

**Section 1: PURPOSE**

The purpose of this policy is to establish general procedures for the use of City of Manteca ("City") owned computers, the Internet, electronic mail ("E-mail") and voice mail access. E-mail is a business tool that will be used in accordance with generally accepted business practices and current law reflected in the California Public Records Act to provide an efficient and effective means of intra-City communications. This policy shall apply to all employees, officials and volunteers utilizing electronic communications with the City.

**Section 2: GENERAL**

The City of Manteca ("City") provides computers, Internet, E-mail and voice mail access to facilitate the performance of City work. Incidental personal use is secondary, should not interfere or conflict with business use or job performance, should clearly indicate that it is personal, not City usage, and is subject to regulation for cost controls required by the City. The Internet, E-mail and voice mail must be used in compliance with applicable statutes, regulations, and City policies. Employees are expected to use common sense and judgment to avoid any communication, which is disrespectful, offensive or illegal; and to keep in accordance with the requirement for a work environment free from discrimination and harassment.

**Section 3: POLICY**

All E-mail communications are the property of the City. The City reserves the right to retrieve and make proper and lawful use of any and all communications transmitted through the E-mail system. The City respects the individual privacy of its employees. However, an employee cannot expect privacy rights to extend to work-related conduct or the use of City-owned equipment or supplies. Consequently, E-mail users shall have no reasonable expectation of privacy on communications sent over the E-mail network, as E-mail communications are not confidential. For purposes of this policy, E-mail shall also include all messages transmitted on the Internet.

**Section 4: PROPER USE OF E-MAIL**

Communications transmitted over the E-mail system shall primarily involve City business activities and should contain information related to the accomplishment of City business, administration or practices.

Users of E-mail are responsible for the management of their mailbox and its associated folders. E-mail documents will remain in folder until deleted. The City may maintain backup of all E-mail communications for a minimum of two (2) years or as otherwise designated by the City's retention schedule.

**Section 5: PROHIBITED USES OF INTERNET, E-MAIL AND VOICE MAIL**

1. Messages that disrupt or threaten to disrupt the efficient operation of City business or administration are prohibited. Messages prohibited in this section include, but are not limited to:
  - a. Messages that publicize a personal dispute other than according to an approved grievance or complaint procedure.
  - b. Messages that constitute or counsel insubordination.
  - c. Messages that may harm close working relationships.
  - d. Messages that may take employees away from their assigned tasks.
  - e. Messages that may undermine the City's ability to provide public services through its employees.
  - f. Messages that harm the integrity of the system or network.
2. Messages that violate law, violate individual rights, create potential liability for the City or violate public policy of the State of California are prohibited. These prohibited message include, but are not limited to:
  - a. Messages which are pornographic or obscene.
  - b. Messages in conflict with the City's Sexual Harassment Policy or any other policy prohibiting discrimination, including harassment, on the basis of race, color, religion, sex, national origin, ancestry, age, physical disability, mental disability, medical condition, political affiliation, veteran status, marital status, sexual orientation or any other status protected by local, state or federal law.
  - c. The use of racial, religious or ethnic slurs.
  - d. Messages intended to harass or annoy.
  - e. Messages of a political nature.
  - f. Threats that implicate personal safety.
3. E-mail shall not be used to solicit or proselytize others for non-job related commercial ventures, religious or political causes, outside organizations or other non-job related activities.
4. Exposing one's self and/or others willingly or unwillingly, either through carelessness or intention, to material that is offensive, obscene or in poor taste. This includes information that may create an intimidating, offensive or hostile work environment

5. Communication of confidential City information to unauthorized individuals within or outside of the City.
6. Unauthorized attempts to access data or break into any City or non-City system.
7. Theft or unauthorized copying of electronic files or data.
8. Intentional misrepresentation of one's identity for improper or illegal acts.

**Section 6: STATUS OF E-MAIL COMMUNICATIONS**

1. E-mail communications are not confidential and are subject to review by City Management and disclosure to the public.
2. E-mail communications may be subpoenaed or requested under the Public Records Act and/or may be used as evidence in court or as part of an investigation. The content of E-mail may be disclosed within or outside the City without employee permission or knowledge.
3. City management has the authority to access communications in the E-mail system at any time for any lawful City business-related reason.
4. The City has unlimited access to protect system security or the City's property rights. However, the City does not routinely monitor E-mail communications and expects that employees will voluntarily abide by this policy.

**Section 7: PENALTIES FOR MISUSE OF E-MAIL**

1. All E-mail users will be provided a copy of this regulation, upon the granting of access to the City's computer network. Each such person shall be required to complete an Acknowledgement (substantially the form attached as Attachment "A"), which acknowledgements will be maintained by the Administrative Services Department.
2. Failure on the part of any employee to comply with provisions of this policy shall subject the employee to disciplinary action. Further, failure to comply with any provision of this policy may result in suspension or revocation or the privilege of using or accessing E-mail.
3. Failure on the part of any contractor or consultant to comply with the provisions of this policy will constitute grounds for termination of their contract with the City.

**Section 7: RECORDS MANAGEMENT**

1. E-mail messages which are intended to be retained in the ordinary course of the City's business are recognized as official records that need protection/retention in accordance with the California Public

Records Act. Because the E-mail system is not designed for long-term storage, E-mail communications that are to be retained as an official record should be printed out and the hard copy filed in the appropriate subject file.

2. The City will maintain hard copies of all E-mail messages determined by staff to be official records for minimum of two (2) years or as otherwise designated in the City's retention schedule. These hard copies are subject to public disclosure, even if they are drafts or informal notes, unless the need to retain their confidentiality outweighs the need for disclosure. Government Code Section 6254(a).
3. E-mail communications that are not to be retained and which serve no useful purpose to the Agency should be deleted from the system.

**Section 8: UNAUTHORIZED MONITORING OF E-MAIL**

It is prohibited for any employee, including system administrators, supervisors, or programmers to use the electronic mail and computer systems for purposes of satisfying idle curiosity about the affairs of others, for obtaining access to the files or communications of others with no substantial business purposes or legal authority.

**Section 9: E-MAIL ETIQUETTE AND USE**

The following guidelines will help employees avoid misuse of the City's Electronic Communications Policy:

1. Remember that you are representing the City through your communications both internally and externally, and it is critical that you maintain a positive image for both yourself and the City.
2. Be certain that your message is addressed to the proper person. Be sure you check the list of persons being E-mailed when you choose "**REPLY ALL**" function. E-mail should not be used for broadcast purposes unless the message is of interest to all users.
3. Capitalize words only to emphasize an important point or to distinguish a title or heading. Capitalizing whole words that are not titles is generally interpreted as shouting.
4. Be professional and careful of what you say about others. E-mail is easily forward and blind copied.
5. Be cautious when using sarcasm and humor. Without face to face communication, humor may be viewed as criticism. By the same token, also carefully read what others write. The perceived tone may easily be misinterpreted.

6. Some E-mail messages, especially those written in “the heat of the moment,” are best unsent. Think twice before sending angry or sarcastic messages or using E-mail to let off steam.
7. Be aware that deleting or erasing information, documents, or messages maintained on the City’s network is, in many cases, ineffective. Information kept on the City’s system may be electronically recalled or recreated regardless of whether it may have been erased or deleted by an employee. Further, since the City may periodically back-up files and messages, and because of the way in which computers re-use file storage space, files and messages may exist even after a user assumes they are deleted. Finally, information or messages may still exist in the storage areas of other users. Therefore, employees who delete or erase information or messages should not assume that such information or messages are confidential.

**Section 9: SUMMARY**

E-mail messages to recipients on systems outside of the City pass through systems and networks not managed by the City. The privacy and confidentiality of such messages is, therefore, not assured. In addition, some delivery methods and networks impose legal restrictions regarding the nature of messages allowed. Users are expected to comply with all such regulations. Employees and other users of the Internet, E-mail, and voice mail, can create criminal and civil liability for themselves and the City by using those systems in an offensive, defamatory or illegal manner. And, in so doing such event, employees and other users may be subject to disciplinary action up to and including termination.

Employees and other users of the Internet, E-mail, and voice mail are advised that the City will from time to time monitor the system’s activities. In that regard, the City may conduct reviews of the content of messages and files, and web sites visited on the Internet. This may include random reviews, when in the exercise of the City’s business judgment; the management determines that it would be prudent to do so.