

## **EAST AYRSHIRE COUNCIL**

### **PERSONNEL AND PROPERTY SUB-COMMITTEE OF THE POLICY AND RESOURCES COMMITTEE – 13 FEBRUARY 2001**

#### **POLICY AND PROCEDURE GOVERNING THE USE OF TELEPHONES, INTERNET AND E-MAIL**

##### **Report by the Director of Corporate Resources**

### **1. PURPOSE OF REPORT**

1.1 To recommend to the Sub-Committee:

- (a) a revision to the Council's existing Employee Internet and E-Mail policy, subject to consultation with Trade Unions, and
- (b) the introduction of a standard disclaimer to be attached to all outgoing e-mail messages.

### **2. BACKGROUND**

- 2.1 Guidance on the use of Internet and E-Mail facilities is currently available to employees and contained within the Internet and E-Mail policy approved by the Personnel and Property Sub-Committee at their meeting of 24 August 1999. This policy and procedure applies to all Council employees and governs the **business** use of the Council's Internet and E-Mail systems.
- 2.2 Recent legislation has highlighted issues for the consideration of employers who have employees accessing various communication systems such as internet, e-mail and telephones.
- 2.3 The Regulation of Investigatory Powers Act 2000, the Human Rights Act and the draft Code of Practice dealing with the application of the Data Protection Act to the employer/employee relationship raise issues around employees personal use of communication systems and related monitoring/surveillance arrangements which may be put in place.
- 2.4 In light of these recent legislative developments it is considered necessary to extend the Council's existing procedures to provide guidance to employees on personal use of the Council's communication facilities and arrangements in place to monitor employee usage of such facilities.

### **3. PROPOSED POLICY AND PROCEDURE GOVERNING THE USE OF TELEPHONES, INTERNET AND E-MAIL**

3.1 The proposed Policy and Procedure Governing the Use of Telephones, Internet and E-mail is attached as Appendix 1 to this report.

3.2 The proposed document is framed around the original policy and the main areas of procedural change highlighted for the attention of Members are as follows:

- (i) clearly defines acceptable and unacceptable use of telephone, internet and e-mail systems;
- (ii) details the particular provisions that govern both acceptable and unacceptable use;
- (iii) provides guidance to users of the Council's communication systems of the various monitoring arrangements that are in place;
- (iv) applies to all users of the Council's communication systems.
- (v) clarifies acceptable personal use of telephone, internet and e-mail systems and a process for employees reimbursing the Council for "non-emergency" purposes.

3.3 The update and strengthening of the policy is considered to be in employees' interests. Regrettably, the Council has had to manage disciplinary cases following inappropriate use of telephone, e-mail; and internet. Clarifying employees' responsibilities should minimise such cases.

#### 3.4 Personal Use

3.4.1 It is recognised that, from time to time, it may be necessary for employees to make use of Council telephone/fax facilities for reasons unrelated to their duties within the Council. In doing so, employees should adhere to the following guidance.

##### a) Personal Use – No Reimbursement to Council

- Personal use of facilities may be made in appropriate circumstances, eg emergency situations; to check on relative/dependent who is ill; to notify others of overtime arrangements; returning call from relative/dependent etc.
- Wherever possible or practicable, personal use should be within the employee's own time, such as during recognised work breaks.
- Where it is not possible for calls to be made outside normal working hours, employees should endeavour to ensure that disruption to their work, and the work of others, is kept to a minimum.
- Where personal use of facilities is made in appropriate circumstances there shall be no cost to the employee.

##### b) Personal Use – Reimbursement to Council

- It is anticipated that from time to time employees may make personal use of facilities in other circumstances, e.g. contacting bank; arranging appointments, etc.
- Personal use in such circumstances must be within the employee's own time, such as during recognised work breaks.
- The employee shall be required to reimburse the Council for the use of facilities. (See Appendix 1).

3.4.2 Employees who are unsure whether the cost of using facilities should be reimbursed to the Council should seek clarification from their line manager.

3.5 In accordance with arrangements in antecedent authorities, a number of Council Departments currently have systems in place which (i) report on employees use of telephone/e-mail/Internet facilities and (ii) enable employees to reimburse the Council for personal use of these facilities. Such systems have been extended to cover all Departments ensuring consistency of approach and compliance with financial regulations.

3.6 Section 9 of the report relates to Monitoring Arrangements. These arrangements have been in place within local government for many years in respect of telephone usage and will provide meaningful management information. Other than in extreme circumstances, managers are able to query any issues of concern with employees with a view to "nipping in the bud" any potential longer term abuse of the facilities.

3.7 Paragraph 6.2.3 of the process refers to the increasing use of e-mail as a method of communication. There is some early evidence of it being used when a telephone call or face-to-face meeting would be more appropriate and the transfer of workload issues to colleagues which may have been previously shared after discussion. An emphasis will be placed on this management concern when employees are informed of the policy content.

#### **4. USE OF E-MAIL DISCLAIMERS**

4.1 In consideration of reducing the Council's liability in respect of users deliberately or inadvertently transmitting e-mail messages containing inappropriate content it is recommended that a standard e-mail disclaimer be attached to all outgoing e-mail messages.

4.2 The Solicitor to the Council has indicated the areas that could be covered by an e-mail disclaimer as follows:

- (i) a warning that incoming and outgoing e-mails are scanned for viruses but the Council does not accept liability in any way;
- (ii) a warning that incoming and outgoing e-mails are scanned for inappropriate words/phrases;

- (iii) a disclaimer for liability of e-mail content (e.g. that the contents are the views of the sender and the Council is not liable or bound by them).
- (iv) a disclaimer for inappropriate phraseology used in the e-mail
- (v) a confidentiality / copyright notice

## **5. FINANCIAL IMPLICATIONS**

- 5.1 The Policy and Procedure document details the accepted personal use of communication facilities and the rates of reimbursement to the Council for personal use. It is anticipated that this will reduce the risk of misuse of these facilities which has additional financial implications for the Council.

## **6. POLICY / LEGAL IMPLICATIONS**

- 6.1 The introduction of the Policy and Procedure Governing the Use of Telephones, Internet and E-Mail extends the existing policy to provide guidance on personal use of communication systems and related monitoring arrangements. Guidance is in accordance with existing legislation in this area.

## **7. TRADE UNIONS**

- 7.1 The details of the existing Internet and E-Mail Policy were the subject of consultation with trades unions representing all employee groups. Formal consultation has commenced with trades unions with regard to the revised document. Early feedback from the trades unions would indicate that they are aware that it is in the employees interests to ensure that clear guidelines are in place

## **8. RECOMMENDATIONS**

- 8.1 The Sub-Committee is asked to:
  - (a) approve the revised Policy and Procedure Governing the Use of Telephones, Internet and E-Mail, subject to consultation with Trade Unions;
  - (b) ask the Solicitor to the Council and Head of Information Technology to develop a standard disclaimer to be attached to all outgoing e-mail messages;
  - (c) ask the Head of Information Technology to update the existing IT Security User Code of Practice in line with the revised Policy and Procedure; and
  - (d) recommend to Council the approval of the revised Policy and Procedure Governing the Use of Telephones, Internet and E-Mail.

Fiona Lees  
Depute Chief Executive and Director of Corporate Resources  
23 January 2001

### **LIST OF BACKGROUND PAPERS**

1. IT User Code of Practice
2. Personnel Circular 7/98
3. Personnel Circular 26/99
4. Corporate IT Security Policy

Anyone wishing further information on the content of this report should contact Malcolm Roulston, Head of Information Technology on 01563 576809 or Graham Haugh, Head of Personnel on 01563 676095.

## EAST AYRSHIRE COUNCIL

# **POLICY AND PROCEDURE GOVERNING THE USE OF TELEPHONES, INTERNET AND E-MAIL**

## **1. POLICY OVERVIEW**

1.1 The aims of this policy and procedure are to;

- ❖ protect the Council and its employees against the inappropriate use of the Council's communication systems;
- ❖ clearly set out the circumstances in which the Council's various communication systems may be used;
- ❖ ensure that users of the Council's communication systems are aware of acceptable and unacceptable uses;
- ❖ ensure that users of the Council's communications systems are aware of the particular provisions which govern both business and personal use;
- ❖ advise users of the Council's communications systems of the various monitoring arrangements that are in place.

## **2. SCOPE**

2.1 This policy and procedure applies to **all** users of the Council's communication systems and is therefore applicable to both employees and elected members.

## **3. COMMUNICATION SYSTEMS**

3.1 This policy and procedure relates to the following communication systems:

- ❖ Telephone (including mobiles and fax)
- ❖ Internet
- ❖ E-mail

3.2 For clarity purposes this document will detail both general provisions applicable in using each of these communication systems and any particular provisions relating to the individual communication systems detailed above.

## **4. GENERAL PROVISIONS GOVERNING USE OF ALL COMMUNICATION SYSTEMS**

### **4.1 ACCEPTABLE USE**

4.1.1 It is acceptable to use the Council's communication systems in the following circumstances:

- ❖ In support of business, service or learning needs consistent with departmental and Council policy
- ❖ In support of individual's duties
- ❖ Consistent with the rules appropriate to any network being used/accessed as prescribed in the Corporate IT Security Policy and IT Security User Code of Practice

## 4.2 UNACCEPTABLE USE

4.2.1 It is unacceptable for a user to use, submit, publish, display, or transmit on the communication network or on any computer system any information which:

- ❖ Violates or infringes on the rights of any other person, including the right to privacy
- ❖ Contains defamatory, false, inaccurate, abusive, obscene, pornographic, profane, sexually oriented, threatening, racially offensive, or otherwise biased, discriminatory, or illegal material
- ❖ Violates Council procedures prohibiting personal harassment
- ❖ Restricts or inhibits other users from using the system or the efficiency of computer systems.
- ❖ Encourages the use of controlled substances or uses the system for the purpose of criminal intent
- ❖ Uses the system for any other illegal purpose

4.2.2 It is also **unacceptable** for a user to use the facilities and capabilities of the communication system to:

- ❖ Conduct any non-approved Council business
- ❖ Transmit material, information, or software in violation of any local or national law
- ❖ Copy material which is protected by copyright laws
- ❖ Conduct any unauthorised political activity
- ❖ Access or transmit information via the Internet, including Email, in an attempt to impersonate another individual
- ❖ Make any unauthorised Council purchases
- ❖ Conduct any other unauthorised activity

4.2.3 Clarification of any of the above acceptable and unacceptable uses, should be sought from the Line Manager/Head Teacher, if required.

## 5. **USE OF COUNCIL TELEPHONE SYSTEM (INCLUDING MOBILES AND FAXES)**

### 5.1 BUSINESS USE

5.1.1 Users of the Council's telephone systems are authorised to use the telephone system in support of their individual duties, departmental and service needs.

### 5.2 PERSONAL USE

5.2.1 It is recognised that, from time to time, it may be necessary for employees to make use of Council telephone / fax facilities for reasons unrelated to their duties within the Council. In doing so, employees should adhere to the following guidance:

a) Personal Use - No Reimbursement to Council

- ❖ Personal use of facilities may be made in appropriate circumstances e.g. emergency situations; to check on relative/dependant who is ill; to notify others of overtime arrangements; returning call from relative/dependent etc.
- ❖ Wherever possible or practicable, personal use should be within the employee's own time, such as during recognised work breaks.
- ❖ Where it is not possible for calls to be made outside normal working hours, employees should endeavour to ensure that disruption to their work, and the work of others, is kept to a minimum.
- ❖ Where personal use of facilities is made in appropriate circumstances there shall be no cost to the employee.

b) Personal Use - Reimbursement to Council

- ❖ It is anticipated that from time to time employees may make personal use of facilities in other circumstances e.g. contacting bank; arranging appointments etc.
- ❖ Personal use in such circumstances must be within the employee's own time, such as during recognised work breaks.
- ❖ The employee shall be required to reimburse the Council for the use of facilities. (See Appendix 1).

5.2.2 Employees who are unsure whether the cost of using facilities should be reimbursed to the Council should seek clarification from their line manager/Head Teacher.

## **6. USE OF COUNCIL INTERNET SYSTEM AND E-MAIL SYSTEM**

### **6.1 GENERAL OVERVIEW**

6.1.1 The Internet, including E-mail, is an electronic communications network providing vast, diverse and unique resources. Our goal in providing this service to employees is to promote business, service and learning excellence in East Ayrshire by facilitating resource sharing, innovation and communication.

6.1.2 With access to computers and people all over the world also comes the availability of material that may not be considered to be of business, service or learning value in a Council/Departmental context. There may be some material or individual communications that are not suitable for anyone. East Ayrshire Council views information gathered from the Internet in the same manner as reference materials identified by employees. Specifically, the Council supports resources that will enhance the business, service and learning environment. Exploration and manipulation of resources is encouraged where this benefits the Council and the employee's development within their post. However, it is impossible to control all materials on a global network and an industrious user may discover inappropriate information.

6.1.3 Employees access to, and use of the Internet will be available only through departmental authorisation (Director/Depute Director/Head of Function) and will be controlled by Corporate Resources (Information Technology). Similarly, access to and use of Email will be available only through

departmental authorisation (Line Manager/Head Teacher). **Only the software and hardware prescribed by IT Services will be acceptable for Internet and E-mail access, as outlined in the Corporate ICT Strategy.**

- 6.1.4 The Council, whilst taking all appropriate precautions, cannot prevent the possibility that some users may access material that is not consistent with the policies of the Council, department or service, or in line with the employee's normal duties and responsibilities.

## 6.2 BUSINESS USE

- 6.2.1 The operation of the Internet relies heavily on the proper conduct of users, and their adherence to this policy. Internet access is a privilege, not a right. If a user persistently violates any of the acceptable use provisions outlined in this document, his/her use of the Internet and/or Email will be terminated and future access will be denied. Some violations may also constitute a criminal offence and may result in legal action. Any user violating these provisions, applicable national laws, or Council policies, is subject to loss of access privileges and may be subject to disciplinary procedures, including dismissal.

- 6.2.2 Where material which is not consistent with the policies of the Council, is inadvertently accessed, this should be reported by the user to their Line Manager/Head Teacher, or at the very least noted by the user. If there is any doubt as to what constitutes inappropriate material, the user should seek advice from their Line Manager/Head Teacher.

- 6.2.3 Users of e-mail are reminded that e-mail is really an electronic substitute for paper memos and letters and not an alternative to telephoning and face to face meetings, especially internally. E-mail users should adhere to the following guidelines:

- ❖ Make messages as informative as possible
- ❖ If an urgent reply to your e-mail is required, ensure that the recipient has read the e-mail
- ❖ Be polite e.g. when writing e-mail messages the use of capital letters is technically considered to be the equivalent of SHOUTING
- ❖ Do not transmit confidential or other sensitive information via E-mail on the Internet
- ❖ Use caution when revealing personal information such as your address or phone number (or those of others)
- ❖ Avoid sending excessively large e-mail or attachments
- ❖ Do not use e-mail to harass or threaten anyone in any manner e.g. the persistent sending of unwanted e-mail may be viewed as harassment
- ❖ Ensure that you are aware of the unacceptable uses detailed at 4.2.above

- 6.2.4 Appropriate training will be provided to employees granted Internet or Email facilities.

## 6.3 SECURITY MEASURES

- 6.3.1 Users should adhere to the following security measures;

- ❖ If you identify a security problem, notify IT immediately
- ❖ Take every reasonable precaution to protect the Council's network from security issues such as computer viruses

- ❖ Do not show or identify a security problem to others
- ❖ Do not reveal your account password or allow another person to use your account, without the appropriate authorisation
- ❖ Do not use another individual's account
- ❖ Provide information required to update registration, password and account information in order to continue Internet access, as required
- ❖ Use only the recommended software to access the Internet
- ❖ Ensure that you are familiar with the contents of the IT Security User Code of Practice, copies of which are available from IT Services.

#### 6.4 VANDALISM / HARASSMENT

- 6.4.1 Vandalism is defined as any malicious attempt to harm or destroy data of another user, the Internet or other networks. This includes, but is not limited to, creating and/or loading computer viruses or unlicensed software.
- 6.4.2 Harassment is defined as the persistent annoyance of another user or the interference in another user's work. This includes, but is not limited to, the persistent sending of unwanted mail.
- 6.4.3 Vandalism and/or harassment will result in the cancellation of the offending user's access privileges and may result in disciplinary action.

#### 6.5 PERSONAL USE OF E-MAIL

- 6.5.1 With the development of wider access to electronic mail facilities, the Council accepts that employees who are permitted access to e-mail for business purposes, may find benefit in using this facility for personal reasons. In doing so, employees should adhere to the following guidance:
- ❖ Personal use of e-mail should be within the employees own time, such as during recognised work breaks or outwith core hours
  - ❖ Personal use of e-mail shall be in accordance with the guidelines contained within sections 6.1 to 6.4 above.
- 6.5.2 Where personal use of e-mail facilities is made, the employee shall reimburse the Council for the use of these facilities (see Appendix 1).

#### 6.6 PERSONAL USE OF INTERNET

- 6.6.1 The Council accepts that employees, who are permitted access to the Internet for business purposes, may find benefit in using this facility for personal reasons. In doing so, employees should adhere to the following guidance:
- ❖ Personal use of the Internet should be within the employee's own time, such as during recognised work breaks or outwith core hours.
  - ❖ Personal use of the Internet shall be in accordance with the guidelines contained within sections 6.1 to 6.4 above.
  - ❖ Employees should exercise extreme caution if conducting financial transactions or disclosing personal information over the Internet and are reminded that the Council will not be responsible for any damages or loss a user may suffer.

6.6.2 Where personal use of Internet facilities is made, the employee shall reimburse the Council for the use of these facilities. (see Appendix 1).

6.6.3 East Ayrshire Council makes no warranties of any kind, whether expressed or implied, for the service it is providing. East Ayrshire Council will not be responsible for any damages or loss a user may suffer, including loss of data. The Council will not be responsible for the accuracy or quality of information obtained through the Internet connection.

## **7. ARRANGEMENTS FOR REIMBURSING THE COUNCIL FOR PERSONAL USE OF COMMUNICATION SYSTEMS**

7.1 In accordance with arrangements in antecedent authorities, a number of Council Departments currently have systems in place which (i) report on employees use of telephone/e-mail/Internet facilities and (ii) enable employees to reimburse the Council for personal use of these facilities. Such systems have been extended to cover all Departments ensuring consistency of approach and compliance with financial regulations. It is anticipated that minimum requirements of the system to reimburse shall be as follows:

- ❖ System will allow for local recording of personal use of facilities either, by daily logging of all personal use made by the individual or by monthly voluntary contributions on an estimate of use basis, the method used to be decided locally.
- ❖ A nominated individual shall be responsible for any money collected before transferring the funds to the Finance Department. For guidance, this should be an employee currently tasked with collection of money/petty cash. It is not intended that this individual will have the responsibility of charging for the use of facilities, rather individual employees will be trusted to reimburse in accordance with the guidance contained in this Circular.

## **8. MISUSE OF FACILITIES**

8.1 Any user violating these provisions, applicable national laws or council procedures or policies is subject to:

- ❖ loss of network privileges, including Internet and /or Email access
- ❖ Council's Disciplinary procedures, including dismissal, if appropriate
- ❖ Criminal prosecution, if appropriate

## **9. MONITORING ARRANGEMENTS**

9.1 To safeguard the interests of both the Council and individuals, users of the Council's communication systems are subject to the following monitoring arrangements:

### **9.1.1 Telephone Monitoring**

- ❖ The Council shall monitor the usage of telephones by providing reports to departments, detailing the numbers called and duration of call made from each departmental telephone extension and mobile phone.
- ❖ The Council will not record the contents of any telephone calls.

- ❖ These monitoring arrangements apply to both business and personal use telephones.

*Admin. Note - Calls to the Council's Telephone Helpline are monitored for business purposes. Employee providing this service are aware of these monitoring arrangements.*

#### 9.1.2 Internet Monitoring

- ❖ The Council shall monitor access to the Internet by providing reports to departments, detailing the site visited; the duration and frequency of the visit; the time of the visit; search engines and keywords used.
- ❖ This monitoring will also highlight any inappropriate content.
- ❖ These monitoring arrangements apply to both business and personal use of Internet.

#### 9.1.3 E-Mail Monitoring

- ❖ The Council shall monitor e-mail usage by using recognised software to automatically scan all incoming and outgoing e-mail messages for viruses and for pre-defined narrative that could be deemed to include profanity or defamatory comments, pornographic references or inappropriate content.
- ❖ Any e-mail messages that are found to contain any of the pre-defined narrative referred to above will automatically be blocked and the appropriate Director notified accordingly. The Director will then be required to investigate the matter, taking action as appropriate.
- ❖ These monitoring arrangements apply to both business and personal use of e-mail.

## **Corporate Resources (Information Technology Services) January 2001**

**PERSONAL USE OF COMMUNICATION FACILITIES****RATES OF REIMBURSEMENT TO COUNCIL - EFFECTIVE FROM 1 JANUARY 2001**

| <b>COMMUNICATION SYSTEM</b> | <b>RATE OF REIMBURSEMENT</b>          |
|-----------------------------|---------------------------------------|
| Telephone & Fax             | 3p per minute for external call       |
| E-Mail                      | 3p per external e-mail sent           |
| Internet                    | 3 p per minute for duration of access |

***Employees will receive advance notification should it be necessary to alter the above rates.***

**AGENDA**