



Administrative Regulations

Number AR 8-17
Issue 2

Subject: Electronic Mail and Instant Messaging Use and Retention Policy

I. PURPOSE

The purpose of this policy is to ensure the proper use of the City of Long Beach's Electronic Mail (email) System and Instant Messaging (IM) services. Inappropriate use exposes the City of Long Beach to risks including virus attacks, compromise of network systems and services, and legal issues. The City reserves the right to amend this policy at its discretion. In case of amendments, users will be informed appropriately.

The City provides communication technology to its elected officials, employees, and contractors as tools to conduct the business of the City and, in so doing, expects all users to manage and protect records resulting from communications.

City email and instant messaging may consist of correspondence and other documentation, which may constitute City records subject to the requirements of the California Public Records Act, Freedom of Information Act, the City's Records Retention Schedule, and the laws and regulations governing it, and other laws and regulations that apply to public agency information.

II. SCOPE

All current employees and contractors (hereafter "covered individuals" or "users") who have access to City computers and related systems and who work in departments and offices directly responsible to the City Manager are covered by this regulation. It is requested that elected offices and other independent offices, commissions, boards, and departments also comply with this regulation.

III. POLICY

The following policy applies to all covered individuals in their use of electronic mail (email) and Instant Messaging (IM) services.

Electronic Mail

- A. Email is available to all covered individuals with approval from department management, and only Lotus Notes software is authorized. Information on the email system is not private. The email system and all electronic communications are the property of the City of Long Beach. The City has the right to inspect or audit any and all electronic communications, at any time, for any lawful purpose, without notice to any covered individual. Accordingly, no covered individual shall have any expectation of privacy regarding anything that they create, send, forward, reply to, transmit, store, display, copy, download, read or print on the City's email system.
- B. Users are prohibited from downloading, viewing or transmitting any inappropriate material on or through the City's email system. Inappropriate material includes, but is not limited to, material that is: unlawful or illegal; obscene or pornographic; libelous or defaming; threatening; offensive; violates the City's discrimination or harassment policies including jokes and chain letters; or could potentially lead to civil and/or criminal liability or adverse publicity for the City, its officers and/or employees.

The City has the sole discretion to determine whether material is inappropriate. Also, the City reserves the right to remove any inappropriate material from its software/hardware.

City email users should use care when sending email messages from City supplied email addresses. Messages should be professional. The text of any email should be appropriate to be sent as a signed letter on City letterhead.

Users are also prohibited from using the City email system for anything that: violates the Public Records Act or the Brown Act; conceals or misrepresents the sender's identity or affiliation; for any commercial purpose, financial gain (including gambling), or in support of outside individuals or entities; engages in matters directed towards any unauthorized fund-raising, lobbying, or partisan political activities; engages in employee association/union business; is used for outside employment; is an infringement of copyright laws, or causes congestion of City or other email systems or services, including but not limited to chain letters, spam, jokes, stories, and other comparable resource-intensive unofficial activities outside their job scope.

- C. All users shall protect the security of the City's email system. All users shall take all reasonable and necessary efforts to: protect the confidentiality of information

which is placed in their control or care; minimize the likelihood of inadvertent transmission of confidential or sensitive information to unintended recipients; prevent unauthorized intruders from accessing the email system; and prevent the introduction or spread of computer viruses or worms. Users are strongly encouraged to change their email password on a regular basis (a minimum of every 90 days).

- D. Users are restricted from giving or publishing the City of Long Beach (CLB) address book in any form, and releasing any internal email to a person or persons outside of the City organization (such as the media, potential candidates, organizations, or other agencies), without proper authorization.

Covered individuals shall not access, take, copy or send data or files that disclose sensitive, personal, confidential or proprietary information without appropriate authorization.

- E. The email system may be used for limited, brief, infrequent personal use provided the use does not directly or indirectly interfere with City email systems or services, burden the City with additional incremental cost, interfere with other City email users' employment or other obligations to the City, or reflect negatively on the City or its employees.

- F. Personal email accounts shall not be accessed from City computers using the City's network. Personal email accounts shall not be used to conduct City business.

- G. The email system shall be used for transmission, not storage. The City provides the email system to covered individuals as a convenient and efficient method of rapidly communicating transitory information in an electronic format. The email system is specifically intended and designed to be a tool for transmission of information, and not a tool for storage of information. Any email that must be retained should be preserved and transferred to an appropriate storage format. Examples of appropriate storage formats include archiving the email, printing a hardcopy, or saving the information as a PDF.

- H. All users conducting email as a means of communication are individually accountable for determining if the content of an email message, whether sent or received, is subject to their respective department's record retention requirements. In accordance with E-Discovery Law, it is the responsibility of the covered individual to cease destruction of any relevant electronic information concerning any reasonable foreseeable litigation action.

All relevant electronic information subject to terms of the E-Discovery Law should be preserved and transferred to an appropriate records storage format. Any questions users have with regard to email retention requirements should be brought to the attention of his or her supervisor prior to the disposal of the email.

- I. Users may archive messages where they can be saved for an indefinite period of time. While the network has adequate capacity for normal City operations, users must be careful in their treatment of items that use an inordinate amount of computer memory, such as graphics, audio and video clips. Delete any such items that are not necessary. Archived email can be saved for an indefinite period of time. ("How to" archive can be found on the Intranet at: <http://clbnet/civica/filebank/blobdload.asp?BlobID=8238>).

For file management and storage purposes, most email should be managed within resource capacity. Email concerning City policies, decision-making, proceedings, project or contracts, or that may later be important or useful for carrying out City business operations should be archived, and in the case of a Public Record, saved in an appropriate file. Examples of appropriate storage formats include printing a hardcopy, archiving the email, or saving the information as a PDF.

When an active email file approaches the threshold size, the system sends a warning message. If the email file size is not reduced and the active file reaches the maximum limit, the system sends another message, no longer allows the saving of Sent email, and may result in delivery failures or delays.

Users subject to this policy should regularly (once a week) review their mailboxes or folders that contain emails and clean out emails that are not required to be kept by law, this policy, or that are unnecessary for the discharge of official City duties or the conduct of City business, or that are otherwise no longer needed.

Instant Messaging

It is the policy of the City of Long Beach to make every effort to provide covered individuals and contractors with the best technology available to conduct the City's official business. Instant messaging (IM) is a useful way of conversing with peers as an alternative to email or the telephone. IM poses a security risk to the City's network due to the lack of anti-virus features inherent on most IM software. To ensure the best utilization of resources and security for the organization, the following policy guidelines have been defined. The restrictions and acceptable behavior regarding the usage of City applications are clarified below.

- A. IM is available to all users with approval from department management, and only Lotus Notes IM (Sametime) software is authorized. Users are prohibited from using all other IM services. Examples of unauthorized IM services include, but are not limited to, the following:
 - AOL Instant Messenger (AIM)
 - ICQ

- Yahoo! Messenger
 - MSN Messenger
 - Facebook.com
 - Meebo.com
- B. Lotus Notes IM (Sametime) should be authorized by appropriate department personnel and enabled by the Technology Services Department.
- C. All individuals using IM as a means of communication are individually accountable for determining if the content of an IM message, whether sent or received, is subject to their Department's record retention requirements. It is the responsibility of the user to retain applicable information.
- D. Information concerning City policies, decision-making, proceedings, project or contracts, or that may later be important or useful for carrying out City business operations should be retained as permanent City records in accordance with City policy. Any information from an IM message required to be retained should be transferred to a records storage system.
- E. Any questions covered individuals have with regard to applicable transitory retention requirements of a particular IM message or dialogue should be brought to the attention of his or her supervisor prior to the disposal of the message.
- F. Users are prohibited from viewing or transmitting any inappropriate material on or through the City's IM system. Inappropriate material includes, but is not limited to, material that is: unlawful or illegal; obscene or pornographic; libelous or defaming; threatening; offensive; violates the City's discrimination or harassment policies including jokes and chain letters; or could potentially lead to civil and/or criminal liability or adverse publicity for the City, its officers and/or employees.
- G. Instant Messaging is intended for business use only. Users are prohibited from engaging in unnecessary IM unrelated to City business.
- H. Unauthorized usage should be reported immediately to the user's supervisor.
- J. If unauthorized IM software is used with City of Long Beach resources, the covered individual's supervisor must be notified immediately.
- K. If unauthorized IM software is known to be installed on equipment other than City of Long Beach resources that are connected to internal City of Long Beach network resources, the IM software must not be used and must be disabled.
- L. All computer files are the property of the City of Long Beach regardless of their physical location or in the form in which they are maintained. The City has the

right, but not a duty, to inspect or audit any and all IM services, at any time, for any lawful purpose, without notice to any user.

- M. Misuse of unauthorized usage of IM is subject to disciplinary action, up to and including termination.

IV. VIOLATION OF POLICY

Covered individuals who violate this policy are responsible for managing email and IM used by them in accordance with this policy. Any covered individual found to have violated this policy may be subject to disciplinary action, up to and including termination of employment.

V. RESPONSIBILITIES AND GUIDELINES

Covered individuals are responsible for complying with this policy. Managers and supervisors are responsible for enforcing this policy. The Technology Services Department is responsible for administering the policy.

VI. DEFINITIONS

- A. "Electronic Communication" -- means any communication or writing created by, retrieved by, sent to, or stored by any covered individual using any electronic communication system, including all information, data, and attachments to the communication.
- B. "E-Discovery Law" -- requires processes and technologies to be in place related to finding and managing electronically stored information that might be relevant in a foreseeable legal dispute. The law requires the immediate stop of any automated or regular purging of relevant electronically stored information at the first notification that a legal dispute may be forthcoming.
- C. "Email" -- means any electronic communication to or from any covered individual using the email System, including all information, data, and attachments to the communication.
- D. "Email System" -- means the system of devices (including hardware, software, and other equipment) used by the City for the purpose of facilitating the electronic transmission of information, including Internet communications, remote and mobile devices, and the City's Lotus Notes system (including email, Calendar, and To Do List).
- E. "Instant Messaging" -- means any real-time, text-based transitory communication or writing created by, retrieved by, sent to, or stored by any system user.

- F. "Instant Messaging System" -- means the system of devices (including hardware, software, and other equipment) used by the City for the purpose of facilitating the electronic transmission of information through the City's Lotus Notes Sametime System.
- G. "Public Record" -- means, as defined by California Government Code section 6252(d), any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by the City regardless of physical form or characteristics.
- H. "Public Records Act" -- means California Government Code sections 6200, *et seq.*
- J. "User or Covered Individual" -- means any person who makes use of the email System and Instant Messaging services as part of their assigned official duties, including but not limited to employees (full or part time), volunteers, and contract support personnel and consultants. It is requested that elective officials and other independent offices, commissions, boards, and departments also comply with this regulation.
- K. "Contractor" -- means any person who contracts to supply certain materials or do certain work for a stipulated sum for the City; not a City employee.

VIII. REFERENCES

Personnel policy 1.11 - Use of City Computers and Related Equipment and Use of E-Mail and Internet

Revised: May 2009