



Electronic Communications Policy

PERSONNEL Board

Town of Boxborough, MA

Intent and Purpose

This policy sets forth the implications and use of electronic mail (email) and other telecommunications systems including text messaging, facsimile (fax) machines and the Internet as it applies to the Open Meeting and Public Records laws.

Contents

Intent and Purpose	1
Definitions.....	1
Policy.....	2
Compliance with Laws	2
Privacy.....	2
Appropriate Use.....	2
Prohibited Practices.....	3
Malware	3
Open Meeting Law Compliance.....	4
Retention and Disposition of Public Records.....	4
Responsibilities	4
Agreement	5

Definitions

Public Records

Massachusetts statute broadly defines the term “public record” to include all documentary materials or data, regardless of 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 [M.G.L. c. 4, § 7(26)].

Therefore, the Secretary of the Commonwealth advises that the Public Records Law clearly applies to government records generated or received electronically. All electronic communications sent or received by way of the Town’s system, or by way of any address or device when the sender or recipient is acting in an official capacity, should be considered a public record, subject to inspection and disclosure and scheduled retention and disposition. Employees and committee members using electronic communications while acting in their official capacity are the keepers of the public record in that

respect. They should have no expectation of privacy in their use or storage of electronic communications.

All email, texts, faxes, and Internet postings that Town employees and committee members in their official capacity send or receive through any address, phone number, device, or platform, whether Town-issued or not, should be considered a public record subject to legal discovery and record retention policies.

Policy

Telecommunication systems are the property of the Town and shall be used for appropriate business purposes as outlined in this document. The use of electronic communications is subject to the same management oversight as any other employee activity.

Compliance with Laws

Employees may not utilize the Internet to knowingly violate any state, federal or local law or the laws of any other nation. United States copyright and patent laws may apply to information and material(s) accessed through the Internet, and care should be taken to not violate the copyrights or patents of others on or through the use of the Internet.

Privacy

Employees and committee members acting in their official capacity should have no expectation of privacy in their use of these telecommunications systems. The Town Administrator, or the TA's designee, reserves the right to monitor email messages, Internet postings, and faxes, and can access all such messages residing on Town of Boxborough equipment or property. All electronic messages sent or received using the Town's server are stored automatically; deleting such messages does not guarantee that they cannot be retrieved. Any deletion of archived electronic communication must follow laws regarding record retention.

Appropriate Use

Electronic communications and related online 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.

Users shall act in a professional manner by properly identifying themselves and by ensuring that they do not misrepresent themselves or the Town.

No user shall violate the security systems implemented by the Town or other institutions, organizations, companies, or individuals.

Prohibited Use

- Employees shall not make an unauthorized attempt to enter into another employee's computer device or account.
- Employees shall not retrieve or read any messages that are not sent to them, unless express permission is given by the intended recipient.
- No employee shall send or post electronic communications under another employee's name, nor shall any employee change any portion of a previously sent message or post without prior authorization.
- 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 Select Board. The transmission of materials used for commercial promotion, product endorsement, or political lobbying is strictly prohibited.
- The telecommunications systems shall not be used to promote discrimination on the basis of race, color, national origin, age, marital status, gender, gender identity, political affiliation, religion, disability, or sexual orientation. The systems shall not be used to promote, result in, or contribute to any form of harassment, including sexual harassment. The systems shall not be used to promote personal, political, or religious business or beliefs.
- 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.
- No user shall pirate software or download and transfer software for which the user does not have the proper licensing.

Malware

After training, all users are expected to undertake precautions to detect malware (including attachments) that are downloaded and/or opened from the Internet, before installation or execution of such files/attachments. Programs imported from other sites to Town devices may not be used unless they have been authorized by the Town Administrator (TA), or the TA's designee and have been subjected to malware detection procedures approved by the TA, or the TA's designee. Users should direct any questions regarding the proper use of virus detection software to the Systems administrator prior to downloading and/or opening any computer files/attachments. From time to time, Town officials may impose additional restrictions or regulations on the importing of remote files, and such restrictions or regulations shall be considered part of this policy.

For security purposes, employees should either log off or revert back to a password screen saver when leaving their computer or other electronic devices for an extended period of time. When leaving for the day, employees should log off.

Open Meeting Law Compliance

The Middlesex County District Attorney's Office has established guidelines for the use of electronic communications by members of governmental bodies. These guidelines emphasize compliance with the Open Meeting Law (M.G.L. c. 39, § § 23A - 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 electronically, the use of these methods 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, email or messaging conversations among a quorum of members of a governmental body, when the conversations relate to public business, violate the Open Meeting Law, as the public is deprived of the opportunity to attend and monitor the "meeting." Because the very nature of electronic communication 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 when communicating electronically on an individual basis.

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 electronic communications shall not be used for deliberations.

Retention and Disposition of Public Records

As public records, the retention and disposition of electronic communications are stipulated by retention schedules issued by the Secretary of the Commonwealth. In addition to retaining the actual text of a message and any attachments, transmission data contained in an email communication (full header information including the sender, addressee, date and time of transmission and receipt, and routing instruction) shall also be retained as part of the record, whether the record is printed out or stored electronically.

Responsibilities

Department heads are responsible for monitoring and reinforcing employee compliance with the Town policy and related department procedures that may be put in place toward that end.

The Town's IT vendors are responsible for supporting and maintaining the Town's electronic communications system, and providing routine backup and off-site storage for data recovery and record retention purposes.

All employees and board and committee members are responsible for complying with Town policy and departmental procedures. Computers, email, personal electronic devices, and the Internet must be used

in a manner consistent with other Town policies, such as those prohibiting discrimination and harassment, and those identifying minimum standards of conduct.

Agreement

All employees shall agree to abide by the Electronic Communications Policy 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.

This policy revokes and replaces all previous policies on this topic including the policy titled "Policy on the Access and Use of Telecommunications Systems" approved by the Select Board on 09/25/2000.



Electronic Communications Policy Employee acknowledgement form

Town of Boxborough, MA

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