



ADMINISTRATIVE POLICIES AND PROCEDURES

Policy: Electronic Communications Policy
Creation Date: January 17, 2012
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Prepared By: HR Department
Approved By: City Manager
Legal Review: Elizabeth Ruhmann

DESCRIPTION: ELECTRONIC COMMUNICATIONS POLICY

I. Policy

Email and other forms of electronic communications (hereinafter referred to collectively as “electronic communications”) are an integral part of the ability of City of El Paso (“City”) employees to efficiently and effectively conduct City business. Such technology has the potential to enhance employee productivity and provide a higher level of service to the citizens of El Paso. However, with such technology in the work environment, the City must ensure it continues to meet its legal obligations with respect to public information and records retention.

The objectives of this policy are to outline appropriate and inappropriate use of the City’s electronic communication systems in order to support City business functions to their fullest capacity, as well as comply with applicable policies and laws. This policy also advises employees and management of their responsibilities and provides guidance in managing information communicated electronically.

This policy is intended to supplement and not replace any existing policy in effect either City-wide or in any other departments of the City. City departments may have department-specific electronic communication policies that may conflict with and/or take precedence over this policy. Employees should consult with their management to determine whether additional or different policies apply to their positions.

It is the policy of the City that, for all electronic communications made in connection with the transaction of official City business, employees who have a City e-mail address use only this City account, and not use a personal e-mail account or other personal electronic communication device or media, so as to ensure that all information regarding the transaction of official business involving public information is open and available to members of the public as required by the Texas Public Information Act (“TPIA”) and as allowed by law. In the event that a

personal electronic communication account or device is used for official City business, such communications must be safeguarded and maintained as required by this policy and any applicable laws.

II. Definitions

As used in this policy:

“Electronic Communications” include, but are not limited to, emails, text messages, internet postings, and instant messages, and include any attachments thereto.

“Official City Business” is any matter over which the City has any authority, administrative duties, or advisory duties.

“City Account” is any electronic communication account issued to an employee by the City whose access to or use of electronic mail, computer or other electronic communication device use is funded by the City or is available through equipment owned or leased by the City.

“Personal Account” is any electronic communication account used by an employee for communication that is not issued by the City.

“Personal Electronic Communication Device” is any device or media used by the employee for electronic communication that is not issued by the City.

III. Scope

This policy applies, as a default policy, to all electronic communication systems owned or operated by the City of El Paso, and all electronic communication account users/holders at the City, including contractors and other agents, who utilize or are granted access privileges to the City’s electronic communication systems.

IV. Use of City Electronic Communication Accounts

City email accounts, like other means of City-provided electronic communications, are to be used to support City business. Employees may use electronic communications to communicate outside of the City when such communications are related to legitimate City activities and are within their job assignments or responsibilities.

Employees **will not** use City email or other electronic communications for disruptive, discriminatory, unethical or unprofessional activities, or for personal gain, or for purposes of political activities, lobbying or campaigning, or for any purpose that would jeopardize the legitimate interests of the City, or violate any City, state or federal law. The distribution, display or forwarding of electronic communications containing non-work related items such as sales offers, jokes, graphics, cartoons, videos, etc., is prohibited.

The use of personal taglines in City emails and electronic communications is prohibited. Employees may use the City official brand or tagline, or official department taglines, only.

V. Receipt of Inappropriate Electronic Communications

If you receive an electronic communication that you believe violates this policy, immediately notify your supervisor or Human Resources Department for guidance.

VI. Privacy and Access

In general, the City reserves the right to access all electronic communications created, received or stored on City electronic communication systems without prior notification, as they are the property of the City of El Paso. All user activity on the City of El Paso Communications network is subject to monitoring and review. Therefore, employees should not have an expectation of privacy when using City electronic communication devices or accounts.

In addition, employees should not access another user's email or electronic communication account or device without authorization; or send emails or other forms of electronic communications under another user's name without authorization. Generally, users should not allow other people to use their electronic communication device or accounts.

VII. Texas Public Information Act and Other Disclosures

Emails and other electronic communications sent, received or stored on the City's electronic communication systems may be subject to release to the public upon request under the Texas Public Information Act (TPIA) (Tex. Gov't Code, Chapter 552). However, there may be instances when certain records, including electronic communications, may be withheld from release if an applicable exception applies. Employees should consult with the management of their departments, as well as with the City Attorney's Office in appropriate cases, to determine whether a particular record should be withheld.

In addition, electronic communications may be subject to disclosure due to litigation or other reasons. Employees should consult with their management and the City Attorney's Office for the proper procedures to follow in these situations.

No email or electronic communication should be deleted if the employee has any reason to believe that the email may be related to any possible dispute or litigation where the City or the employee is a party. This policy does not apply to any email message that is subject to a "litigation hold" which has been issued by the City Attorney. Emails that have been identified as significant for any business purpose, to include litigation, involving the City must not be deleted during the pendency of the related matter/litigation.

VIII. Security

Electronic communication security is a joint responsibility of the City's technical staff and users. Users must take reasonable precautions to prevent the use of their electronic communication account(s) by unauthorized individuals. In addition, caution must be exercised to safeguard passwords and to periodically change passwords to protect against prohibited use. Technical staff should institute sufficient precautions to safeguard the user's confidential information.

Individuals will safeguard all confidential or sensitive City of El Paso information obtained while utilizing any non-City-issued personal electronic communication device, as provided in Section XI, below.

IX. Management and Retention of Electronic Communications

Email is a resource-intensive communications system, and storage space is at a premium. To help conserve City resources, all City employees will make every attempt to manage email records efficiently and not keep emails that have no continuing City business purpose. Each employee should make a decision regarding the need to keep a specific email, electronic communication or document, considering its relationship to the business of the City and the potential value to or impact on third parties. Emails that are routine and not significant should be deleted, once read and action taken, if required, on said communication. If an employee has a question about the value of or the need to preserve a specific email then he or she should consult the City Attorney before deleting the subject email.

The "Deleted Items" folder should not be used for storage. System purges of "Deleted Items" can be done without notice.

X. Personal Folders

Personal folders use up valuable City resources and should be kept to a minimum. The employee is fully responsible for the content of personal email folder, including backup. All superfluous and unnecessary email should be actively reviewed and deleted as appropriate.

E-mails contained in personal folders may be subject to Open Records requests. Users will have no expectation of privacy in any of the communications stored on the City's equipment.

XI. Protocol and Procedures for use of Personal Electronic Communication Devices

City employees must use City accounts to transmit written communications involving official City business whenever feasible.

In the event that a communication involving or made in connection with the transaction of official City business is sent from or received on a personal electronic communication account and/or using a personal electronic communication device or media, the employee who

sent/received the communication shall, as soon as practicable, forward such communication to his or her City email address to be maintained and managed as an official public record.

Once a communication has been forwarded to a City account, the communication should be maintained according to any applicable records retention schedule.

Any application needed to facilitate this transfer of information to a City account is the responsibility of the employee.

Department Directors should ensure that this policy is communicated to all department employees.

The requirements of this policy do not waive any exceptions under the Texas Public Information Act.

XII. Failure to Comply with Policy

Employees who fail to comply with the procedural requirements of this policy may be subject to disciplinary action, up to and including termination of employment.

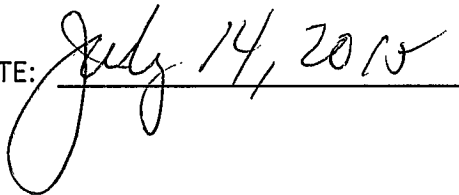
APPROVED BY:

FOR



TOMAS GONZALEZ, City Manager

DATE:



July 14, 2015