



City of Annapolis

Electronic Mail Policy

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RESPONSIBILITY AND DISCRETION

1. INTRODUCTION

This Policy explains City of Annapolis ["City"] policies, rules and regulations on electronic mail [e-mail]. It also defines policy and procedures particular to the use of City-owned e-mail systems and services.

The fundamental assumptions governing these policies are that: the City e-mail system and services are City-owned facilities; and users of the City e-mail system and services are authorized to use those facilities in advancement of the City's public service mission.

The City encourages the use of e-mail and respects the privacy of users. It does not routinely inspect, monitor, or disclose e-mail sent or received by the City or its employees. However, City users must understand that they have a diminished expectation of privacy in using City e-mail systems and services.

2. PURPOSE

The purpose of this Policy is to assure that:

- 2.1 **Information.** The City user is informed about the policies and laws on e-mail;
- 2.2 **Compliance.** E-mail services are used in compliance with those policies and laws;
- 2.3 **Privacy and Security.** Users of e-mail services are informed about how concepts of privacy and security apply to e-mail; and,
- 2.4 **Disruptions.** Disruptions to City e-mail and other services are minimized.

3. SCOPE

- 3.1 This Policy applies to:
 - 3.1 **Owned by City.** All e-mail systems and services provided or owned by the City;
 - 3.2 **Users.** All users, holders and uses of City e-mail services; and,
 - 3.3 **Records in Possession.** All City e-mail records in the possession of the City, City employees and other users of e-mail services provided by the City.
 - 3.4 **Policy Application.** Electronic mail messages in either their electronic or printed forms, are subject to other City policies regarding retention and disclosure. This Policy applies equally to transactional information (such as e-mail headers, summaries, addresses and addressees) associated with e-mail records as it does to the contents of those records.

4. DEFINITIONS

- 4.1 **Electronic Mail System or Services:** Any messaging system that uses computers in the application of various electronic records functions across a computer network between

individuals of groups. This system includes electronic mail systems, electronic bulletin boards, list servers or newsgroups.

- 4.2 **E-mail Record or E-mail:** Any electronic computer record or message applying any of the various electronic records functions by any e-mail system or service.
- 4.3 **E-mail Record:** A City record in the form of an e-mail record regardless of whether the computer system utilized to apply any of the various electronic record functions are owned by the City. The location of the e-mail record, location of its creation or location of its use does not change its definition as a City record:
- (i) for purposes of this or other City polices; and
 - (ii) for having the potential for disclosure under the Maryland Public Information Act.
- 4.4 **Holder/Possessor of an E-mail Record or E-mail Holder:** An e-mail user who is in control of the location or storage of a particular e-mail record regardless of whether the e-mail user is the sender or recipient of the record.
- 4.5 **Various Electronic Record Functions:** Various Electronic Record Functions shall include to: create, send distribute, forward, reply to, transmit, store, copy, download, display, view, read and print.

5. GENERAL PROVISIONS

- 5.1. **Purpose.** In support of its mission of public service, the City encourages the use of City e-mail services to share information, to improve communication and services, and to exchange ideas.
- 5.2. **City Property.** The City e-mail systems and services are City facilities. Any e-mail address or account associated with the City (or any department of the City) that is assigned by the City to an individual, department, board or commission of the City, is the property of The City of Annapolis.
- 5.3. **Service Restrictions.** Those who use City e-mail systems or services are expected to comply with state and federal laws, policies and procedures of the City, and with normal standards of professional and personal courtesy and conduct. Access to City e-mail services may be completely or partially restricted by the City without prior notice and without the consent of the e-mail user when:
- (i) required by and consistent with law,
 - (ii) there is reason to believe that violations of policy or law may have taken place, or
 - (iii) required to meet critical operational needs.
- This restriction is subject to established Citywide procedures or, in the absence of such procedures, to the approval of the responsible Department Director, City Administrator or Mayor.
- 5.4. **Consent and Compliance.** An e-mail user will be notified by the City prior to any inspection, monitoring, or disclosure of City e-mail records in the user's possession, except for routine scanning of incoming and outgoing e-mail for viruses or executable program e-mail attachments and as provided for in Section 5.5. City e-mail users are,

however, expected to comply with City requests for copies of e-mail records in their possession that pertain to the administrative business of the City, or when disclosure is required to comply with applicable laws or City policy, regardless of whether such records reside on a computer housed or owned by the City. Failure to comply with such requests can lead to the conditions of Section 5.5.

- 5.5. **Restrictions on Access Without Consent.** The City will permit the inspection, monitoring, or disclosure of e-mail without the consent of the user of such e-mail when:
- (i) required by and consistent with law,
 - (ii) there is reason to believe that violations of law or City policy may have taken place,
 - (iii) access to e-mail records must be secured to ensure the preservation of evidence or
 - (iv) to meet critical operational needs.

5.5.1. **Authorization.** The contents of e-mail may be inspected, monitored or disclosed without the user's consent under Section 5.5 provided such action is authorized in advance and in writing by the authority specified by the law or policy under which the action is taken. If the authority is not specified or if there is no specific law or policy (other than this policy) authorizing such action, authorization must be sought from the responsible Department Director, City Administrator or Mayor. This provision may be waived in emergency situations.

5.5.2. **Emergencies.** In emergency situations (e.g., hardware/software failure, public safety, abuse) Office of Management Information Technology [MIT] may take action on users' e-mail records without prior authorization. Examination of contents and action necessary to resolve the emergency may be taken immediately. MIT will attempt to restore the records as they were before the emergency action.

5.5.3. **Notification.** In either case, the responsible authority will notify the affected individual of the action(s) taken and the reasons for the action(s) taken.

- 5.6. **Misuse.** Both law and City policy prohibit, in general, the theft or other abuse of computing facilities. Such prohibitions apply to e-mail services, and include (but are not limited to): unauthorized entry, use, transfer, and tampering with the accounts and files of others; interference with the work of others and with other computing facilities. Under certain circumstances, participation in any one of the above activities may constitute felony offenses.

6. SPECIFIC PROVISIONS

6.1. **Allowable Use.** In general, use of City e-mail services is governed by policies that apply to the use of all City facilities. In particular, use of City e-mail services is encouraged and is allowable subject to the following conditions:

6.1.1. **Purpose.** E-mail services are to be used by City employees, contractors, and City organizational units in support of the public service mission of the City, and the administrative functions that support this mission.

6.1.2. **Users.** Users of City e-mail services are to be limited primarily to City employees and contractors for purposes that conform to the requirements of this Section.

6.1.3. **Restrictions.** City e-mail services may not be used for: unlawful activities; commercial purposes not under the control of the City; personal financial gain; personal use inconsistent with Section 6.1.7; or uses that violate other City policies or guidelines. **The latter include, but are not limited to, policies and guidelines regarding intellectual property, sexually-explicit material, discriminatory statements or statements regarding sexual or other forms of harassment.**

6.1.4. **Representation.** E-mail users will not give the impression that they are representing, giving opinions, or otherwise making statements on behalf of the City unless authorized to do so.

6.1.5. **False Identity.** City e-mail users will not employ a false identity. False identity is knowingly using the identity of someone else without their permission and/or for deceitful purposes.

6.1.6. **Interference.** City e-mail services will not be used for purposes that could reasonably be expected to cause excessive strain on any computing facilities, or interference with others' use of e-mail or e-mail systems.

6.1.7. **Personal Use.** The City's e-mail services may be used incidentally for personal purposes provided that such use does not:

- (i) interfere with the City operation of computing facilities or e-mail services;
- (ii) impose cost (other than cost associated with the use of the e-mail system) on the City;
- (iii) interfere with the e-mail user's employment or other obligations to the City, or
- (iv) violate "use and personal use policy" as published by MIT and Human Resources Department [HR] (see Section 9.2.3).

E-mail records arising from such personal use are a City E-mail Record.

6.2. **Security and Confidentiality**

6.2.1. The confidentiality of e-mail cannot be made certain. Such confidentiality may be compromised by unintended redistribution or unauthorized access. Users, therefore, should exercise extreme caution in using e-mail to communicate confidential or sensitive matters. E-mail users should use whatever protections (such as passwords, warnings and/or encryption) are available to them.

6.2.2. *Legal Requirements on Privacy of and Access to Information*, prohibits City employees and others from "seeking out, using, or disclosing" without authorization "personal or confidential" information, and requires employees to take necessary precautions to protect the confidentiality of personal or confidential information encountered in the performance of their duties or otherwise. This prohibition applies to e-mail records.

6.2.3. Users should be aware that on occasion network and computer operations personnel and system administrators may, during the performance of their duties, see the contents of e-mail messages. An example is that of systems personnel (such as

"postmasters") who may need to inspect e-mail when re-routing or disposing of otherwise undeliverable e-mail.

6.2.4. Users of e-mail services should be aware that even though the sender and recipient have discarded their copies of an e-mail record, there may be back up copies that can be retrieved. Systems may be "backed-up" on a routine or occasional basis to prevent potential loss of data.

6.3. Archiving and Retention

City Records Management policies do not distinguish among media with regard to the definition of City records. As such, e-mail records are subject to these policies. In particular, such records are subject to disposition schedules in the City of Annapolis Records Disposition Schedules Manual, which distinguishes among different categories of records, from the short-lived to the archival.

E-mail users and those in possession of City records in the form of e-mail are cautioned in their reliance on e-mail for purposes of maintaining a lasting record. Consideration should be given to transferring e-mail to paper or microfilm.

7. POLICY VIOLATIONS

Violations of City policies governing the use of City e-mail services may result in restriction of access to City computing resources. In addition, disciplinary action may be applicable under other City policies, guidelines, codes, implementing procedures, or collective bargaining agreements, up to and including dismissal.

8. MIT/HUMAN RESOURCES RESPONSIBILITY FOR POLICY

The Office of Management Information Technology with the Human Resources Department is responsible for development, maintenance, and publication of this Policy.

9. DEPARTMENT AND MIT/HUMAN RESOURCES RESPONSIBILITY AND DISCRETION

The MIT with the HR may develop, maintain, and publish specific procedures and practices that implement this Policy and communicate its provisions to users of City e-mail services. The following are assigned to MIT/HR authority and discretion:

- 9.1 MIT/HR may establish regulations and procedures on actions to be taken once an e-mail user's association with the City is terminated. In particular, MIT/HR may elect to: terminate the individual's e-mail account, redirect e-mail, or continue the account, subject to the provisions of Section 5.1 of this Policy.
- 9.2 MIT/HR may establish guidelines and procedures for:
 - 9.2.1. Restriction of use of City e-mail services as referenced by Section 5.3 of this Policy;
 - 9.2.2. Authorization, notification, and appeals as referenced by Sections 5.5 and 5.6 of this Policy;

- 9.2.3. Use and personal use of e-mail systems or services;
 - 9.2.4. Response to requests for information from users concerning the back up of e-mail, as reference by Section 6.2.4 of this Policy; and
 - 9.2.5. Any other provisions of this Policy for which procedures are not clearly stated.
- 9.3. Each department head is responsible for the authorization of action as referenced by Sections 5.3 and 5.5 of this Policy. This authorization responsibility may not be further re-delegated.
 - 9.4. MIT/HR will establish appropriate notification procedures regarding this Policy to all e-mail users, including positive acknowledgment by e-mail users of receipt and understanding. The lack of comprehensive procedures will not invalidate the provisions and applicability of this Policy.

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