

## Electronic Mail

### 205.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper use and application of the Department's electronic mail (email) system by employees of this department. Email is a communication tool available to employees to enhance efficiency in the performance of job duties and is to be used in accordance with generally accepted business practices and current law (e.g., California Public Records Act). Messages transmitted over the email system must only be those that involve official business activities or contain information essential to employees for the accomplishment of business-related tasks and/or communication directly related to the business, administration, or practices of the Department.

Along with this policy, each employee shall be familiar with the City's guidelines for electronic communications in Administrative Procedure 1010.

See attachment: [AP 1010 Guidelines for Employee Use of the Internet and Electronic Communication.pdf](#)

### 205.2 EMAIL RIGHT OF PRIVACY

All email messages, including any attachments, that are transmitted over department networks are considered department records and therefore are department property. The Department reserves the right to access, audit or disclose, for any lawful reason, any message including any attachment that is transmitted over its email system or that is stored on any department system.

The email system is not a confidential system since all communications transmitted on, to or from the system are the property of the Department. Therefore, the email system is not appropriate for confidential communications. If a communication must be private, an alternative method to communicate the message should be used instead of email. Employees using the Department's email system shall have no expectation of privacy concerning communications utilizing the system.

Employees should not use personal accounts to exchange email or other information that is related to the official business of the Department.

### 205.3 PROHIBITED USE OF EMAIL

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive and harassing or any other inappropriate messages on the email system is prohibited and may result in discipline.

Email messages addressed to the entire department are only to be used for official business related items that are of particular interest to all users and must be approved by the Chief of Police, Bureau Captain, Division Commander, or an immediate supervisor, unless it relates to an investigation. Personal advertisements are not acceptable.

It is a violation of this policy to transmit a message under another user's name. Users are strongly encouraged to log off the network when their computer is unattended. This added security measure would minimize the misuse of an individual's email, name and/or password by others.

# San Leandro Police Department

San Leandro PD Policy Manual

## *Electronic Mail*

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### **205.4 EMAIL RECORD MANAGEMENT**

Email may, depending upon the individual content, be a public record under the California Public Records Act and must be managed in accordance with the established records retention schedule and in compliance with state law.

The Custodian of Records shall ensure that email messages are retained and recoverable as outlined in the Records Maintenance and Release Policy.

## Attachments

## **AP 1010 Guidelines for Employee Use of the Internet and Electronic Communication.pdf**

<p style="text-align: center;"><b>CITY OF SAN LEANDRO</b></p>  <p style="text-align: center;"><b>ADMINISTRATIVE PROCEDURE</b></p>	<p style="text-align: center;"><b>AP-1010: GUIDELINES FOR EMPLOYEE USE OF THE INTERNET AND ELECTRONIC COMMUNICATION</b></p>
	<p><b>DATE ISSUED: 2/1/13</b></p>
	<p><b>DATE REVISED: 2/16/16</b></p>
	<p><b>APPROVED BY CITY MANAGER:</b></p> 

**I. APPLICABLE TO**

All City employees, contract workers and volunteers.

**II. PURPOSE**

To provide guidance to City employees (Users) in the use of the City’s Electronic Communications Systems (including the E-Mail system) and use of the Internet and related services for work purposes in the performance of their job duties and responsibilities.

**III. DEFINITIONS**

- A. Electronic Communication** means any kind of communication created by, retrieved by, sent to, or stored by any User using any Electronic Communications system, including all information, data and attachments to the communication.
- B. Electronic Communications System** means the system of City-owned devices (including hardware, software, Cloud Computing services, and other equipment) used by the City for the purpose of facilitating the transmission or storage of electronic information such as Internet communications, the electronic mail (E-Mail) system (including Inbox, Sent Items, Calendar, Notes and Tasks), voice mail system, including instant messaging, teleconferencing and videoconferencing, telephones, smart phones, pagers, radios, computers, personal digital assistants (PDAs), other wireless E-Mail devices, and all peripheral devices such as hard drives, disks, flash drives, tapes, film, DVDs and CDs.
- C. E-Mail** means any electronic text, visual or audible communication to or from any User using the E-Mail system, including all information, data and attachments to the communication.
- D. Internet** means the interconnected system of networks that connects computers around the world via the TCP/IP protocol.
- E. Records Management Program Policy** means the City’s Records Retention and Disposition Policy.

- F. **User** means all City employees, contract workers and volunteers.
- G. **City Web Access** means the access of the City's E-Mail system, Internet service, network, or Cloud Computing service from any location other than the User's assigned desktop or laptop installed at City facilities.
- H. **Social Media** means activities that integrate technology, social interaction and content creation. Social media allows people to generate, organize, share, edit and comment on web content through several means. Examples of Social Media sites include, Facebook, Twitter, MySpace, YouTube, Flickr, and blogs.
- I. **Cloud Computing** means the practice of using a network of remote servers hosted on the Internet to store, manage, and process data, rather than a local server or a personal computer. It is often delivered as a service to an end-user or organization in the form of software-as-a-service (SaaS), infrastructure-as-a-service (IaaS), and platform-as-a-service (PaaS).
- J. **Instant Messaging** means an online exchange of short electronic messages via the Internet or a cellular network using software installed on a personal computer or mobile device.
- K. **City Protected Data** means any data that contains personally identifiable information concerning any individual and is regulated by local, state, or Federal privacy regulations.
- L. **City Sensitive Data** means any data that is not City Protected Data, but is information that the City would not distribute to the general public.
- M. **City Public Data** means any data that the City has approved for distribution to the general public.
- N. **Outlook Cabinet** means a folder outside of a User's E-mail Inbox configured within the Outlook program.
- O. **Microsoft Office 365** means a suite on Cloud Computing applications and services provided by Microsoft, including Exchange Online, Skype for Business, Office Online, eCompliance, and more, accessed through the Office 365 Online Portal and/or desktop software, paid for via an annual subscription plan(s).
- P. **In-Place Hold** means a method of preserving electronic messages and other data in Office 365 and making it available for eDiscovery searches.

#### IV. POLICY

It is the general policy of the City of San Leandro that City computers, computer files, E-Mail system, Internet and Intranet access, Cloud Computing services, and the software

furnished to City employees are City property to be used for City business. While the use of the computer, E-Mail and Internet and Intranet is intended for job-related activities, incidental and occasional personal use is permitted, with supervisor approval so long as it does not interfere with the employee's work or violate the provisions of this policy. Users are expected to use the City's technology in a professional manner that supports the efforts of the City and does not diminish productivity. The City's Electronic Communications System, including Office 365, instant messaging, teleconferencing and videoconferencing, may not be used to solicit or persuade others for commercial ventures, religious or political causes, outside organizations, criminal activity or other non-job related solicitations. All information stored or transmitted on City equipment and the Electronic Communications System is the property of the City and may be accessed by the City at any time. Any violation of this regulation may result in disciplinary action.

**A. Electronic Communication System**

1. *Information on the Electronic Communications System is not private.* The Electronic Communications System and all Electronic Communications are the property of the City. The City has the right, but not a duty, to inspect or audit any and all Electronic Communications, at any time, for any lawful purpose, with or without notice to any User. Accordingly, no User shall have any expectation of privacy regarding the content of any Electronic Communication. Users should also be aware that access to Internet sites from City computers creates an electronic trail which may be traced back to a City computer or User.
2. *The Electronic Communications System shall be used in a professional manner.* Users shall comply with all relevant City regulations and copyright laws when using the Electronic Communications System and City Web Access. Inappropriate and prohibited uses include, but are not limited to: threats; slander/libel; defamation; obscene, suggestive or offensive graphic images or messages including any access of pornographic materials; political, private (for profit), or criminal activities; and use of unauthorized software including games or other entertainment software. Staff working in investigative functions for the Police Department whom may be required to access such materials in the normal course of their duties shall be considered exempt for such purposes
3. *Electronic Access Outside of Business Hours.* It is the general policy of the City that all work by non-exempt employees shall, to the extent possible, be completed during the employee's normally scheduled work day or shift. As such, all employees conducting official City business, whether using City-issued email accounts or personal email accounts, are not required nor are they expected to access the Electronic Communications System outside of the employee's normally scheduled work day or shift. Employees who spend more than a minimal amount of time accessing the Electronic Communications System (i.e., more than fifteen minutes in a day) outside of the normally scheduled work day or shift must obtain pre-approval from their supervisor,

Department Head, or the City Manager and must report the time spent as working hours on their timesheet.

B. Electronic Mail

1. *The E-Mail System is intended as a convenient and efficient method of communicating transitory information in an electronic format. The E-Mail System is not intended as a tool for the storage of data, meaning that attachments and other media should be downloaded and saved to authorized file storage locations, as specified elsewhere in this document.*
2. *Automatically forwarding City business-related E-Mails from a User's City E-Mail account to a User's personal E-Mail account is not allowed. Users are also prohibited from forwarding City business E-Mails containing confidential information to personal E-Mail accounts. Users are cautioned that any City business E-Mail forwarded to a personal account may subject that entire personal E-mail account to a Public Records Act request.*
3. *Routine backup of the City's E-Mail system is part of the Office 365 program and services provided by Microsoft. It should not be expected that individual E-mail messages, files, or other electronic media can be accessed or restored outside of the parameters defined by this Policy.*
4. *The E-Mail System for individual Outlook E-mail boxes will be automatically purged. All information on the E-Mail in individual Outlook Inbox, Sent and Deleted Box is subject to automatic purging (deletion) by the City in accordance with the City's Record Retention Schedule and set forth below. All incoming and sent E-Mails are subject to an in-place hold for two years.*
  - a. *The purge cycle for E-Mail messages in the User's Inbox, Sent and Deleted Box, as well as calendar, tasks and notes items shall be set at 2 years and 1 day.*
  - b. *E-mail messages may be retained beyond this period by manually copying them to the User's Online Archive (or by saving messages as files outside of Outlook).*
  - c. *E-mail messages in the User's "Outlook Cabinet" will not be purged. As of the July 2015 conversion to Office 365, the Cabinet Folder will no longer be deployed and is to be replaced by the Online Archive (legacy Cabinet folders will remain active within the Online Archive).*
  - d. *With Department Head approval, exemptions can be made to an individual user's purge policy.*



5. *Online Archive Long-term Storage Feature.* Each user shall be provisioned an Online Archive available in Outlook and/or Office 365 Online. The “Archive” feature of the E-Mail system is intended for use as an alternate storage location in which to save historical messaging data. Messages manually copied to a User’s Online Archive will not be purged.
6. *All User E-Mails.* The E-Mail System is capable of simultaneously transmitting information to “All” (and/or “All\_Plus”, which includes the City Council) of the E-Mail System or All E-Mail Users in a building (City Hall). The contents of E-Mails or voicemail messages to *All Users* or *all building/s* require prior approval by the User’s manager.
7. *Do not attempt to disguise the origin of an E-Mail or access other User’s E-Mail.* No User shall attempt to disguise the origin of any E-Mail, unless authorized by the Chief of Police for a criminal investigation. No User shall access, or attempt to access, another User’s E-Mail unless authorized by (1) the other User, or (2) the other User’s supervisor, or (3) the City Manager. This does not apply to Information Technology staff. With approval from the Information Technology Manager, staff may access any electronic file in the course of their regular duties, i.e. records request, large file review, etc. Similarly, Staff working in investigative functions for the Police Department whom may be required to perform such actions in the normal course of their duties shall be considered exempt for such purposes
8. *Use of Personal E-Mail Account in lieu of City-issued Account.* Under certain circumstances, it may be deemed necessary and/or preferable that an employee not be provisioned a City-issued email account. Under such circumstances, these employees may communicate with City Staff using a personal email account (e.g., Gmail, Yahoo, etc.). It is the City’s general policy that Employees using personal email accounts for official City business be authorized to conduct such activities only during their pre-approved, normally scheduled work hours with reasonable exceptions, such as reviewing work schedules and communicating with supervisory staff, as needed, in order to effectively perform one’s duties.

C. Social Media

Please refer to the City of San Leandro’s Social Media Applications Policy, AP-1011.

D. Instant Messaging

Instant messaging shall be provided on City-issued software, such as Skype. Instant messages will be saved in a User’s E-mail inbox under “Conversation History.” The same guidelines that apply to E-mail shall apply to instant messages sent and received on City-issued software.

E. Data Storage Usage.

The City may make available multiple file storage systems, including local, network, and Cloud Computing file storage systems. Files in these Systems must adhere to the same rules as files on the City’s local area network servers. Files may be disclosable pursuant to the California Public Records Act.

The table below includes a Data Classification index and identifies the City’s Guidelines for using data storage devices to store, share, create, edit, and archive City-owned files. Important note: these guidelines apply only to those data storage locations that City of San Leandro staff have general access to and that are *unrelated* to specific hosted solutions the City may have in use (i.e., data created and stored on hosted systems in the normal course of using said systems, including but not limited to: the body camera system, permitting system, asset maintenance system, and others are to be considered exempt from these guidelines).

<b>Data Classification</b>	<b>Cloud Storage (See appendix for approved services)</b>	<b>Network Storage (City Network Account and permission required for access)</b>	<b>Local Storage (i.e., Desktop PC, Laptop, tablet, etc.)</b>
City Protected Data	<b>Not Allowed</b>	<b>Allowed</b> No special requirements, subject to any applicable laws	<b>Not Allowed</b>
City Sensitive Data	<b>Allowed But Not Advised</b> Subject to Dept. Head/Supervisor review	<b>Allowed</b> No special requirements, subject to any applicable laws	<b>Allowed But Not Advised</b> Requires Dept. Head/Supervisor approval
City Public Data	<b>Allowed</b> No special requirements	<b>Allowed</b> No special requirements	<b>Allowed</b> No special requirements

F. Records Retention

1. All “public records” (which generally means any writing, whether electronic or paper, that contains information relating to the conduct of the public’s business) are governed by the mandatory public disclosure requirements of the Public Records Act and its exceptions (Government Code §§ 6250 et seq.). All E-Mails received or sent will be kept on an In-Place Hold to preserve such items immutably for two (2) years.. The In-Place Hold shall include all instant messages sent or received on City-owned software, which will be saved in a User’s E-mail inbox and treated like E-mail. After two years, all E-Mails in the

In-Place Hold will be subject to the purge cycle and, if deleted, will not be recoverable. Accordingly, Users are required to determine whether information transmitted or received through via E-Mail is a record that needs to be retained for more than two years and should use the Online Archive to save messages deemed so. Users with any questions related to whether an E-Mail should be retained as a public record shall consult with their manager, and/or the City Attorney's Office

2. 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 as set forth in the City's Records Management Program Policy. E-Mail communications which are intended to be retained as an official record should be stored in an appropriate electronic format, including the Online Archive, and/or printed and the hard copy filed in the appropriate subject file.

G. Protect Confidential Information

**The use of E-Mail Encryption is required when sending information that can be deemed confidential.** Users shall treat all information as "confidential" if there is any possibility that the information could be considered personal (such as personnel or medical records), or private (such as proprietary or financial information received from a third party), or if it could potentially expose the City to liability. Only certain City Staff shall be authorized to send encrypted (and thus confidential) information through email. If you authorized to do so and are sending a confidential E-Mail, it is required that you encrypt the message per the Information Technology Division's specifications. If you are not authorized to send confidential information, you must notify your supervisor for guidance on the matter. It is also recommended that you include the following text when sending any confidential information:

**CONFIDENTIALITY NOTICE:** This electronic mail message and any accompanying documents are for the sole use of the intended recipient(s) and may contain CONFIDENTIAL and/or PRIVILEGED information. Any unauthorized disclosure, copying, distribution, use, or the taking of any action in reliance upon this communication is strictly prohibited. If you receive this communication in error, please contact the sender by reply E-Mail or by phone and destroy all copies of the original message and any attachments. Opinions, conclusions and other information in this message that do not relate to the official business of the City of San Leandro shall be understood as neither given nor endorsed by it.

H. Account Provisioning

The City shall provide all City employees (full time, part time, seasonal, and temporary), approved contractors and volunteers with a City-issued network account and access to City technology infrastructure, as is required to perform their assigned duties and tasks.

The City shall only provide a City-issued E-mail account, access to certain Cloud Computing services, including instant messaging, online file storage, the City's intranet portal, and other systems to full time, permanent City employees.

Any part time, seasonal, contract, or temporary employee and/or volunteer will require approval from their Supervisor, Department Head, or the City Manager in order to have an E-mail account created and/or access to Cloud Computing services.. Departments seeking an additional E-mail account and/or access to additional Cloud Computing services shall provide an account number for allocation of associated charges.

In the event of an extraordinary circumstance, an E-mail account may be created without an approval if it is reasonably expected that such approval will be granted.

**I. Printing of Electronic Media in Hard Copy Form**

The City may use technology to enforce restrictions on printing to City-owned devices, which include: desktop printers, network printers, copiers, scanners, fax machines, etc. These restrictions may include preventing certain color print jobs, simplex-mode printing (single sided), and large print jobs (e.g., greater than 500 pages). In such instances, print requests may be redirected to appropriate City-approved devices/locations.2516175.1