



Town of
Longmeadow, Massachusetts
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Policy on the Access and Use of Telecommunications Systems

Purpose

The purpose of this policy is to set in place the standards for the proper and allowed uses of the Town's telecommunications systems, defined to include telephones, electronic mail (e-mail), facsimile machines (faxes), emergency notification systems, radio communication systems and the internet.

Policy

The Town of Longmeadow provides staff with the ability to send messages and information through e-mail, fax and the internet. The latter two forms of communication have become increasingly popular due to their ability to instantaneously reach a wide number of people and are provided by the Town as tools to improve the efficiency and effectiveness of municipal operations.

The use of these capabilities and equipment is subject to the same management oversight as any other employee activity. The telecommunication systems are the property of the Town and should be used for appropriate business purposes.

Applicability

All Town employees, with the exception of those employed by the school, are subject to the provisions of this policy. Members of Town boards and committees are strongly advised to comply with the Public Records Law and the guidelines established by the Middlesex District Attorney's Office with respect to the Open Meeting Law as highlighted below. Although these guidelines are not law, they may be given deference by other District Attorneys or the court when interpreting and enforcing the Open Meeting Law.

Privacy/Public Access

1. Massachusetts statute broadly defines the term "public record" to include all documentary materials or data, regardless of its physical form or characteristics, created or received by any official or employee of any governmental unit, unless falling within a strictly defined set of exemptions (MGL c.4, s. 7(26)), unless otherwise exempted by state or federal laws. E-mail is therefore considered a public record and as such is subject to the requirements of the Public Records Law (MGL c.66). Additionally, federal courts have also held that e-mail is considered a record for purposes of the Federal Freedom of Information Act.
2. All e-mail sent and received as principal addressee at a Town-issued address, or any address when in an official capacity, as well as faxes and internet postings should be considered a public record subject to legal discovery and record retention policies.
3. Employees and committee members acting in their official capacity should have no expectation of privacy in their use of these telecommunications systems. The Town Manager, or his/her designee, reserves the right to monitor e-mail messages, internet postings and faxes and to access all such messages residing on Town of Longmeadow equipment or property. All messages sent or received by e-mail or the internet are stored automatically on the Town's computer system and deleting such messages does not guarantee that they cannot be retrieved.

4. Notwithstanding the Town's right to retrieve and read any e-mail messages, faxes or internet postings generated from or sent to a Town-issued address, employees shall not retrieve or read any messages that are not sent to them unless express permission is given by the intended recipient.
5. No employees shall send e-mail under another employee's name nor shall any employee change any portion of a previously sent e-mail message without prior authorization.

Appropriate Use

1. E-mail, and related on-line services, are the property of the Town and are to be used for business matters directly related to the operational activities of the Town and as a means to further the Town's objective to provide efficient, complete, accurate, and timely services.
2. Users shall act in a professional manner, properly identifying themselves, and shall ensure that they do not misrepresent themselves or the Town.
3. The telecommunications systems shall not be used for personal gain or to conduct personal business, political activity, fundraising activity, or charitable activity unless sponsored by the Town, with the approval of the Town Manager. The transmission of materials used for commercial promotion, product endorsement or political lobbying is strictly prohibited.
4. The telecommunications systems shall not be used to promote discrimination on the basis of race, color, national origin, age, marital status, sex, political affiliation, religion, disability or sexual preference; to promote, result in, or contribute to sexual harassment; or to promote personal, political or religious business or beliefs.
5. The telecommunications systems shall not be used for any 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.
6. No user shall violate the computer security systems implemented by the Town of other institutions, organizations, companies or individuals.
7. No user shall pirate software or download and transfer software for which the use does not have the proper licensing.
8. All users are expected to undertake precautions to prevent infection of Town computers by computer viruses. Executable programs imported from other sites to Town computers may not be used unless they have been authorized by the Town Manager, or his/her designee, and have been subjected to virus detection procedures approved by the Town Manager, or his/her designee. Additional restrictions or regulations on the importing of remote files may from time to time be imposed and such restrictions or regulations shall be considered part of this policy.
9. Users shall not engage in activities that could cause congestion and disruption of networks and systems, including but not limited to consuming excessive system resources, e.g. mail bombing and flooding.
10. For security purposes, employees should either log off or revert back to a password screen saver when leaving their computer for an extended period of time. When leaving for the day, employees should log off. All electronic media should be kept away from magnets including those found in telephone receivers and paper clip holders.
11. Viewing or transmitting pornography from Town systems is strictly forbidden.

12. Installation of computer software and hardware is only to be done by the IT Department staff, or authorized vendor. IT staff can make exceptions on a case-by-case basis, but a request must first be made to the IT Department. Installation of privately owned hardware and software onto Town systems is prohibited.
13. Employees may not take any computer equipment or software out of the workplace without written permission from the Town Manager. Copying Town-owned software for personal use is a violation of software license agreements and is therefore forbidden.
14. Violations of this policy may result in disciplinary action up to and including termination. The Town will report any unlawful use of its systems to the appropriate legal authority for prosecution.
15. Many computer files contain sensitive and privacy-protected data. Release of this data, whether deliberate or accidental, to unauthorized persons or agencies, may result in disciplinary action up to and including termination. The Town will report any unlawful use of its systems to the appropriate legal authority for prosecution.

Open Meeting Law Compliance

1. The Middlesex District Attorney's Office has established guidelines for the use of e-mail by members of governmental bodies. These guidelines emphasize compliance with the Open Meeting Law (MGL c.39, s23A-23B) by reaffirming that no substantive discussion by a quorum of members of a governmental body about public business within the jurisdiction of the governmental body is permissible except at a meeting held in compliance with the provisions of the Open Meeting Law. Despite the convenience and speed of communication by e-mail, its use by members of a governmental body carries a high risk of violating the Open Meeting Law. As with private conversations held in person or over the telephone, e-mail conversations among a quorum of members of a governmental body that relate to public business violates the Open Meeting Law, as the public is deprived of the opportunity to attend and monitor the e-mail "meeting". Because the very nature of e-mail makes it possible for private, serial conversations to reach a quorum of members without the knowledge of all participants, members of governmental bodies should exercise caution with communications via e-mail on an individual basis.
2. Matters of a purely housekeeping or administrative nature, such as scheduling or canceling meetings, announcements, requests to place items on the agenda, or communications by members of a governmental body to department heads or staff may be communicated outside of a meeting, but care should be taken not to use e-mail for the purposes of deliberations.

Agreement

All employees shall agree to abide by the Policy on Access and Use of Telecommunications Systems, and shall sign a statement so stating prior to the granting of access. A signed copy shall be maintained in the employee's personnel file. Any employee who violates this policy or uses the Town's telecommunications systems for improper purposes shall be subject to discipline, up to and including discharge.

Promulgated and distributed June 26, 2006

By: Robin Crosbie, Town Manager

This policy supersedes all prior policies.

Access and Use of Telecommunications Systems Policy
Employee Confirmation of Receipt

The use of the Town's telecommunication system constitutes employee consent to monitoring of systems and is conditioned upon strict adherence to this policy. Any employee who violates this policy or uses the Town's telecommunications system for improper purposes shall be subject to discipline, up to and including discharge.

I certify that I have been given a copy of this policy and provided the opportunity to ask questions about its content. In addition, I certify that I have fully read the policy and agree to abide by its provisions.

Employee Name

Employee Signature/Date

Copy of this page to personnel file on _____
Date