

Subject: ELECTRONIC MAIL AND SCHEDULING SYSTEM

Date: May 17, 2017

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Replaces Policy Dated: November 18, 2009

PURPOSE: The purpose of this policy is to define employee responsibilities for the proper, secure, and lawful use of the Pinal County's email, calendar, and instant messaging (IM) systems.

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 said systems.

DEFINITIONS:

1. Email is any transmission of messages, including attachments and imbedded objects, across the County's enterprise electronic mail system.
2. Calendar is part of the email system and is used to schedule, track and store appointments, tasks, reminders, and other events electronically.
3. Instant Messaging (IM) is a type of text based internal online chat which offers real-time transmission over the Internet
4. Public Record per Arizona Public Records law, a record 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.
5. Formal Communications are communications of any kind pertaining to public business, which must be preserved as a public record.
6. 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.
7. IT is the Information Technology Department responsible for the maintenance and administration of the County's electronic mail system.

EMAIL, CALENDAR, INSTANT MESSAGE POLICY

The Pinal County email, calendar, and instant messaging systems are designed and maintained to facilitate communication for County business. The contents of all communications sent or received using these systems are the property of Pinal County and are subject to all applicable Public Record laws.

These systems are not to be used as a long term document management, retention or storage solution. All messages, attachments and imbedded objects which meet the criteria of a public record shall be preserved in accordance with the specific departmental document retention policy.

IT will enforce mailbox size limits in order to maintain the overall health and recoverability of the email system. It is the user's responsibility to stay within the set limit. Additionally, the email system will not store messages older than five years unless the messages are subject to litigation or claims against the County.

Since no computer system is completely secure, these systems are not intended to transmit sensitive materials, such as evidence, personal identifying, financial or other similar information that may be more appropriately transferred by other secure transfer methods.

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.

An Elected Official or the County Manager may authorize or direct managers and supervisors the right to review or monitor the contents of e-mail communications for employees under their direction. 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.

Any request to IT for email records will be processed through the County's eDiscovery system and in accordance with Pinal County policy 2.95.

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.

1. Passwords/Security Codes
 - A. While users have a confidential password that facilitates access to the County network and the email system, 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. The confidentiality of any message should not be presumed
 - B. Every mobile device that accesses the County email system must have security/passcode enabled.
 - C. Passwords and Security Codes should be periodically changed to ensure security of the e-mail system.
 - D. Never share your password/security codes with anyone.
2. 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. E-mail archiving or storing email to any external removable storage device that is not on the County network (i.e. thumb drives, CD's, DVD's, etc.)
- H. Any activity that violates established County or department policy.

3. 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:
 - i. Scheduling of personal appointments as an effective extension of one's over all time management, i.e., lunches, meetings, etc.
 - ii. 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.
 - iii. Attachment or sharing of photographs in messages is limited to this authorized personal use.
 - iv. Other limited uses that do not violate County or departmental policy.
- B. 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.
- C. Using the County email address to register on web sites or other registrations for work-related purposes ONLY, do not use the County email address to register for non-work-related purposes.

4. Profile and Instant Messenger Photos: Employees are authorized to use profile pictures and instant messenger photos. These photos must be actual photos of the employee in a professional/workplace setting.

5. Status and what's happening use in IM: Employees are authorized to change IM status, locations, and "what's happening today" notes. These fields are to be used in a professional manner only.

6. Retention and Account Management

- 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. Email accounts and the contents of email boxes for personnel that separate from employment with Pinal County will be deleted 30 days after the last date of employment. Elected Officials or Department Directors may request the contents of the departing/former employees email records for business continuity or other legal reasons. The request must be made in writing to the Information Technology department and receive approval from the specific Elected official or the County Manager. The records will be compiled from the eDiscovery system and delivered in PDF format. The records may also be imported directly to another appropriate email box for review however the mailbox size limits still apply.
- C. The Information Technology Department will create backups of the e-mail system 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.
- D. All email communications are stored in a separate eDiscovery system used to process requests for email records. This system will not store messages older than five years unless the messages are subject to litigations or claims against the County.
- E. Elected Officials should consult the County Attorney's Office and Human Resources before requesting an employee's email records from the Information Technology. Department Directors

must have County Manager and Director of Human Resources approval before requesting employee (current or former) email records.

- F. 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.
- G. Routine electronic mail communications shall be deleted after the required action is taken. 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.
- H. 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.
- I. Instant Messages (IM's) are not logged or retained by Information Technology.
- J. 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.
- K. 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.

AUTHORITY AND RESPONSIBILITY

- 1. 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 related departmental policy(ies) if any.
 - 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. Understanding the electronic Mail system is not a document repository and is not to be used to store critical documents.
- 2. 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.
3. 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.
 - 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. 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.
3. 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.
4. Any employee who discovers a violation of this Policy shall notify his/her Appointing Authority, may request an investigation by the Human Resources Director.