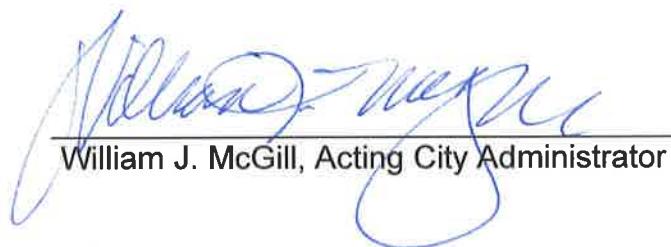

ADMINISTRATIVE ORDER NO. NO. 58

Pursuant to Administrative Order, the following policy is hereby established as the City of Billings E-Mail Policy and Acceptable Use Guidelines.

This Administrative Order is intended to recognize E-Mail as a business tool provided and utilized by the City of Billings to enhance productivity and cost savings in the operations of the City. The primary purpose of the policy is to promote the efficient, fair and responsible use of this important technological tool in conducting City business.

Dated this 28th day of June, 1999.



William J. McGill, Acting City Administrator

CITY OF BILLINGS E-MAIL POLICY AND ACCEPTABLE USE GUIDELINES

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Introduction:

Electronic mail or "e-mail" as a business tool utilized by the City of Billings, offers tremendous opportunities for enhanced productivity and cost savings in the operations of the City. However, it also provides the potential for misuse and abuse. Productive use of e-mail, like any other form of communication, requires understanding of common principles of style and etiquette, fair and responsible use, and consideration of the rights and needs of others.

Appropriate use of the City's e-mail systems should be the concern of every employee. It is the responsibility of any City employee, elected official or volunteer utilizing the City's e-mail system to read and familiarize themselves with the City's policy on e-mail and to abide by the policy.

The City intends to honor this policy, but must reserve the right to change it at any time, with notice, as may be required under the circumstances.

Purpose:

This document is designed to:

1. Educate all employees, elected officials and volunteers of the City of Billings regarding the issues and practices of effective e-mail use, and
2. Define the City's policy on the use and retention of e-mail

3. Help authorized users use e-mail properly, consistently and effectively
4. Reduce risk of loss, corruption, mismanagement and unauthorized access to e-mail messages
5. Increase the quality of the value of the City's e-mail records

Scope:

This policy covers the use of the City's e-mail system by all City employees, elected officials and volunteers.

Definitions:

Chain e-mail: an electronic message sent to a number of people asking each recipient to send copies with the same request to a specified number of others.

E-mail: (electronic mail); an electronic communications tool provided by the City of Billings to its employees, elected officials and volunteers to aid with the efficient conduct of City business. It is the electronic transfer of information between users or to recipients outside of the City utilizing telecommunications links. Documents created or received via e-mail may include brief notes, formal correspondence, or substantive documents, and any attached computer files sent with a message.

E-mail system(s): all hardware, software and tools owned by the City of Billings and made available for official use by the City's employees, elected officials and volunteers for the purpose of performing job functions including communication, information exchange and research.

Mass e-mail: e-mail sent to a large number of recipients without any legitimate business purpose.

Official City business: includes any activities of employees, elected officials, or volunteers of the City of Billings, performed in accordance with the mission of the City. This includes any activity involving the expenditure of public funds, decision-making and policy development.

Personal records: records of individuals – including e-mail, which do not fall under official City business.

Public records: as defined by 2-6-202 M.C.A., includes any paper, correspondence, form, book, photograph, microfilm magnetic tape, computer storage media, map, drawing, or other document, including all copies thereof, regardless of physical form or characteristics, that has been made or received by a state agency in connection with the transaction of official business and preserved for informational value or as evidence of a transaction and all other records or documents required by law to be filed with or kept by any agency of the state of Montana. (This also applies to any "political subdivisions" of the state of Montana – i.e. the City of Billings).

Transitory records: records that do not set policy, establish guidelines or procedures, certify a transaction, become a receipt, or support business purposes. Such records are created to communicate information rather than perpetuate knowledge and are short-lived or have no administrative value.

Users: employees, elected officials and volunteers authorized by the City to use the e-mail system owned and maintained by the City.

Acceptable Use:

The City's e-mail system may be used by City employees, elected officials and volunteers to promote the efficient conduct of City business. No other persons may use the City's e-mail system.

Occasional, limited and appropriate personal use of the e-mail system is permitted. Appropriate personal use does not (1) impede or interfere with the conduct of City business; (2) interfere with the user's work performance or the work performance of any other user, (3) include use of a commercial nature or for a commercial purposes on behalf of the user, (4) result in personal financial gain for the user; (5) become excessive in nature, or (6) conflict with the acceptable use guidelines below.

The City's e-mail system exists primarily to accomplish the work of the City; therefore personal use should be done in a prudent and responsible manner. Such use should not (1) directly or indirectly interfere with the City's operation of computer facilities or e-mail services; (2) burden the City with noticeable incremental costs, or (3) interfere with the e-mail user's employment or other obligations to the City.

However, because of the difficulty of determining whether an e-mail message pertains to City business or is a personal record, e-mail users are reminded that an e-mail message is the property of the City if it resides on the City's e-mail system or on the City's equipment and may be a public record, subject to disclosure.

The City reserves the right to deny an employee's use of the e-mail system without further explanation. Messages received or created using e-mail, belong to the City of Billings. E-mail messages are not the personal property of City users, and users may not claim privacy protection of their communications, including those of a personal nature.

E-mail records of substantive informational or evidential value are public records and must be managed in accordance with the Public Records Act of Montana and all other state and City laws and requirements governing public records.

Users of the City of Billings' e-mail system must comply with the Acceptable Use Guidelines outlined in this policy.

Upon completion of employment, the departing e-mail user's Department Manager may request a review of the contents of the user's mailbox to ensure the continuance of City business. At the exit of a City employee, a memo to remove the employee from the e-mail system will be signed by the employee's Department Manager and submitted to the City's e-mail administrator.

All new users of the e-mail system will be given a copy of this policy prior to setup of their mailbox and are required to sign an acknowledgement form upon receipt of the policy. Each existing user of the City e-mail system will be given a copy of this policy upon approval of the policy and will be required to sign an acknowledgement form confirming receipt of the updated policy. The policy will also be distributed as part of the *Employee Handbook* to new employees and posted on the *CityNet* general posting site on the City's internal network. Any changes and subsequent reminders on this policy will be periodically transmitted via the system to all City e-mail system users.

Acceptable Use Guidelines:

Public Record

E-mail may be a public record if it meets the definition of Title 2, Chapter 6: Public Records of the Montana Code Annotated (MCA 2-6-202). As a public record, e-mail must be identified, managed, retained, and made publicly accessible like public records in other physical formats.

E-mail messages are considered to be official records and open to the public if they are created or received in the transaction of public business and retained as evidence of public policies, activities, decisions, or transactions. Examples of e-mail records that constitute public records include, but are not limited to, policies and directives, correspondence or memoranda related to official business, agendas and minutes of meetings, and any messages and file attachments documenting the initiation, authorization, or completion of a business transaction.

E-mail is not considered to be an official record if it consists of a personal message or a transitory transmittal relating only marginally to the transaction of City business. Examples of "unofficial" records include acknowledgments of receipts, notices of retirement parties and other office events, and information copies of e-mail transmittals. It should be noted that while these records are unofficial in nature, they might still be subject to public disclosure in some circumstances.

Monitoring E-mail Use

The City of Billings reserves the right to monitor employee use of e-mail by systems administrators or departmental supervisors. Employees are reminded that e-mail use is provided primarily for business purposes and not for personal purposes and that

employees cannot expect protection of their personal or business related e-mail correspondence under privacy laws and regulations.

The City will not monitor e-mail messages as a routine matter. However, the City will respond to legal process and fulfill its obligations to third parties. The City will inspect the contents of e-mail messages in the course of an investigation triggered by indications of impropriety or as necessary to locate substantive information that is not more readily available by other means.

Security

Individual users are responsible for protecting their e-mail system and the messages contained therein from unauthorized users. This includes proper use of passwords to prevent unauthorized access. Users should change their passwords frequently and not share them with others.

Computers should not be left unattended in a state, which allows inappropriate access to e-mail records or compromises security of the City's e-mail system.

E-mail users must make sure of the appropriate content of messages to specific recipients and must at all times be aware of e-mail's capabilities for altering and forwarding messages. Careful use of share folders will also ensure that e-mail messages are read only by the intended audience.

City users must be careful of e-mails that may contain viruses. As a rule of thumb, do not open e-mail attachments that have been sent unsolicited and/or by an unknown sender. DO NOT OPEN any macros contained in e-mail attachments.

Public Access

Access to public records created or received using e-mail is subject to the public records regulations of the State of Montana Public Records (MCA 2-6-110). Access may be obtained through the City of Billings' procedures for requesting official records. (See Administrative Order #51)

Content

- Before selecting e-mail as a means for communication or document transmission, users should consider the need for immediacy, formality, accountability, access, security and permanence. E-mail differs from other forms of communication. It is immediate and informal like a telephone conversation, yet more permanent than a telephone conversation. It is irrevocable like a hard copy document, yet easy to duplicate, alter and distribute.
- City users must use careful deliberation in choosing the content and recipient(s) of an e-mail message, especially if that e-mail contains material of a sensitive nature.

Use of e-mail is not appropriate for highly confidential information. A good rule of thumb regarding the content of e-mail messages is "not to put anything in an e-mail message that you would not want posted on a bulletin board." E-mail should be accurate, courteous and sent only to select recipients with a need to know. When an e-mail message leaves the sender, they relinquish control over it and the recipient is able to do with it what they wish.

City employees must be cognizant of the false sense of privacy and confidentiality suggested by e-mail technology. In fact, more than other communications media, e-mail facilitates the forwarding, copying, and manipulation of messages beyond the creator's control. Messages could also be delivered to the wrong address. Proper discretion in selecting e-mail content and recipient(s) is therefore advised.

- E-mail messages originating from City offices must use a professional tone and adhere to an appropriate format, which includes proper grammar, appropriate subject line, and identification of recipient(s). E-mail is closer in nature to a letter, lacking both visual and auditory content of face-to-face communication. Great care should be taken to "craft" the tone of the e-mail message and to provide the recipient with the information needed to appropriately interpret the emotional nature of the contents.
- "Material that is fraudulent, harassing, embarrassing, sexually explicit, profane, obscene, intimidating, defamatory, or otherwise unlawful and inappropriate may not be sent by e-mail, or displayed or stored on City computers." (Michael Overly *E-Policy*, AMACOM, American Management Association, 1999, p. 52). Users encountering or receiving this kind of material should immediately report the incident to their supervisors.
- When using e-mail, City users must be careful to avoid copyright violations. Infringement on copyright may occur, for instance, by copying the text of an article in the message (without authorization), or sending an attachment that has been downloaded from the Internet. E-mail itself is subject to copyright and copying or forwarding a message may constitute copyright infringement.
- Creating e-mail so it appears to be from someone else is strictly prohibited.
- Obtaining access to the files or communications of others is prohibited, unless expressly authorized to do so. An exception is the system administrator (i.e. postmaster) who may need to re-route or dispose of undeliverable messages. Attempting unauthorized access to any portion of the e-mail service or attempting to intercept any electronic communication without proper authorization is prohibited.
- E-mail may not be used to represent, give opinions or otherwise make statements on behalf of the City, unless the sender is authorized by the City to do so.

- E-mail may not be used to transmit unsolicited material such as repetitive mass mailings or chain messages.
- E-mail should not be used "in lieu" of contracts or formal agreements because of the ease of alterations or misrepresentation.
- Use short paragraphs in the body of the message, so it is easier to read. If the message is over a page in length, send it as an attachment. Keep messages focused on one subject – as referenced in the subject line.
- Include your name and email address as part of your message. You may also include your position, mailing address, phone, and facsimile number.

NOTE: Additional *General E-Mail Etiquette Guidelines* are attached at the end of this policy as Exhibit "A".

Subscription to ListSrvs

Subscription to lists using the City's e-mail system is acceptable, when the subject of the list pertains to official City business. However, if a user subscribes, the user must also make sure they know how to unsubscribe from the list and to do so when there is no longer a business use for the information from the list. Users are cautioned that subscribing to lists that may have hundreds of users may have the potential to adversely impact the City's e-mail system. If this becomes the case, the user must unsubscribe immediately.

Storage and Maintenance of E-Mail Records

1. Components constituting an e-mail record include message content, as well as transmittal data, sender and addressee information, and any electronic file attachments to the e-mail message. When maintaining e-mail records, City users must manage these components using the most effective method given the technological capabilities available.
2. E-mail messages must be maintained in a manner that allows their use by other authorized users who have a business need for access to the e-mail's information. Sharing e-mail with other authorized users may take place through depositing the records in the appropriate share folders for forwarding a record.
3. E-mail records must be maintained in an appropriate filing system to ensure proper management, and quick and reliable access to the information maintained in them. The basic options for maintaining e-mail records are (1) a manual filing system and (2) an electronic filing system.
4. To manage e-mail records manually, print out the messages and file the hard copies in the appropriate folders of the hard copy filing system. This method is easy to

implement and especially effective if a well designed filing system already exists. However, this solution can be space intensive and also requires users time for filing the printout.

5. If e-mail records are retained in an electronic filing system, the filing system must, at a minimum, have the following attributes:

- allow for grouping of related records (e.g. through the creation of "folders") to ensure their proper context
- allow access to the records by all authorized users to ensure maximum usefulness to the City of Billings
- facilitate purging of e-mail messages that have outlived their retention period.

6. Like all other electronic records, e-mail messages maintained in an electronic filing system must be backed up daily to ensure against accidental loss of the information. City users are to select the back-up medium most suitable to their hardware environment. Practices may include backing up to the mainframe, to a network or a server, to PC hard drives or onto removable media such as floppy disks or CD-ROMS.

Presently, the City's e-mail system stores all e-mail messages on the IT-server in the Information Technology Division. The system is backed up daily to magnetic tape. Tapes are retained for thirty (30) days, then recycled and taped over. Messages remain on the server until deleted by the user. Users are ultimately responsible for their individual e-mail. The e-mail system does however allow a user to archive their messages onto a PC hard drive.

Retention

Proper retention and deletion of e-mail records is mandated by MCA 2-6-212, which also governs the proper disposition of official records in all other formats. Retaining e-mail records according to established retention guidelines (1) preserves computing resources; (2) saves resources required to manage e-mail records and to maintain them in a readable and accessible manner; (3) facilitates access to relevant information; and (4) reduces exposure in litigation to potentially harmful information, while maintaining due diligence.

1. E-mail records are maintained on the IT server or any other servers selected by the user, until deleted by the e-mail user.

2. Transitory e-mail records that have been saved to a hard drive or network directory should be purged weekly and deleted when they are superseded or obsolete. Remember, these records are subject to public records requests and discoverable in legal proceedings. Transitory e-mail messages that accumulate in e-mail systems consume disk space and erode the efficiency of the entire system.

3. E-mail records that have official record status are subject to the City's records retention and disposition schedules. These schedules apply to all of the City's records,

regardless of physical format, and pertain to e-mail records regardless of whether they are maintained electronically or as printouts. To facilitate schedule implementation, e-mail records should be maintained in folders and/or directories that reflect the business function and records series of the records.

4. If the e-mail is not a public record or an official record, it may be disposed of without consideration for retention and disposition requirements. Users with questions regarding public records issues and records retention requirements should seek answers to these questions from their supervisors, prior to deleting e-mail messages.

5. When deleting e-mail records according to the appropriate retention guidelines, authorized users must be sure to delete any back-up versions of the records as well. Users of e-mail should also be aware that although the sender and recipient have deleted their copies of an e-mail record, backup copies may exist on the server, on backup magnetic tapes, in a history file on a hard drive or elsewhere.

Violations:

Violations of this policy will be dealt with in the same manner as violations of other City policies and may result in disciplinary review/action, ranging from loss of e-mail privileges to dismissal and even criminal prosecution, if appropriate. In the event a user is notified of an investigation, no files may be altered or destroyed. The City reserves the right to access e-mail when necessary to investigate possible violations of a City policy or a breach of security of the e-mail system, or in the event there is reasonable suspicion that a user has committed or is committing a crime against the City or for which the City could be held liable.

User Responsibilities:

People expect responses to their e-mail. It is the user's responsibility to administer their individual mailbox, including (1) checking your e-mail frequently, at least daily is recommended; (2) responding to your e-mail promptly; (3) deleting messages following the guidelines set forth in this policy; (4) managing stored messages following the guidelines set forth in this policy, (5) adhering to the guidelines established in this policy, and (6) learning how to effectively and responsibly use the software of the current e-mail system.

APPENDIX 'A'

GENERAL E-MAIL ETIQUETTE GUIDE

- **Know your audience**

Be aware of the culture and conventions of your e-mail recipients. Communication and especially e-mail conventions may vary between groups. Remember also, different users have different levels of experience with technology applications like e-mail. Be patient and supportive with new users.

- **Proofread**

Spelling and grammar mistakes can be just as distracting in an e-mail message as they are in written communications. Take the time to proofread your messages, especially messages that are used to communicate or document agency business.

- **Keep messages brief and to the point**

Make your messages concise, not cryptic. Shorter paragraphs have more impact and are more likely to be read by busy people. Most people can only grasp a limited number of ideas within a single paragraph, especially on a computer screen.

- **Format messages for easy reading**

White space enhances the look and clarity of an e-mail message, and a blank line only adds a byte to the message, so don't be stingy. Lengthy messages are almost always read in hard copy form and should be prepared accordingly (e.g. with cover sheets, headers, page numbers, and formatting) and more appropriately sent as an attachment.

- **Don't over-distribute e-mail**

Every message you send creates work for someone else who must read, consider, and deal with the message. It may be better to post some messages on an electronic bulletin board in order to reduce the number of copies routed to individual users.

- **Respect the privacy rights of others**

Don't invade privacy. Don't forward or distribute messages without permission. Don't read other people's mail. If you receive someone else's mail, e.g., because the sender entered a wrong address or you happen upon a PC or terminal someone failed to logoff of, use the same consideration you would with traditional mail. Inform the appropriate party, see that the mail is returned, and notify your network administrator.

- **Be aware of differences across e-mail systems**

Others may not have the same e-mail features or capabilities you have, in which case, avoid special control characters like bold, underline, and special fonts; even tabs can differ. With the exception of binary (program) files, keep your lines under 80 characters; if possible don't exceed 72 characters. Be sure that your editor inserts carriage returns at the end of each line; if not, enter a hard return. Be extra careful with graphics. Whenever possible, find out in advance what e-mail features and software tools your recipients have.

- **Cite the appropriate references and context of a message**

Reference any related e-mail message or posting, and the event, topic, or issue that your message refers to, in order to avoid being taken out of context and misinterpreted. Take time to back up your statements with references to documents or articles, just as you would in written material.

- ***Identify yourself***
Especially if you are acting on behalf of an organization or professional association, or if you have relevant background or expertise in a matter, identify your affiliation, title, background, and expertise in your e-mail message. Include your e-mail address in the message and any attachments to it.
- ***Separate opinion from non-opinion***
So that readers do not confuse personal opinion with agency policy or position, use labels and explanatory notes to distinguish opinion from fact. If necessary, include a brief disclaimer.
- ***Respect copyright and license agreements***
Copyright laws are applicable to e-mail networks. Some software that is available for public retrieval through the Internet requires a valid license from the vendor in order to use it legally. Posting information on networks is similar to publication. Be careful to cite references.
- ***Avoid sending e-mail in anger or as an emotional response***
It is best not to send these kinds of messages over e-mail. Such situations are better worked out in person or in another forum. If you do send such a message, be sure to warn readers of your intent with the use of established conventions or explanatory notes. (These messages are often called "flames".)
- ***Don't be hasty***
If a message or posting generates negative feelings, set it aside and re-read it later. An immediate response is often a hasty response. Don't rule out the possibility that a misunderstanding or misinterpretation might occur. It is common with e-mail because of the lack of physical cues.
- ***Avoid putting text in all capital letters***
Most users suggest that you avoid putting all text in caps because it may seem ANGRY or HARSH. Uppercase text is often interpreted as having extra emphasis.
- ***Be careful what you say about yourself and others***
As a general rule of thumb, don't commit anything to e-mail that you wouldn't want to become public knowledge. Think twice before posting personal information about yourself or others. There is always the chance that a message could end up in someone else's hands. Be aware that e-mail messages are often retained on system backup tapes and disks in central computing facilities after they are deleted from the mail system.
- ***Don't be fooled by the "illusion" of privacy***
Assume that your message could be around for a long time.
- ***Don't send abusive, harassing, or bigoted messages***
This is inappropriate and counterproductive for obvious reasons and reflects badly on the individual and the entire organization. Even on wide area networks, e-mail can usually be traced to the originating machine and user. Systems on the Internet are actually liable for the misdeeds of their users.
- ***Re-read your mail for content and tone before you send it***

On many systems, once you send a message you are committed to it and cannot retract it.

- ***Try to keep messages to a single subject; use subject line entries***

The subject line of an e-mail message serves a number of important purposes: (1) it enables busy people to discern the subject of a message and when it must be read; (2) it is used to index the message in mailboxes and file folders; (3) it may be used to identify what messages are "records" and need to be transferred to a central recordkeeping system in the agency.

- ***Post messages only when they are relevant***

- ***Don't make messages "urgent" when they don't need to be***

Most of us learned the lesson of "the boy who cried wolf" quite some time ago. In today's world, this lesson rings true for the misuse of priority mail notices. These notices will soon become meaningless with overuse.

- ***If you participate in Listservs and User groups, learn the etiquette of each specific group***

(Compiled from The Innovations Group research packet on *E-mail and Internet Use Policies*)