

Subject: ELECTRONIC MAIL AND SCHEDULING SYSTEM

Date: November 18, 2009

Pages: 1 of 5

Replaces Policy Dated: April 10, 2007

PURPOSE: The purpose of this policy is to define employee responsibilities for the proper, secure, and lawful use of the Pinal County electronic mail (e-mail) system.

APPLICATION: This policy applies to all Pinal County employees and employees of the Superior Courts, including temporary employees, contractors, and third parties who have access to the Pinal County electronic mail system.

DEFINITIONS:

1. **Electronic Mail (e-mail)** is any transmission of messages, including attachments and imbedded objects, across the County computer information network by electronic means, including but not limited to commercial and electronic mail applications, operating systems messaging capabilities, and Internet mail.
2. **Electronic Mail Administrator** is the person responsible within the Management Information Systems department (MIS) for maintaining departmental electronic mail applications and/or directories.
3. **Formal Communications** are communications of any kind pertaining to public business, which must be preserved as a public record.
4. **Intellectual Property** means rights to, and/or products of the mind or intellect, arising under any law, including, but not limited to, trade secrets, trademarks, , copyrights, and Unfair Competition. This includes any body of work developed by an employee working on County business.
5. **IT** is the Information Technology Department responsible for the maintenance and administration of the County's electronic mail system.

1. ELECTRONIC MAIL AND SCHEDULING SYSTEM POLICY

The Pinal County Electronic Mail and Scheduling System is designed to facilitate County business communication among employees and other business associates for messages or memoranda. Since no computer system is completely secure, the e-mail system is not intended to transmit sensitive materials, such as personnel decisions and other similar information that may be more appropriately communicated by written memorandum or personal conversation.

The e-mail system is County property and intended for County business. The system is not to be used for employee personal gain or to support or advocate for non-county related business or purposes. The contents of all electronic mail messages are the property of Pinal County. Additionally, all data, messages composed, sent, or received on the electronic mail system are and remain the property of Pinal County. E-mail messages that are County records need to adhere to the employee's department's data retention schedules (see: Retention of E-mail, below).

In addition, an elected official or the County Manager may authorize or direct managers and supervisors the right to review or monitor the contents of employees' e-mail communications on all such devices on the County computer network when necessary for County business purposes. No electronic messages may be monitored, reviewed, audited, intercepted, accessed, or disclosed without authorization of the specific elected official, the County Manager or his/her designee.

ELECTRONIC MAIL AND SCHEDULING SYSTEM

Page 2 of 5

Employees shall not intentionally intercept, eavesdrop, record, read, alter, or receive other persons' e-mail messages without proper authorization. All communications, including text, images, and attachments may be disclosed to law enforcement or other third parties without the consent of the sender or the receiver, except for communications covered by a legal privilege. Misrepresenting, obscuring or concealing the sender, receiver or routing of E-mail or encrypting E-mail with the intent to disguise, hide or prevent detection or violation of this policy is prohibited.

The misuse of e-mail privileges is subject to disciplinary action, as determined by the elected official or county manager, in accordance with the Human Resource Personnel Rules, and/or other applicable standards, policies, rules or laws.

2. General Information on Passwords

- A. While you have a confidential password, users should be aware that this does not suggest that the system is for personal confidential communication, nor does it suggest that e-mail is the property right of the employee. The use of the e-mail system is for County business. Passwords should be periodically changed to ensure security of the e-mail system. Users should not share their password with anyone else. The confidentiality of any message should not be presumed. The use of passwords for security does not guarantee confidentiality.

3. Prohibited Uses of E-Mail include, but are not limited to:

- A. Soliciting or recruiting membership for commercial ventures, religious or political purposes, outside organizations, or other non- county related solicitations.
- B. Creating any offensive or disruptive messages that contain sexual matters or comments that offensively address race, color, religion, gender, national origin, ancestry, marital status, sexual orientation, age, physical or mental disability, medical condition, or veteran status.
- C. Transmitting pictures or other images in electronic mail that are not related to County business.
- D. Issuing or forwarding serial or chain mail type messages or advertisements of any commercial nature, except notices of officially approved or sponsored organizations that concern County employees, i.e., the Wellness Coalition, Alcoholics Anonymous, employee educational scholarships, Weight Watchers.
- E. Sending (uploading) or receiving (downloading) copyrighted materials, trade secrets, proprietary financial information, or similar materials without prior authorization.
- F. Retrieving or reading any electronic mail messages that are not sent to them unless authorized by the e-mail recipient or attempting to gain access to another employee's messages or files without his/her permission.
- G. Any activity that violates established County or department policy.

4. Public Records

- A. A record, as defined in the Arizona Public Records law, that is made by a public official or employee in the pursuance of a duty, the immediate purpose of which is to disseminate information to the public, or to serve as a memorial of official transactions for public reference.
- B. A record that is required by law to be kept or necessary to be kept in discharge of a duty imposed by law to serve as a memorial and evidence of something written, said, or done.
- C. A written record of transactions of a public official in his/her office, which is an appropriate method of discharging his/her duties, and is kept by this employee as such in the course of business.

ELECTRONIC MAIL AND SCHEDULING SYSTEM

Page 3 of 5

- D. All electronic mail messages that meet the criteria of the definition of a public record must be made available to the public upon request under the Public Records Law (ARS § 39 -121) during the required retention period, unless the content of the message falls under one of the exceptions contained in the law or in any other statute, regulation, policy, or rule of court.
- E. Electronic mail messages are presumed to be Public Records. The confidential (or similar) stamp provided by individual electronic mail systems should be used to mark electronic mail messages that should be reviewed for editing in the event of a public records request. Note: The fact an electronic mail message has been marked confidential does not remove the message from the public records arena, but it will facilitate the review of data for legally permissible editing and dissemination purposes.

5. Personal Use

- A. In addition to the use of electronic mail in the performance of their job duties, employees may make limited personal use of electronic mail under the following circumstances:
 - a. Scheduling of personal appointments as an effective extension of one's over all time management, i.e., lunches, meetings, etc.
 - b. Sharing of event driven information and planning of work-related social events where the intent is to enhance employee morale, i.e., birthdays, marriages, births, etc. Attachment or sharing of photographs in messages is limited to this authorized personal use.
 - c. Other limited uses that do not violate County or departmental policy.
 - d. Employees may not use external email accounts (Yahoo, Gmail, Hotmail, etc.) to conduct County business. External web email hosting sites will be blocked from County networks. Limited access will be made available to the Information Technology department for testing purposes only.

6. Retention Schedules

- A. Electronic mail communications will be preserved pursuant to this policy, applicable federal and state laws, and relevant Pinal County and departmental record retention and disposition schedules.
- B. Formal communications transmitted or received through electronic mail shall be either printed, and preserved in the appropriate department file in permanent paper format pursuant to each department's records retention and disposition schedule, or saved to an electronic file and preserved pursuant to each department's records retention and disposition schedule and policies. Once communications have been preserved as documents in the appropriate format, the documents shall be deleted from the electronic mail system.
- C. Routine electronic mail communications shall be deleted after the required action is taken.
 - a. Routine Electronic Mail Communications include:
 - i. Scheduling routine meetings and conference calls.
 - ii. Notification of legal and policy issues to be resolved in more formal communication.
 - iii. Requests for information or directives to complete tasks.
 - iv. Notification of employees' whereabouts, i.e., vacations, conferences, out-of-office work.
 - v. Requests for advice and assistance.
- D. Records retention for litigation purposes is the responsibility of County departments, in consultation with the County Attorney's Office. If your department is involved in any litigation or claims against the County, the E-mails in your department may constitute evidence, or have other legal value, and must be preserved for possible disclosure in connection with the litigation or claim. Such E-mails shall be preserved in hard copy form or in another electronic database or format to ensure retention.

ELECTRONIC MAIL AND SCHEDULING SYSTEM

Page 4 of 5

- E. Communications subject to an existing public records request, a litigation hold requested by the County Attorney's Office or an attorney representing the County, or subject to formal discovery in ongoing litigation will be preserved in the appropriate file or word processing system.
- F. Records maintained by public entities are presumed to be public records and are subject to inspection on request. There are, however, exceptions to the disclosure requirement where nondisclosure of public records may be necessary to protect important public or privacy interests. In addition, privileged information such as attorney-client records maintained by the Public Defender, County Attorney or other County legal counsel are privileged and may not be subject to inspection or disclosure.

7. Electronic Mail Backups

- A. The Information Technology Department will create backups of e-mail and archived e-mail only for system recovery in the event of disasters and/or system failures. Server backups will be kept for system recovery purposes only and will be retained for a period of one full week. The Arizona State Library, Archives and Public Records Department does not recognize server backups as a public record.
- B. E-mail server backup schedule: Daily full backups Monday thru Friday. The following week's backup will overwrite the previous Monday through Friday backup tapes.
- C. E-mail Archive on network share: Daily full backups Monday Thru Friday. The following week's backup will overwrite the previous Monday through Friday backup tapes.

8. AUTHORITY AND RESPONSIBILITY:

- A. Employees are responsible for:
 - a) Understanding and adhering to the electronic mail policy.
 - b) Using common sense and good judgment in the use of electronic mail as determined by this County Policy and the Director of Information Technology.
 - c) Managing their electronic mail accounts by appropriately marking as confidential, preserving and/or deleting electronic mail messages from their folders as instructed by this policy.
 - d) Advising Management of breaches of this policy.
 - e) Maintaining reasonable precautions to safeguard their electronic mail from unauthorized entry or use.
 - f) The electronic Mail system is not a document repository and is not be used to store critical documents for long periods of time.
- B. Management is responsible for :
 - a) Understanding this policy, and related policies and documents.
 - b) Advising their employees about this policy and appropriate use.
 - c) Notifying the Human Resources Director when circumstances warrant monitoring of an employee 's electronic mail.
 - d) Establishing retention schedules in accordance with applicable statutes, County and organizational policies.
- C. In their respective positions, either the Elected Official or the Human Resources Director is responsible for:
 - a) Confirming that reported circumstances warrant monitoring.
 - b) Notifying (in the case of an elected official) or obtaining authorization (in the case of the Human Resources Director) from the County Manager or designee before monitoring specific activity.
 - c) Coordinating with the Director of Information Technology to effect the monitoring.

ELECTRONIC MAIL AND SCHEDULING SYSTEM

Page 5 of 5

- d) Reporting violations of this policy to the employee's Appointing Authority for further investigation and disciplinary action as appropriate.
- e) Facilitating the use of external resources including civil or criminal investigators, as appropriate.

PROCEDURES:

1. The Human Resources Department will provide all employees with a copy of this electronic mail policy during new employee orientation and ensure the employees acknowledge and sign a policy acknowledgment.
2. Mass e-mail archiving to thumb drives and non-network hard drives is prohibited. E-mail archives must be stored within the County's network e-mail archive location. Storage quotas will be enforced based upon available resources, technology enhancements, recovery time objectives, and recovery point objectives.
3. If a violation of this policy occurs or is suspected, the appointing authority or designee should:
 - a) Document the circumstances.
 - b) Confirm with the Human Resources Director that monitoring electronic mail is appropriate.
 - c) Monitor the employee's mail in a manner consistent with the circumstances of the policy violation.
 - d) Initiate disciplinary action, as appropriate under the circumstances.
4. Any employee who violates this policy or uses the electronic mail system for improper purposes shall be subject to discipline, up to and including discharge.
5. Any employee who discovers a violation of this Policy shall notify his/her Appointing Authority, who may request an investigation by the Human Resources Director.

FORMS: Pinal County Employee Electronic Mail Policy Acknowledgment.