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Email Use Policy

TECHNOLOGY DEPARTMENT
TOM LAFLAMME

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1 Definition

- **Email** – Any message created or received on an electronic mail system, to include text and/or file attachments. (SPR Bulletin 1-99: “Electronic Mail”)
 - <https://www.sec.state.ma.us/arc/arcrmu/rmubul/bul199.htm>
- **Staff** – refers to Employees, elected and appointed Board/Committee members, and paid or unpaid interns
- **Volunteers** – refers to technology users not included in “staff”.
- **Town** – is used to refer the Town of Southborough

2 Scope

This policy is an overall guideline for email use.

This policy shall be reviewed by the Municipal Technology Committee annually. Any changes to this policy shall be presented to the Board of Selectmen for approval.

3 Purpose

This policy is intended to provide guidelines for the proper use of electronic mail (Email) by town employees, elected and appointed members of town boards and committees and other town officials (from this point forward referred to as staff). **These guidelines also apply to members of boards and committees who use personal/business email accounts to communicate with town employees and with other town board/committee members.**

These guidelines apply to the exchange of Emails related to town business and record keeping related to such Emails.

Email is subject to the requirements of the Public Records Law (Mass. Gen. Laws c. 66) and the Federal Freedom of Information Act.

- <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleX/Chapter66>
- <https://www.foia.gov/>

All emails sent or received in the course of public service shall be considered a public record subject to legal discovery and record retention policies.

4 Use of Email

Email accounts are provided only while a user is employed by the Town or appointed to select boards/committees. Once a user's employment/appointment ends, he/she may no longer access the contents of his/her mailboxes.

The content of such mailboxes remains public record. As such, the Town reserves the right to retrieve contents without consulting the former user. This may include reassigning the mailbox to another user.

Additionally, upon deactivation of a mailbox, it will be archived in its entirety for a period not less than 7 years.

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Email may be used by staff to exchange information on Town matters. Incidental personal use of Email is permitted in accordance with section 5.3, but subject to monitoring, archival, and public records search.

4.1 Email Communication amongst Board / Committee Members

In addition to the Public Records Laws, the Open Meeting Law also applies to email communication between members of the same board or committee. As such, care must be taken to avoid violation of Open Meeting Laws by serial communications between members.

Certain types of "housekeeping" matters may be communicated via-Email, such as the distribution of materials, correspondence, agendas and reports.

Matters of substance pending before a board shall not be discussed in an Email by a board member to a quorum of members regardless of whether the Email is sent simultaneously or serially.

Meeting agendas may be discussed by email to confirm scheduling, availability and/or to disclose topical information relevant to an agenda item.

Agendas may be distributed by email when requested by members of the public, committee or board members and may be abbreviated versions that identify the appointments on the meeting schedule and should be considered drafts.

4.2 Content

Town issued Electronic mail accounts shall never be used for any of the following:

- Intentional and unauthorized access to another person's email;
- Sending "spam", chain letters, or any other type of unauthorized widespread distribution of unsolicited mail;
- Use of email for commercial activities or personal gain;
- Creation and use of a false or alias email address in order to impersonate another or send fraudulent communications;
- Illegal activity, including but not limited to, the transmission of copyrighted or trade secret material, the transmission of obscene, defamatory, or threatening material, or the propagation of any type of criminal activity.
- Creation of offensive or disruptive messages or images. Among those things which are considered offensive are any messages or images which contain sexual implications, racial slurs, gender-specific comments, or any other comment that offensively addresses someone's age, sexual orientation, religious or political beliefs, national origin or disability.
- Campaigning on behalf of any candidate or ballot initiating.

5 Email Distribution/Subscriber Lists

Many of the Town's boards, committees, and departments have email lists which members have subscribed to. These lists shall only be used for official message distribution within the list's scope. For example, the only valid use of the Board of Selectmen Agenda subscriber list is to send Board of Selectmen Agendas.

The Town Administrator or Board of Selectmen Chairperson may authorize an exception to this rule in an emergency event where rapid distribution of information to the broadest audience possible is

required. In such cases, the message must contain a clear disclaimer informing the recipients why the list(s) were used.

The Town shall never sell or otherwise provide subscriber's email addresses to third parties, except in the furtherance of the purpose(s) for which the email address was provided to the Town. Any such third party shall be contractually bound to the privacy provisions of the Town.

6 Retaining Email Messages

As of December 1, 2016, Southborough has a practice of archiving ALL Email (regardless of content) sent and received by users on the Town Email system for a period of 7 years. This Email can be retrieved even if deleted by the user or if the user account is deleted. However, all users shall be responsible for evaluating the content of each email message for its content and, if a longer retention period is applicable, taking appropriate actions to ensure appropriate retention. Such actions may include printing the message and filing the physical record, or saving an electronic copy where permitted.

Pursuant to a valid Public Records Requests for copies of information from an email account that is the personal property of an individual (to include his/her business or employer) must be provided.

If staff do not use the municipal email system then they are responsible for full compliance of records retention themselves, including potentially being subject to a public record request on a personal or work email account.

7 Email – Town Property

An Email account is provided to selected staff for use in their work and are to be used primarily for town business only (incidental personal use is allowed). Such email and any related online services are the property of the Town of Southborough and as such may be inspected at any time.

8 Confidentiality

Email should be viewed as an unsecured mode of communication. It is strongly recommended that all documents deemed confidential be encrypted in order to protect the integrity of the communication.

Staff should never assume that Email messages are personal or confidential.

Any encrypted documents must be usable even if the originator is not available. For this reason, either the encryption key must be stored by the department manager in a secure location, or an unencrypted version of the document must be stored on the Town file server alongside the encrypted version.

9 Privacy

Not all Email records are public documents. For example, Emails containing employee personnel file data or medical history of an employee are examples of information that should never be released without proper consent. Other types of Emails and/or attachments such as litigation documents, settlement agreements, etc. may be considered confidential and private until such time that the matter is resolved and becomes a matter of public record. Such Emails are not subject to release under the Freedom of Information Act.

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It is recommended that the Subject Line of any such messages include “PRIVATE” or “CONFIDENTIAL” in order to facilitate the scanning of emails, either manually or by an automated process.

10 Authenticity

Due to the inherent nature of Email, it is not secure and can be altered or changed by any person sending or receiving information.

11 Unsolicited Email

While the Town does utilize a SPAM filtering program, some unwanted emails may get through. Unsolicited Email received from the Internet should not be opened. The user should delete the message immediately. Never open an attachment, especially if you do not know the source or are not expected an attachment. Opening unknown attachments could initiate a virus.

12 Acknowledgement

I have read the Town of Southborough Information Technology Email Use Policy and understand its terms and conditions.

I have been given a copy of this policy and I agree to abide by this policy. I understand that my failure to abide by the policy may result in disciplinary action, up to and including termination of my employment and or fines to recoup losses incurred by my abuse of this policy.

Print Name: _____

Signature: _____

Date: _____

To be included in employee's personnel file.