



Town of Burlington

ADOPTED: August 18, 2003

NETWORK AND ELECTRONIC RESOURCES USAGE POLICY

General Statement: The Town of Burlington is pleased to offer network and electronic resources access to its employees and hopes that it will assist those working in the Town to better serve its constituency. Town employees have an obligation to use their access to the Internet in a responsible and informed way, conforming to network etiquette, customs and courtesies.

The following regulations may be updated from time to time and amended at the discretion of the Board of Selectmen.

1. The following activities are strictly prohibited:

- a. Any illegal activity, including, but not limited to, the transmission of copyright or trade secret material, the transmission of obscene¹ or threatening material, or the participation in any type of criminal activity.
- b. The transmissions and files related to commercial promotion, product endorsement or political lobbying.
- c. Attempts to violate the computer security systems implemented by the Town of Burlington or other institutions, organizations, companies or individuals.
- d. Software piracy, or the downloading and transferring of software for which the user does not have the proper licensing.
- e. Deliberate destruction or tampering of files, databases or programs.
- f. Misdirection or misappropriation of Town-owned or Town-created files, documents, programs or materials for personal gain.
- g. Misuse of Town-owned equipment, hardware and software for personal business or personal financial gain.
- h. The transmission or disclosure of materials holding a federal security classification as defined in Executive Order 12958, sec. 1.3. is strictly prohibited.
- i. Any activity that can be construed as offensive or causing a hostile work environment.

2. E-mail and other on-line services are the property of the Town of Burlington, and should be used for business purposes relative to the Town/Department. Occasional personal use of e-mail and the Internet is permitted. However, misuse of these systems may result in serious disciplinary action by the Town/Department up to and including dismissal. Examples of misuse include, but are not limited to: Disruptive or offensive messages containing sexual implications, racial or gender-specific slurs, or any other comment that offensively addresses someone's age, sexual orientation, religious or political beliefs, national origin or disability. Use of Town Internet services is a privilege, not a right and may be revoked at any time for inappropriate conduct.

3. E-mail messages and computer files prepared, displayed, stored and transmitted or received on Town computer systems are public record and are legally discoverable. No right to privacy is to be expected or assumed. Employees should not expect that e-mail messages (even those marked "personal") are private or confidential; confidential information should not be transmitted via electronic means. Where there is a legal necessity, (e.g. the records may be exempt from public records access) to protect the confidentiality of particular information stored or processed on Town computer systems, the employee or designated Town official responsible for the information must make specific arrangements with the Information Systems Manager and strictly adhere to the procedures established to protect the designated information. Employees shall not read e-mail received by another employee when there is no business purpose for doing so. Employees shall not send e-mail or access the Internet under another employee's name without authorization. No employee shall change any portion of a previously sent e-mail message without authorization.

¹ The word "obscene" is defined in reference to Massachusetts General Laws chapter 272, section 31 <http://www.state.ma.us/legis/laws/mgl/272-31.htm>.

4. Use of the Town's system constitutes consent to monitoring of e-mail transmissions and other on-line services and is conditioned upon strict adherence to this policy. The appointing authority may periodically monitor e-mail messages as well as server traffic and Internet use. Reasons for doing so include but are not limited to: System checks, review of employee productivity when employee productivity is called into question by a supervisor or manager, investigations into claims of possible criminal activity, and investigations into claims of inappropriate use of the Town's Internet or on-line services.
5. All users are expected to undertake precautions to prevent infection of Town computers by computer viruses. Though computers have virus-scanning software, the data files are not always up-to-date. It is the end-user's responsibility to periodically update these files. MIS is available to assist and input the latest virus scanning technology into all computers. In particular, executable programs imported from other sites to Town computers must not be used unless the MIS Department has authorized them and they have been subjected to virus detection procedures approved by MIS. The MIS Department may, from time to time, impose additional restrictions or regulations on the importing of remote files, and such restrictions or regulations shall be considered part of this policy.
6. Notwithstanding the provisions of Section 1 above, political lobbying or other activities that may be deemed to be political in nature shall be permitted to the extent that such activities are a part of the official responsibilities of an employee, provided that such activities relate to political issues rather than to specific political candidates. For further clarification please see bulletin OCPF-IB-91-01 reissued in February of 1999 by the Office of Campaign and Political Finance: *The Application of the Campaign Finance Laws to Public Employees and Political Solicitation*. For additional information, refer to the OCPF website at "www.state.ma.us/ocpf" or the Town Clerk's Office may obtain a copy of this bulletin for you.
7. Computer programs are valuable intellectual property. Software publishers can be very aggressive in protecting their property rights from infringement. In addition to software, legal protections can also exist for any information published on the Internet, such as the text and graphics on a web site. As such, it is important that users respect the right of intellectual property owners. Users should exercise care and judgment when copying or distributing computer programs or information that could reasonably be expected to be copyrighted.
8. Department heads and supervisors are responsible for ensuring that all their employees using computers have read this policy and understand its applicability to their activities.
9. The department head is responsible for insuring that any employee who will be given access to Internet services, e-mail and proprietary electronic systems has read and signed a copy of this policy. A signed copy will be placed in the employee's personnel file.
10. E-mail and Internet are work tools. The appointing authority and/or department head shall deem who appropriately can utilize tools such as e-mail/Internet to better perform their job duties and have the right to review/limit the number of hours spent on each application.
11. Employees should be advised that the e-mail system is not intended for use as a filing cabinet. The MIS Department will systematically purge the e-mail system every ninety days and will do its best to notify Department Heads prior to purging the system. Employees are reminded to periodically save their e-mail files to either a floppy disk or print them out on paper to ensure that important documents are not deleted during purges. Electronic mail is considered a public record and is subject to Massachusetts General Law c. 66, c. 4, § 7(26)(a-m), and other relevant regulations. Further, the Town (through its MIS department) will ensure the security and reliability of its electronic record keeping and record-creating resources by documenting its systems using the state's "Guideline for the Documentation of Electronic Record-Keeping Systems" (revised 4/29/02) found at <http://www.state.ma.us/sec/arc/arcrmu/rmuer/ElectronicRecordesGuideline.tif>.
12. Exchange of information and opinions via electronic means may be construed as a violation of *Massachusetts Open Meeting Laws* if the exchange is among enough members of a Board or other regulated body so as to constitute a quorum. Established guidelines for Town employees and Board Members covering formal and informal meetings and discussions or phone calls, including conference calls, are to be treated as extending to e-mail and all other computer-facilitated communications.

ACKNOWLEDGEMENT OF RECEIPT AND READING INTERNET/E-MAIL POLICY

I have received a copy of the Town of Burlington's *Internet/E-mail Policy* outlining the responsibilities of employees and the Town. I have read the policy and acknowledge that if I have any questions, I should contact the Human Resources or MIS Departments.

This *Internet/E-mail Policy* is subject to change. It is understood that changes in the policy will supersede the current policy and I will be notified of such changes in writing.

Signature of Employee

Date

Print Name & Department

Original to be contained in employee's personnel record at the Town Offices