

# **ELECTRONIC COMMUNICATIONS AND COMPUTER USAGE POLICY**

## **I. INTRODUCTION**

This Policy is intended to provide guidance on the appropriate use of the Town of Upton's electronic communication and information equipment and systems ("Systems"). Such Systems include, but are not limited to, computer workstations, laptops, tablets (such as iPads), hardware and software, electronic mail ("e-mail"), telephones, cellular phones, pagers, "blackberry"-style devices, SmartPhones, facsimile machines, and the Internet.

Use of the Town of Upton Systems by any employee, contractor, consultant, and/or volunteer ("user") shall constitute acceptance of the terms of this Policy and any such additional related policies that may be issued by the Town.

Access and use of the Town of Upton Systems is intended for business-related purposes, including communicating with coworkers and colleagues, and researching topics relevant to Town business. All existing state, federal, and local laws and Town policies apply to your conduct while using the Town of Upton Systems, particularly those that govern intellectual property protection, sexual or other harassment, misuse of Town resources, privacy rights, and confidentiality.

This Policy sets forth general guidelines and examples of prohibited uses of the Town of Upton systems for illustrative purposes, but does not attempt to identify all required or prohibited activities by users. Questions regarding whether a particular activity or use is acceptable should be directed to the Systems administrator, and/or your supervisor. These guidelines may be supplemented by more specific administrative procedures and rules governing day-to-day management and operation of the Town of Upton Systems. Furthermore, this Policy may be amended from time to time, and is meant to be read in conjunction with all other applicable policies of the Town of Upton.

## **II. PRIVACY**

Users should not expect any right of privacy in said Systems, including electronic communications and information made or stored on the Town of Upton Systems. The Town retains the right to inspect its Systems, including any Town-owned or leased computer or electronic communications equipment, any data contained in such equipment, and any data sent or received by that equipment. The Town will exercise that right when reasonable and in pursuit of legitimate needs for supervision, control, and the efficient and proper operation of the workplace. Users should be aware that appropriately-authorized network administrators may monitor network traffic, and/or access all files, including e-mail files and Internet use history, stored on any equipment.

All electronic files and documents originating from or passing through the Town of Upton Systems are considered to be the property of the Town.

## **III. SECURITY**

All usernames and passwords are for the exclusive use of the individual to whom they are assigned. The user is personally responsible and accountable for all activities carried out

under his/her username, and should take all reasonable precautions to protect his/her password. The password associated with a particular username must not be given or divulged to another person (with the exception of the Systems administrator). No one may use, or attempt to use, a user-name or password assigned to another person, or pose as another user.

#### **IV. INTERNET GUIDELINES**

While we increasingly use the Internet as a tool in the workplace, misuse or abuse of the Internet can result in wasted time, as well as potentially violate laws, bylaws, ordinances, regulations, or other Town of Upton policies. Therefore, users should adhere to the following Internet Guidelines.

- A. Use for Official Business. It is the Town's policy to restrict Internet access to official Town business. Use of the Internet for personal matters is prohibited.
- B. Authorization. Authorization for Internet access must be obtained through the Systems administrator. Once authorization is approved, each user is responsible for the security of his or her account password and will be held responsible for all use or misuse of such account (see Section III, Security, above).
- C. Compliance with Laws. Users must 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.
- D. Viruses. All appropriate precautions should be taken to detect viruses, including scanning all computer files (including attachments) that are downloaded and/or opened from the Internet, before installation or execution of such files/attachments. 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.
- E. Town Monitoring. As noted above, users should not have any expectation of privacy as to their computer or Internet usage, including the receipt and sending of e-mail. It is possible for the Town to monitor Internet usage histories and/or patterns, and the Town may inspect, without limitation, any portion of its Systems, including files stored either on the computer hard drive or the Town's server, to the extent necessary to ensure compliance with this Policy or any other applicable state, federal, or local law or Town policy.
- F. Prohibited Practices.
  - (1) Users shall not use Town computers knowingly to download or distribute pirated software or data. Any software or files downloaded via the Internet may be used only in ways that are consistent with their licenses or copyrights. The downloading of games or other programs for amusement/entertainment purposes is strictly prohibited.
  - (2) Users shall not make an unauthorized attempt to enter into another employee's computer (commonly referred to as "hacking").

- (3) All computer hardware and software shall at all times remain the property of the Town of Upton, and may not be removed from their respective sites or downloaded onto personal computer equipment without the express written approval of the Systems administrator. The installation or upgrade of computer software programs on computer hardware, without the express written approval of the Systems administrator, is strictly prohibited.
- (4) Users must not utilize the Internet to deliberately propagate any virus, worm, "Trojan horse," trap-door or back-door program code, or knowingly disable or overload any computer system or network, or to circumvent any system intended to protect the privacy or security of another user.
- (5) Users shall not disclose confidential information or promote personal political beliefs, discrimination, sexual harassment, and any unlawful activity; nor shall the Town of Upton computers be used for private financial gain, or commercial, advertising or solicitation purposes.
- (6) Use of the Town of Upton Systems, including computers, to display any kind of image or document that is obscene, pornographic, sexually explicit or sexually suggestive, is prohibited. Additionally, these materials may not be archived, stored, distributed, edited, or recorded using Town network, printing, or computing resources.
- (7) Users shall not utilize the Town of Upton Systems for the purpose of sending "chain-letters", unsolicited mass e-mails, or other "spam."
- (8) Users shall not maliciously use or disrupt the Town of Upton computers, networks, or Internet services; nor breach the Systems' security features; nor misuse or damage the Town of Upton equipment; nor misuse passwords or accounts; nor attempt to access unauthorized sites; nor use the Town of Upton Systems after such access has been denied or revoked; nor attempt to delete, erase or otherwise conceal any information stored on any portion of the Town of Upton Systems.
- (9) Users shall not access the Internet for non-work related purposes, including but not limited to: social networking sites such as Facebook, Twitter, and LinkedIn, non-work related blogs or websites, or personal shopping sites, for example, during work hours and/or using the Town's Systems.

## **V. ELECTRONIC MAIL ("E-MAIL") GUIDELINES**

- A. The Internet does not guarantee the privacy and confidentiality of information. Sensitive material transferred over the Internet may be at risk of detection by a third party. Users must exercise caution and care when transferring such material in any form. Each and every electronic communication sent through the Town of Upton Systems must include the following message:

*This electronic message is confidential and intended for the named recipient only. Any dissemination, disclosure or distribution of the contents of this communication is unlawful and prohibited. If you have received this message in error, please contact by return email or telephone (Department's Telephone Number), and delete the copy you received Thank you.*

- B. The Secretary of State's Office of the Commonwealth has determined that e-mail qualifies as "public records", as defined in Chapter 4, section 7(26) of the Massachusetts General Laws. Therefore, all e-mail mail sent by or received through the Town of Upton Systems shall be archived by the Systems administrator. All users shall retain either a printed or digital record of e-mail sent by or received through the Town of Upton Systems, in the same manner that other paper records are kept by their departments, and in accordance with the Record Retention requirements.
- C. Users should be aware that opening programs or files attached to email messages may cause computer viruses to infect the Town of Upton Systems, and thus should only open such attachments from anticipated and trusted sources.
- D. Employees shall not broadcast messages to all employees via e-mail without permission from the Town Manager.

## **VI. TELEPHONE USAGE**

Telephones (including cellular phones, "SmartPhones," and blackberry-style devices) are provided for business use. Personal telephone calls may be permitted, but users should exercise good judgment in making such calls. Managers/department heads are responsible for monitoring their employees' telephone usage. Excessive usage for non-business related purposes, as well as misuse of telephones, such as to make harassing or threatening calls, may result in discipline, up to and including termination from employment.

Employees are reminded that text messages or other similar messages sent via cell phones, SmartPhones, and blackberry-style devices may constitute public records, and therefore, any such messages pertaining to official business of the Town should be maintained as public records, in the same manner as e-mail messages (see Section V, above).

## **VII. VIOLATIONS OF POLICY**

A violation of this Policy may result in either the suspension or permanent loss of the privilege to use the Town of Upton Systems. It may also result in disciplinary action being taken against the employee, up to and including termination from employment. Additionally, users shall be personally liable for any losses, costs or damages incurred by the Town related to violations of this Policy. Similarly, the illegal use of the Town of Upton Systems may result in referral to law enforcement authorities. Employees shall report violations of this Policy to their supervisor, or in the case of department heads, directly to the Town Manager. Retaliation against another user for reporting a violation or violations of this Policy, including the use of e-mail or the Internet in a retaliatory manner, is strictly prohibited by the Town.

**ELECTRONIC COMMUNICATIONS AND COMPUTER USAGE POLICY**

This acknowledges that I have received and reviewed the Electronic Communications and Computer Usage Policy of the Town of Upton ("Policy").

By signing this form, I agree to abide by the Policy and any Guidelines promulgated thereunder, and I agree to review periodically any changes or modifications. I recognize that the law and associated Policy regarding the use of the Internet, electronic mail and the Town's electronic communications and information systems are continually evolving. Therefore, I understand that my regular review of this Policy, as it may be amended, is required.

Print Name: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

*To be included in employee's personnel file.*

## **SOCIAL MEDIA POLICY**

### **I. INTRODUCTION**

The Town of Upton permits departments to utilize social media sites and social networking sites (collectively "social media sites") to further enhance communications with its residents and various stakeholders in support of Town goals and objectives. Town officials and Town departments have the ability to publish articles, facilitate discussions and communicate information through such media to conduct Town business. Social media sites facilitate further discussion of Town issues, operations and services by providing members of the public the opportunity to participate in many ways using the Internet.

This policy sets forth general guidelines that must be adhered to with respect to utilization of social media sites for official Town purposes. Questions regarding this Policy should be directed to the Town Manager. These guidelines may be supplemented by more specific administrative procedures and rules as may be issued. Furthermore, this Policy may be amended from time to time, and is meant to be read in conjunction with all other applicable policies and procedures of the Town of Upton.

### **II. DEFINITIONS**

1. "Social media sites" and "social networking sites" refer to websites that facilitate user participation, networking, and collaboration through the submission of user generated content. Social media in general includes tools such as: blogs, wikis, microblogging sites, such as Twitter; social networking sites, such as Facebook and LinkedIn; video sharing sites, such as YouTube; and bookmarking sites such as [Del.icio.us](http://Del.icio.us).
2. A "social media identity" is a specific user identity or account that has been registered on a third party social media site.
3. A "blog" (an abridgement of the term web log) is a Town of website with regular entries of commentary, descriptions of events, or other material such as graphics or video.
4. A "moderator" is an authorized Town of Upton official (appointed or elected) or employee, who reviews, authorizes and allows content submitted by the Town officials, employees and public commentators to be posted to a Town of Upton social media site or sites.

### **III. POLICY**

1. All Town social media sites shall be:
  - a) approved by the Town Manager; and
  - b) published using social media platform and tools approved by the Information Technology Department ("IT").
2. The official posting for the Town will be done by the Town Manager or their designee.
3. Departments have the option of allowing employees to participate in existing social media

sites as part of their job duties, or allowing employees to create social media sites as part of their job duties. Department Heads may allow or disallow employee participation in any social media activities in their departments.

4. All Town social media sites shall adhere to applicable state, federal and local laws, regulations and policies including the Public Records Law, Public Records retention schedules, Copyright Law and other applicable Town policies.
5. Public Records Law and e-discovery laws and policies apply to social media content. Accordingly, such content must be able to be managed, stored and retrieved to comply with these laws. Furthermore, once such content is posted on a social media site, it should stay posted, unless it is removed for one of the reasons set forth below in Number 10, or it is changed to fix spelling or grammar errors.
6. All social media sites and entries shall clearly indicate that any content posted or submitted is subject to public disclosure.
7. Each Town social media site shall include an introductory statement which clearly specifies the purpose and topical scope of the blog and social media/network site. Where possible, social media sites should link back to the official Town of Upton Internet site for forms, documents and other information.
8. Each Town social media site shall indicate to users that the site is subject to a third party's website Terms of Service. Furthermore, each Town social media site shall indicate that: the social media site provider could collect personal information through user's use of the social media site; and that this personal information may be disseminated by the third party; and that such dissemination may not be governed or limited by any state, federal or local law or policy applicable to the Town.
9. All social media sites shall clearly indicate they are maintained by the Town of Upton and shall have the Town of Upton's contact information prominently displayed.
10. The Town reserves the right to restrict or remove any content that is deemed in violation of this policy or any applicable law.
11. Town social media content and comments containing any of the following forms of content shall not be allowed for posting:
  - a) Comments not topically related to the particular site or blog article being commented upon;
  - b) Profane, obscene, or vulgar language or content;
  - c) Content that promotes, fosters or perpetuates discrimination on the basis of race, color, gender, gender identity, national origin, religion, ancestry, age, sexual orientation, disability, maternity leave, genetic information, or active military status;
  - d) Sexual content or links to sexual content;
  - e) Conduct or encouragement of illegal activity;
  - f) Information that may tend to compromise the safety or security of the public or public systems; or
  - g) Content that violates a legal ownership interest of any other party.

12. All Town social media moderators shall be trained regarding the terms of this policy, including their responsibilities to review content submitted for posting to ensure compliance with the policy.
13. Where appropriate, Town IT security policies shall apply to all social media sites and articles.
14. Officials (elected or appointed) and employees representing the Town via social media sites must conduct themselves at all times as a representative of the Town and in accordance with all applicable rules, regulations, and policies (including personnel policies) of the Town of Upton. See Section III, Employee Guidelines for Use of Social Media Sites.
15. No Town or department social media site can endorse (either with approval or disapproval) vendors, suppliers, clients, citizens, co-workers or other stakeholders.
16. Employees found in violation of this policy may be subject to disciplinary action, up to and including termination of employment.

#### **IV. EMPLOYEE GUIDELINES FOR USE OF SOCIAL MEDIA SITES**

- 1. Electronic Communications and Computer Usage Policy.** All employees are responsible for understanding and following the Town of Upton Electronic Communications and Computer Usage Policy, in addition to this Policy.
- 2. First Amendment Protected Speech.** Although the Town can moderate the social media sites that accept comments from the public (such as blogs and wikis) to restrict speech that is obscene, threatening, discriminatory, harassing, or off topic, employees cannot use the moderation function to restrict speech with which the Town merely disagrees (i.e. subject matter restrictions). Users have some First Amendment rights in posting content to public social media sites hosted by municipalities. Moderators must respect those rights by posting all comments other than those excluded for specific legitimate reasons, as referenced above.
- 3. Copyright Law.** Employees must abide by laws governing copyright and fair use of copyrighted material owned by others. Never reprint whole articles or publications without first receiving written permission from the publication owner. Never quote more than a short excerpt of someone else's work and, if possible, provide a link to the original.
- 4. Protect Confidential Information.** Never post legally protected personal information that you have obtained from the Town (e.g., information that is not public record under the Public Records Law, G.L. c.66, § 10 and G.L. c. 4, §7(26), or whose dissemination is restricted under applicable Federal or State privacy laws or regulations). Ask permission to publish or report on conversations that occur within the Town. Never post information about policies or plans that have not been finalized by the Town, unless you have received explicit permission from your supervisor to post draft policies or plans on the department's social media sites for public comment.
- 5. Consider Your Content.** As informal as social media sites are meant to be, if they are on a government domain or a government identity, they are official government communications. Social media sites will be sought out by mainstream media so a great deal of thought needs to



go into how you will use the social media in a way that benefits both the Town and the public. Employees should not comment about rumors, political disputes, or personnel issues, for example.

**6. Handling Negative Comments.** Because the purpose of many social media sites, particularly department blogs and wikis, is to get feedback from the public, you should expect that some of the feedback you receive will be negative. Some effective ways to respond to negative comments include:

- a) Providing accurate information in the spirit of being helpful;
- b) Respectfully disagreeing; and
- c) Acknowledging that it is possible to hold different points of view.

**7. Respect Your Audience and Your Coworkers.** Do not use ethnic slurs, personal insults, obscenity, or engage in any conduct that would not be acceptable in your department's workplace. Do not be afraid to be yourself, but do so respectfully. This includes not only the obvious (no ethnic slurs, personal insults, obscenity, threats of violence, etc.) but also proper consideration of privacy and of topics that may be considered objectionable or inflammatory—such as party politics and religion. Do not use your department's social media presence to communicate among fellow Town employees. Do not air your differences with your fellow Town employees on your department's social media's sites.

**8. Use the Social Media Site or Identity Only to Contribute to your Department's Mission.** When you contribute to your department's social media site or identity, provide worthwhile information and perspective that contribute to your department's mission of serving the public. What you publish will reflect on the Town. Social media sites and identities should be used in a way that contributes to the Town of Upton mission by:

- a) Helping you and your co-workers perform their jobs better;
- b) Informing citizens about government services and how to access them;
- c) Making the operations of your department transparent and accessible to the public;
- d) Creating a forum for the receipt of candid comments from residents about how government can be improved; and
- e) Encouraging civic engagement.

**9. Mistakes.** The Town policy is that once something is posted, it should stay posted. Only spelling errors or grammar fixes should be made without making the change evident to users. If you choose to modify an earlier post, make it clear that you have done so do not remove or delete the incorrect content; provide the correct information and apologize for the error. Ways to accomplish this include:

- a) Strike through the error and correct; or
- b) Create a new post with the correct information, and link to it from the post you need to correct or clarify.

Either method is acceptable. In order for the social media identity or site to achieve transparency, the Town cannot change content that has already been published without making the changes clearly evident to users.

**10. Media Inquiries.** Town or department social media identities or sites may lead to increased inquiries from the media. If you are contacted directly by a reporter, you should refer

media questions to the Town Manager.

11. **Personal Comments.** Make it clear when you are speaking for yourself as a resident or stakeholder, and not on behalf of the Town of Upton. If you publish content on any website of the Town and it has something to do with the work you do or subjects associated with the Town, use a disclaimer such as this: "The postings on this site are my own and don't necessarily represent the Town's positions or opinions."

12. **Employee or Official Profile.** If you identify yourself as a Town employee or official, ensure your profile and related content is consistent with how you wish to present yourself to colleagues, residents and other stakeholders.

13. **Defamation.** Be aware that employees acting in their individual capacity (not on behalf of the Town) are not immune from defamation claims. Under Massachusetts law, defamation is established by showing that the defendant published a false, non-privileged statement about the plaintiff to a third party that either caused the plaintiff economic loss or was of the type that is actionable without proof of economic loss. Some statements, like imputation of a crime, are defamatory per se. Avoid statements that may be interpreted as defamatory.

14. **Records Retention.** Social media sites will contain communications sent to or received by Town officials and employees, and are therefore Public Records. Ensure that the Town or department retains a copy of the social media content in accordance with Public Records Retention Schedules. Review the third party social media service provider's terms of service for its record retention practices. Note that while third party social media providers will most likely save your content for some period of time, they generally will not save it indefinitely. To the extent their policies are inconsistent with Public Records Retention Schedules, the Town or department should retain copies of social media posts such as by printing or otherwise storing periodic "snapshots" of the social media sites.

15. **Open Meeting Law.** Be aware of the Open Meeting Law and possible violations for improper deliberations outside of a posted meeting. A series of individual postings on a social media site cumulatively may convey the position of a quorum of a governmental body regarding a subject within its jurisdiction, and may constitute improper deliberation among the members of a board or committee.

**SOCIAL MEDIA POLICY**

This acknowledges that I have received and reviewed the Social Media Policy, with attachments, of the Town of Upton ("Policy"). By signing this form, I agree to abide by the Policy and any Guidelines promulgated thereunder, and I agree to review periodically any changes or modifications. I recognize that the law and associated Policy regarding use of Social Media are continually evolving. Therefore, I understand that my regular review of this Policy, as it may be amended, is required.

Print Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

***To be included in employee's personnel***