Disruptions include, but are not limited to: propagation of computer worms and viruses, and using the network to make unauthorized entry to any other machine accessible via the network.

On-line Conduct. You may not post on or transmit through any on-line network any unlawful, harmful, threatening, abusive, harassing, defamatory, sexually explicit, vulgar, obscene, profane, hateful, racially or ethnically demeaning or threatening or otherwise objectionable language, images or material of any kind, including without limitation, any language, images or material which encourage conduct that would constitute a criminal offense, give rise to civil liability or otherwise violate any applicable law or city policies.

Private Information/Resources. It is assumed that information and resources accessible via the Internet are private to the individuals and organizations which own or hold rights to those resources and information, unless specifically stated otherwise by the owners or holders of rights. It is therefore not acceptable for an individual to use the Internet to access information or resources unless permission to do so has been granted by the owners or holders of rights to those resources or information.

Inappropriate Use. Use of the Internet access and any attached network in a manner that precludes or significantly hampers its use by others is not allowed.

-You may not send abusive or unwanted material causing the work of others to be disrupted.

-You may not communicate under a false name or designation or a name or designation you are not authorized to use.

Downloading Software. You may download with the authorization of your supervisor, taking reasonable precautions for the prevention of viruses.

Do Not Introduce or Attempt to Eradicate Computer Viruses. You may not introduce "rogue programs" (e.g., software introduced into computer and network systems for fraudulent or malicious purposes such as viruses, worms, trojan horses and logic bombs) to the Internet Stations' hard drives. If you suspect the presence of a virus, immediately contact the Information Resources Department for assistance.

Misuse. Any misuse which compromises system security is prohibited.

Compliance with Other Policies. You must abide by the acceptable use policies of other networks.

Security: The City's Internet hosts are traceable to the City. Users using City-provided Internet accounts should not assume they are provided any degree of anonymity. Outside users who want to identify machines associated with the City can do so easily.

Your use of the Internet may be monitored by the City.

You may not copy passwords belonging to others. You may not distribute or make your password or another person's password or access code available to others nor may you attempt or assist others in attempting to discover another's password or evade other security provisions. You may not disclose or make available your password to any third parties without the prior written consent of your supervisor.

You may not change, alter, copy or transfer files belonging to others without authorization.

4. RESPONDING TO A PUBLIC RECORDS REQUEST

Public records requests may be made in writing or orally. All public records requests should be referred to your department head or his/her designee to be handled in accordance with the City's Public Records Request Policy.

DATED this 15 day of May, 1997.

Mark S Watson
MARK S. WATSON, CITY ADMINISTRATOR