

# CITY OF OAKLAND



## ADMINISTRATIVE INSTRUCTION

<b>SUBJECT</b>	Electronic Media Policy	<b>NUMBER</b>	140
<b>REFERENCE</b>	None	<b>EFFECTIVE</b>	4-12-07
<b>SUPERSEDE</b>	August 15, 2000		

### I. PURPOSE

This Administrative Instruction (AI) states the City's policy for the access and disclosure of electronic mail (e-mail) messages sent or received by City employees. This AI also describes the City's policy on the authorized use of the City's e-mail systems, phone systems and other electronic media.

This policy applies to electronic media, phone systems and all documents, recordings, and other data contained in or recoverable from such media, owned by the City. This policy applies to all such media and documents twenty-four hours a day, seven days a week, regardless of holiday or absence from the City.

#### Electronic Media

Electronic Media includes but is not limited to electronic mail (e-mail), instant messages (IM), Internet access, online information services, and all other types of electronic information that the City deems as Electronic Media. Electronic Media also includes but is not limited to City owned equipment including computers, computer peripherals, computer software, laptops, personal data assistants (PDAs), cellular phones, and all other devices by which electronic information is transmitted, received, and/or maintained.

#### A. Routine Servicing

Routine Servicing is the regular and ordinary maintenance of electronic media to ensure proper working condition. Routine Servicing may include installation of software and hardware, troubleshooting, network maintenance and all other activities undertaken with the intent of improving electronic media operation. City employees are prohibited from conducting routine servicing. By its nature, routine servicing is the responsibility of the Information Technology Division and other designated agency/departmental staff.

### II. POLICY

#### Access and Disclosure of E-Mail Messages and other Electronic Files

Electronic Media are provided for the use of City employees to conduct City business only. E-mail communication is not private or confidential. All electronic files, including e-mail, may be subject to public disclosure under the Public Records Act or pursuant to discovery in litigation.

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The City reserves the right to access and disclose employee e-mail messages and other electronic files any anytime with or without employee notice.

Electronic Media may not be used for a prohibited purpose, including illegal activities, messages that may constitute discrimination or harassment under state or federal law, or any other inappropriate purpose including but not limited to those uses defined in Section VI below.

System Monitoring and Employee Privacy

The City reserves the right to search e-mail messages and electronic files for any reason.

1. If the Information Technology Director or designee determines that an electronic media may be being used inappropriately, the City reserves the right to access and disclose that employee's electronic files and take appropriate disciplinary action.
2. Agency/Department heads or higher can authorize the reading of e-mail messages and electronic files for employees under their supervision by following the guidelines stipulated in Section VIII of this policy.
3. The City is obligated to respond to legal processes and fulfill any obligations to third parties which meet legal requirements/guidelines.

Violations of Policy

Violations of this policy will be reviewed on a case-by case basis and may result in disciplinary actions, up to and including discharge and/or criminal charges.

**III. DEFINITIONS**

Use of Electronic Media

- A. Computers, computer software, laptops, PDA (personal data assistants) and any and all computer assisted or maintained files

The City's computers and software may only be used for City business purposes. In addition, files stored on the City's computers, PDA's or network may only be used for City business purposes. All software that resides on any of the City's computers must be licensed. Before adding software programs to City computers, employees must receive approval from the Information Technology Division via their department heads.

- B. E-mail.

Electronic mail addressed to, generated by, or received on City computers or servers is the property of the City and should be used for City business-related purposes. Although employees have passwords that restrict access to their computers, the City may access any files or e-mail messages which pass through, is stored on or deleted from a computer system.

- C. Information Retrieval.

It should be noted that even though information or files have been deleted from Electronic Media, it does not mean that they have been permanently deleted

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from the system. It may be possible to recover deleted computer-files and deleted e-mail messages.

D. Online information Service Use.

Use of online information services such as the Internet is restricted to approved usage *and* may not be used for purposes unrelated to City business.

Allowable Uses of Electronic Media

A. Allowable uses of Electronic Media for-City business purposes include the following:

- To facilitate performance of job functions;
- To facilitate communication of information;
- To coordinate meetings of individuals, locations and resources;
- To communicate with outside organizations, as required in order to perform an employee's job function (e.g. to facilitate research)

B. Limited use of personal e-mail communication and on-line resources during non-work time is permissible so long as it does not conflict with any of the Prohibited Uses under Section VI, has no fiscal or legal impact on the City, and occurs in the full spirit of this Administrative Instruction.

Prohibited Uses of the City's Electronic Media

Prohibited uses of Electronic Media include, but are not limited to, the following:

- Illegal activities under local, state and/or federal law;
- Anything that may be construed as harassment or disparagement of others based on race, national origin, sex, sexual orientation, age, disability, or religious or political beliefs will not be tolerated. This includes, but is not limited to, slurs, obscene messages, sexually explicit images or cartoons or messages;
- Soliciting or proselytizing others for commercial ventures, religious, social or political causes, outside organizations, or any or all other non-job related matters;
- Intentionally disrupting network traffic or crashing the network and connected systems (for example, sabotage, intentionally introducing a computer virus);
- Unauthorized access to others' files or vandalizing the data of another user;
- Forging electronic mail messages;
- Wasteful use of system resources;
- Personal usage such as on-line shopping or dating services;
- Personal messages such as chain letters;
- Personal commercial purposes or for personal financial gain; and
- Inappropriate use which is deemed by the City to be a violation of the intended use of the Electronic Media.

**IV PROCEDURES**

A. Access to an Employee's Electronic Media by Agency/Department Heads

Only agency/department heads and the City Manager have authority to request access to an employee's electronic media.

1. An agency/department head who identifies that an employee under his/her supervision may be using electronic media inappropriately must submit to the Director of Information Technology a signed, written statement that states (1) the electronic media to be inspected, and (2) the legitimate business purpose for the

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inspection.

2. Prior to accessing the electronic media, the Director of Information Technology must submit the written statement to the City Attorney or the Employee Relations Manager for authorization.
3. A record of this statement will be maintained by the Office of Information Technology.

**B. Access to an Employee's Electronic Media by Director of Information Technology**

In *routine servicing* of an employee's electronic media, a representative from the Office of Information Technology may determine that an employee may be using electronic media inappropriately. Under such circumstances, the Director of Information Technology may authorize further access to the pertinent electronic media.

1. The Director of Information Technology must complete a signed, written statement stating (1) the electronic media to be inspected, and (2) the legitimate business purpose for the inspection.
2. A record of this statement will be maintained by the Office of Information Technology.

**C. Access to an Employee's Electronic Media By Legal Necessity**

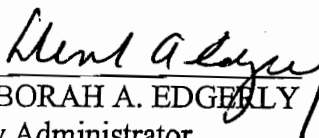
Both civil and criminal legal action may compel the City to access an employee's electronic media. In all such cases, the City Attorney may authorize access to the pertinent electronic media.

1. The City Attorney must submit to the Director of Information Technology a written statement and include: (1) the electronic media to be inspected and (2) the reason for the legal necessity.
2. A record of this statement will be maintained by the Office of Information Technology.

The filing of the statement may occur retroactively based upon the urgency of the circumstances and possible risk of employee safety or legal risk to the City.

**V. ADDITIONAL INFORMATION**

Please direct any questions regarding this A.I. to the Department of Technology at extension 238-2274.

  
DEBORAH A. EDGERLY  
City Administrator