

Bayside Council

Serving Our Community

Electronic Communications Policy

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Electronic Communications Policy
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1 Introduction

Electronic devices used in Council's communications and processes are important tools that council officials use to perform their duties effectively. Such devices and systems are provided to officials for business use.

Council's Code of Conduct specifically includes a requirement that Council officials "must use resources ethically, effectively, efficiently and carefully in the course of (their) duties."

Electronic devices, communications and records are considered 'resources' in terms of the Code of Conduct, and this policy complements those requirements.

2 Definitions

The definitions of certain terms are:

Electronic devices

Electronic devices include but are not limited to:

- telephones (including landline, mobile, smart phone, satellite devices)
- facsimiles
- computers (including desktops, laptops, notebooks, tablets, and handheld devices)
- pagers
- two-way radios
- hand-held devices
- printers / multi-function devices

It is noted that the range of electronic devices provided to Council officials is likely to change as available hardware technology changes.

Electronic communications and/or records

Electronic records include, but are not limited to, the content of:

- written correspondence, such as letters and emails
- documents and databases
- plans and drawings
- photographs, images and video recordings
- voice mails and other audio recordings
- electronic messages, such as short messaging service, multi-media messaging service
- social media interactions
- hyperlinks, on-line interactions, and internet browsing.

It is noted that the range of electronic communications available to Council officials is likely to change as available software and systems change.

Council officials

Council officials include Councillors, employees (permanent, temporary, casual), Council committee members, volunteers and others who fulfil responsibilities on behalf of Council.

Supervisor

A supervisor is a position holder to whom a Council official reports to as depicted in the approved organisation structure and who is deemed generally to be directly responsible for the oversight of the official during the execution or performance of Council duties. For clarity, in the case of Councillors it is deemed to be the Mayor; in the case of directors it is the General Manager.

3 Policy statement

Council officials are to use electronic communications and/or records, and electronic devices ethically, effectively, efficiently and carefully in the course of their duties.

4 Scope

This policy applies to all Council officials in all Council workplaces, including offices and other Council buildings, outdoor locations, in motor vehicles, and situations covered by Council's *Working from Home* procedure.

5 Standards

Council officials are expected to use the most appropriate electronic devices and communications that meet Council's business needs. Allocation of electronic devices to Councillors is outlined in the *Expenses and Facilities Policy*. The General Manager may approve procedures for the allocation of devices to other Council officials from time to time.

Inappropriate and/or unacceptable use will be avoided by meeting the following standards:

- Do not use devices or electronic communications in a way that is unlawful or in conflict with this and other Council's policies and procedures.
- Do not use devices or electronic communications in a way that damages Council's reputation.
- Do not access Council information that is not relevant to your official responsibilities.
- Do not interfere with others conducting Council business.
- Do not use Council's electronic devices for personal use (apart from insignificant use described below).

Examples of inappropriate / unacceptable use are included in Appendix A.

The receipt of inappropriate / unacceptable communications should be immediately reported to your supervisor.

Where a genuine business reason exists that requires access to websites that would be normally regarded as inappropriate, the authorisation of the relevant director is required.

6 Record keeping

Business communications, information and documents sent / received electronically are official Council records, subject to statutory record keeping requirements of the *State Records Act 1998*. Such records must be maintained in an electronic form and not unnecessarily deleted. They are subject to the same scrutiny as hardcopy records, in relation to access to information legislation, and 'discovery' during legal processes.

Accordingly, all Council officials are responsible for ensuring their electronic communications and other electronic records are to be dealt with in accordance with Council's Record Management Policy.

Refer to 'Security and access' for access to records that are password protected when the official (who is normally custodian of the information) is absent.

7 Security and access

Council officials should be alert to the possibility that electronic communications can be intercepted externally, and traced or recorded internally – there can be no expectation of privacy. Password protection should be used on electronic devices wherever possible. Passwords should not be divulged to others.

When an official proceeds on leave or is otherwise absent, and other officials are likely to require access to information and records, proper authorised access should be arranged rather than divulging passwords.

On occasions, Council may need to access official information held in Council-owned electronic devices or systems protected by a password. Approval to access password protected information by the Manager Governance and Business Services may be given by the relevant director or General Manager. Such access may involve incidental scanning of personal and/or non-business related information / communications.

8 Absences and separations

When an official is absent from the workplace for more than one business day, 'out-of-office' automatic replies are to be enabled for email, voicemail and other electronic communications. The response should indicate when the official will return to the workplace, and if necessary an alternative contact.

When an official leaves the employ of Council, an automatic reply indicating this fact and an alternate contact is to be enabled by their manager, who may also authorise an alternative official to have access to and deal with the electronic communications addressed to the former official. Such access may involve incidental scanning of personal and/or non-business related information / communications relating to the former Council official.

9 Copyright

Many resources available through the Internet and elsewhere are subject to copyright and intellectual property rights. Council officials are to be aware of and comply with such requirements when using such resources.

10 Personal use and privacy

Council acknowledges that family and community responsibilities sometimes impact on work and vice-versa. Council therefore accepts that its communication devices may need to be used for personal reasons on occasions. Such use should be infrequent and brief, and is not to involve activities that are inappropriate or unacceptable. Personal use does not extend to the communication of non-business related material to any political organisation, nor does it include the promotion of personal business or commercial gain.

Personal use of Council communication devices is not considered private, and officials using such devices do not have the same personal privacy rights as they would have when using private or public communication devices.

Electronic communications on Council's electronic devices are not Council officials' personal property, but rather official records of Council – they may be perused and copied if required. Notwithstanding this provision, all emails should be treated as private information communicated between a sender and a receiver. Failure to do this can affect the overall usefulness of electronic communications.

The personal use of Council resources is addressed generally in the *Code of Conduct*. Councillors should also refer to Council's *Expenses and the Facilities Policy*. The General Manager may approve procedures for the reimbursement of the costs to Council for personal use of Council devices and/or the reimbursement of personal costs incurred for Council use of personal devices.

Council may monitor Council accounts to determine if personal use is over and above 'infrequent and brief use', and invoice Council officials for such use.

Nothing in this policy over-rides the rights of accredited union delegates to use Council's communication devices in accordance with the conditions contained in relevant industrial instruments or other legislation.

11 Monitoring

In accordance with the Section 10 of the *Workplace Surveillance Act 2005*, notice is given that surveillance of electronic communications and/or devices is undertaken by Council. Such monitoring of devices and communications is undertaken in various ways. It can include processes that are automated, continuous, periodic, random, targeted or continuous, depending on the circumstances.

Council may also monitor and/or disclose electronic communications when it:

- is required by, and consistent, with law
- may verify suspected breaches of the law or this Policy
- supports system maintenance, system management and records management.

Council may remove illegal software and/or data from Council devices following such inspections.

Council may also block selected electronic communications to prevent spam, viruses and communications which are menacing, harassing or offensive. Council may also block access to particular websites considered inappropriate or where excessive private use is identified.

12 Policy implementation

12.1 Policy responsibilities

The General Manager is responsible for this policy overall.

The Manager Governance and Business Services is responsible for the implementation of this Policy, including monitoring its effectiveness. The Manager Executive Services is also:

- responsible to undertake routine monitoring and filtering as described above
- authorised to undertake targeted monitoring on the request of the General Manager or a director.

Managers are to ensure Council officials, who report to them, are made aware of this Policy.

Council officials who use electronic communications and electronic devices are to formally acknowledge their responsibilities in regard to this Policy and that Council undertakes monitoring.

12.2 Procedures

Procedures that support this Policy, may be approved by the General Manager from time to time and include such requirements as:

- Detailed responsibilities
- Councillor compliance statement
- Employee acknowledgement statement
- Email disclaimer text
- Log-on screen acknowledgement / declaration
- Reimbursement of the costs to Council for personal use of Council devices and/or the reimbursement of personal costs for Council use of personal devices.

12.3 Breaches

Council officials are encouraged to report suspected breaches of this Policy as outlined in Council's *Code of Conduct*. Suspected breaches should be reported in writing to the General Manager, who will decide on the subsequent action taken – it may include:

- targeted monitoring
- a more detailed investigation, including perusing communications

- counselling and/or disciplinary action.

For employees, disciplinary action is outlined in the Local Government State Award. For Councillors, the matter is to be referred to the General Manager for consideration and investigation by Council's Conduct Review Committee, if warranted. In addition, Council may refer the matter to other appropriate authorities for prosecution under relevant legislation.

As part of the investigation process, users' rights to access any or all of the electronic communications and/or devices may be revoked.

13 Document control

13.1 Review

This policy is to be reviewed at least every term of a Council. Amendments to this policy are to be submitted to Council for approval, apart from non-significant and/or editorial amendments, which can be approved by the General Manager.

13.2 Related documents

This document should be read in conjunction with:

- *Local Government Act 1993*
- *Workplace Surveillance Act 2005 (NSW)*
- *State Records Act 1998*
- *Private & personal Information Protection Act 1998*
- *Government Information (Public Access) Act 2009*
- *Copyright Act 1968*
- Council's *Code of Conduct*
- Council's *Expenses and Facilities Policy* for Councillors
- Council's *Working from Home* procedure
- Council's *Records Management Policy*
- Council's *Authorised Media & Public Comment* policy
- Council's *Community Engagement Strategy & Policy 2006*
- Council's *Community Engagement Handbook 2006* procedure
- Council's *Web Management Policy*, Heads of Department 2000
- Council's *Business Rules for the Creation and Management of Web Content* procedure 2009

13.3 Version history

This policy was based on a former Rockdale City Council policy last approved 6 June 2012.

Version	Release Date	Author	Reason for Change
1.0	07/12/2016	Bruce Cooke	Harmonised document from former Councils

Appendix I – Inappropriate / unacceptable use

The list below are examples of inappropriate use of electronic communications:

- making or sending fraudulent, unlawful, or abusive information, calls, mail or messages.
- intentionally creating, sending or accessing information that could damage Council's reputation, be misleading or deceptive, result in victimisation or harassment, lead to criminal penalty or civil liability, or be reasonably found to be offensive, obscene, threatening, abusive or defamatory – such improper use may be a breach of law dealing with copyright, access to information, defamation, privacy, contempt of court, and/or contractual obligations.
- interfering with the ability of others to conduct Council business.
- intentionally transmitting, communicating or accessing pornographic or sexually explicit material, images, text or other offensive material.
- transmitting communications or accessing any material which may discriminate against, harass or vilify colleagues or any member of the public on grounds outlined in Council's Bullying and Harassment Policy.
- intentionally creating, transmitting, distributing, or storing any offensive information, data or material that violates Australia or State regulations or laws.
- accessing Council information which is not related to the official's area of responsibility, and which may threaten confidentiality, security and/or integrity of data.
- initiating or responding to electronic chain letters and the like.
- intentionally downloading unauthorised software and large files for personal use.
- computer hacking (illegally accessing) other computers.
- accessing the Internet via unofficial unapproved mechanisms.
- using a hand-held mobile telephone while driving – is an offence under the *Motor Traffic Act* (Council is not responsible for the payment of any fines incurred in relation to such an offence).
- posting Council content or a Council viewpoint on a social media site without delegated authority or authorisation, or in such a way that would be unlawful or contrary to Council's policies, or damage Council's reputation.