




## MEMORANDUM

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**TO:** All Department Heads

**FROM:** Rocco J. Longo  
Town Manager 

**CC:** Board of Selectmen

**SUBJECT:** INTERNET AND E-MAIL POLICY

**DATE:** August 10, 2006

Please be advised that the attached policy shall be in effect immediately. We will review this policy at the Staff Meeting on Thursday and I will be happy to respond to your questions.

Due to the nature of our profession and work in the public sector, we need to be proactive about the understanding of the Town's computer system e-mail and the Internet. Furthermore, with requests about e-mail relative to the Town's system, it is fair to assume ALL e-mail is public information.

I think that this policy is a fair and reasonable approach to good stewardship of the Town's computer system!

**TOWN OF BILLERICA  
POLICY ON EMPLOYEE USE OF E-MAIL, INTERNET,  
AND OTHER ELECTRONIC SYSTEMS**

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**SECTION 1. Purposes.**

The purposes of the Town of Billerica's computer and other electronic systems, including, but not limited to, electronic mail ["e-mail"] and the Internet, are to provide an efficient and effective means of internal and external communications, and to improve work productivity and work product. This policy addresses access to and the disclosure of information from such electronic systems.

Among other things, this policy is intended to guide Town of Billerica employees, volunteers, and contractors in the performance of their duties.

This policy serves as notice to the employees, volunteers, and contractors of the Town of Billerica that all data, including any that is stored or printed as a document, is subject to audit and review. There is no expectation of personal privacy in the use of the Internet and e-mail systems when using computers or services provided by the Town of Billerica.

Finally, this policy serves to delineate acceptable uses of the Internet and e-mail systems by Town of Billerica employees, volunteers, and contractors [collectively also referred to as "users" or "employees"] while using government-owned/leased equipment, facilities, Internet addresses, domain names, and/or e-mail services registered to or provided by the Town of Billerica. It seeks to ensure that the use of the Internet and e-mail systems by Town of Billerica employees, volunteers, or contractors while conducting work for the Town of Billerica and/or while using Town of Billerica provided systems is consistent with the Town of Billerica policies, all applicable laws, and the individual user's job responsibilities.

## **SECTION 2. Statement of Policy.**

The Town of Billerica promotes Internet and e-mail use that enables employees, volunteers and contractors to perform Town of Billerica missions and encourages its employees, volunteers, and contractor personnel to develop Internet and e-mail skills and knowledge. It is expected that employees will use the Internet and e-mail to improve their job knowledge; to access scientific, technical, and other information on topics which have relevance to the Town of Billerica; and to communicate with their peers in other government agencies, academia and industry on matters of relevance to their work for the Town of Billerica.

- (a) *Responsible Use:* Users are advised not to use the Internet or e-mail systems for any purpose which would reflect negatively on the Town of Billerica or its employees.
- (b) *Property of the Town of Billerica:* The Town of Billerica's electronic mail and Internet systems are business tools. These systems shall be used in a professional manner for legitimate business purposes only and, at all times, remain the property of the Town of Billerica.
- (c) *Scope:* This policy applies to:
  - (1) All technical resources that are owned or leased by the Town of Billerica that are used on or accessed from Town of Billerica premises, or that are used for Town of Billerica business. This policy also applies to all activities using any Town of Billerica-paid accounts, subscriptions, or other technical services, such as Internet access and e-mail, whether or not the activities are conducted from Town of Billerica premises; and
  - (2) All full or part-time employees of the Town of Billerica and volunteers and contractors who are authorized by their supervisors to use Town of Billerica resources.
- (d) *Information is Not Private:* The Town of Billerica computers and the data stored on them are, and remain at all times, the property of the Town of Billerica. As such, all messages created, sent, or retrieved over the Internet or the town's electronic mail systems are the property of the Town of Billerica, and should not be considered private information. Employees have no right to privacy as to any information or file transmitted through or stored on the Town of Billerica's computer systems, electronic mail, or other technical resources.
- (e) *Use With Respect for Others:* Access to the Internet via Town of Billerica resources and use of Town of Billerica provided e-mail must only be for Town of Billerica purposes. To that end, the use shall not disrupt or interfere with the work of other network users, adversely affect the operation of the Internet or the Town of Billerica's own internal network, or misrepresent the interests of the Town of Billerica.

- (f) *Monitoring and Disclosure:* The Town of Billerica reserves the right to access, retrieve, read and disclose any data, messages or files stored on Town of Billerica-funded systems for any purpose. Employees should be aware that, even when a message is erased or a visit to a web site is closed, it is still possible to recreate the message or locate the web site. The Town of Billerica reserves the right to monitor use of these systems to prevent abuse, enforce other policies, and access information. Access may occur in, but is not limited to, situations indicating: (1) impropriety, (2) violation of Town of Billerica policy, (3) legal requirements, (4) suspected criminal activities, (5) breach of system security, or (6) to locate substantive information or monitor employee performance and conduct. The contents of these systems may be disclosed by Town of Billerica Management within or outside of the Town of Billerica without employee permission. Furthermore all communications including text and images may be disclosed to law enforcement or other third parties without prior consent of the sender or the receiver. The Town of Billerica has unlimited access to protect the security of these systems or the Town of Billerica's property rights.
- (g) *Consent:* All Town of Billerica employees, who are provided with access to the Town of Billerica's e-mail system, Internet, or other electronic systems, are required to abide by the Town of Billerica's policy contained here and in other relevant documents.

### **SECTION 3. Use of the Internet.**

The Town of Billerica provides Internet access to employees for their use in performing their duties for the Town of Billerica. All employees of the Town of Billerica are responsible for using Internet resources in an effective, ethical, and lawful manner. It is the Town of Billerica's policy that the Internet resources, like other Town of Billerica assets, be used for the benefit of the Town of Billerica. All Internet use should be congruent with the Town of Billerica's overall government policies. The Town of Billerica reserves the right to monitor and/or log all network activity with or without notice, including all web site communications, and therefore, users should have no expectations of privacy in the use of these resources. Use of the system in violation of this or other Town of Billerica policies is prohibited and may lead to disciplinary action, up to and including termination.

- (a) Uses that are acceptable and encouraged:
- (1) Communications and information exchanges directly relating to the mission, charter and work tasks of the Town of Billerica,
  - (2) Announcements of Town of Billerica procedures, meetings, policies, services, or activities;

private or secure.

- (f) *Passwords*: Access to the Internet may require a password and authorized employees are prohibited from giving their password to any other person, except as provided in this policy. The password remains the property of the Town of Billerica, and all passwords must be disclosed to the Information Systems Manager.

#### **SECTION 4. Uses of E-mail System.**

The Town of Billerica provides an e-mail system to employees for their use in performing their duties for the Town of Billerica. All employees of the Town of Billerica are responsible for using the e-mail system in an effective, ethical, and lawful manner. It is the Town of Billerica policy that the e-mail system, like other Town of Billerica assets, be used for the benefit of the Town of Billerica. All e-mail use should be congruent with the Town of Billerica's overall government policies. The Town of Billerica reserves the right to monitor and/or log all network activity with or without notice, including all web site communications, and therefore, users should have no expectations of privacy in the use of these resources. Use of the system in violation of this or other Town of Billerica policies is prohibited and may lead to disciplinary action, up to and including termination.

- (a) The Town of Billerica's e-mail system is for official Town of Billerica business and it shall be unacceptable to use the system for unrelated purposes, including but not limited to, the following:
  - (1) To send or receive "chain" or similar type "letters."
  - (2) To send or receive documents in violation of copyright or other laws.
  - (3) To knowingly open mail not directed to you. Except to the extent that Town of Billerica reserves the right to access and review all electronic uses and records, e-mail messages are confidential.
  - (4) To send messages in violation of the Town of Billerica's security policies.
  - (5) To forward electronic messages without a legitimate business purpose under circumstances likely to lead to embarrassment of the sender or to violate the clearly expressed desire of the sender to restrict additional dissemination.
  - (6) To send messages that are false or misleading, inaccurate, abusive, obscene, pornographic, profane, sexually oriented, threatening, offensive, discriminatory, or illegal, including but not limited to sending messages under an assumed name or with the intent to obscure the origin of the message.
  - (7) To solicit or proselytize for commercial ventures, religious or political causes, outside organizations or other non-job related solicitations.
- (b) Avoid "carbon copying" individuals who have no direct involvement or "need-to-know." Likewise, e-mail to all users should only be used on very rare occasions when every person on the system has a direct need to know.

- (3) Use for advisory, standards, research, analysis, and professional society or development activities related to the user's Town of Billerica job-related duties; and
  - (4) Use in applying for or administering grants or contracts for Town of Billerica research programs.
- (b) Uses that are unacceptable: It is unacceptable for a user to access, use, submit, publish, display, download, save, or transmit on the network, or on any computer system, any information which:
- (1) Violates or infringes on the rights of any other person, including the right to privacy;
  - (2) Contains defamatory, false, inaccurate, abusive, obscene, pornographic, profane, sexually oriented, threatening, racially offensive, or otherwise biased, discriminatory, or illegal material;
  - (3) Violates Town of Billerica regulations prohibiting sexual harassment;
  - (4) Restricts or inhibits other users from using the system, or the efficiency of the computer systems,
  - (5) Encourages the use of controlled substances or uses the system for the purpose of criminal intent; or
  - (6) Uses the system for any other illegal purpose.
  - (7) Uses the system for entertainment purposes (i.e. games, gaming websites).
- (c) It is also unacceptable for a user to use the facilities and capabilities of the system to:
- (1) Conduct any non-approved business;
  - (2) Solicit the performance of any activity that is prohibited by law;
  - (3) Transmit material, information or software in violation of any local, state or federal law;
  - (4) Conduct any political activity;
  - (5) Conduct any non-Town of Billerica-related fund raising or public relations activities;
  - (6) Engage in any activity for personal gain or personal business transactions, or
  - (7) Make any unauthorized purchases.
- (d) *Copyrighted Material:* Users may download copyrighted material, but its use must be strictly within the agreement as posted by the author or current copyright law. The federal Copyright Act at 17 U. S. C. 101 et seq. (1988), protects and prohibits misuse of all original works of authorship in any tangible medium of expression. This includes a prohibition on plagiarism (using someone else's ideas or writing and passing it on as one's own).
- (e) *E-Mail:* Internet e-mail is considered network activity, thus, it is subject to all policies regarding acceptable/unacceptable uses of the Internet as well as the Town of Billerica's e-mail policy. Users should not consider Internet e-mail to be either

- (c) Avoid "forwarding" e-mail to a third party unless necessary (see "carbon copying"). When forwarding, explain the reason for the forwarding action and edit out any potentially inappropriate contents. If in doubt about the appropriateness of forwarding a given piece of mail, check with the originator for guidance.
- (d) When sending an e-mail requiring "action," be sure to indicate which "TO" addressee(s) is/are to take the action.
- (e) Do not "say" anything in an e-mail message that could prove embarrassing or compromising to you or others. Each employee is responsible for the content of all text, audio, or images they transmit.
- (f) Avoid potentially contentious exchanges through e-mail.
- (g) Confidential and sensitive information, such as performance reviews, disciplinary and/or corrective actions, attorney-client privileged information, personnel information, and health or medical information should not be communicated via e-mail.
- (h) Communications which would be inappropriate under other Town of Billerica policies are equally unacceptable if delivered via electronic communication. These communications may include, but are not limited to, harassing or discriminatory comments, breaches of confidentiality, and insubordinate statements.
- (i) Use your common sense in determining when to use e-mail, in what is said, and to whom. Remember that no electronic communication is private and the Town of Billerica reserves the right to monitor and review all communications originating from or entering its computer systems.

#### **SECTION 5. Security and Virus Protection.**

- (a) E-mail and/or Internet access may utilize passwords for security; however employees should be aware that the reliability of such tools for maintaining confidentiality can not be guaranteed. Additionally all passwords must be made known to the Town of Billerica, through the Information Systems Manager.
- (b) To prevent computer viruses from being transmitted through the system, employees are not permitted to download any software onto their computer or any drive in that computer or on the network. When downloading a file or opening an e-mail attachment, users must scan all materials with Town of Billerica provided virus protection software. Additional consideration of policies established by the Information Systems Manager should be used in determining how to handle potentially damaging e-mails or files.

## **SECTION 6. Enforcement.**

This policy is intended to be illustrative of the range of acceptable and unacceptable uses of the Internet and e-mail systems provided by the Town of Billerica and is not necessarily exhaustive. Questions about specific uses should be directed to the user's supervisor. The supervisor shall consult the Information Systems Manager to determine if any policy violation has occurred. Immediately upon implementation of this policy, supervisors will be responsible to provide a copy of this policy to, and collect signed consent forms from, all employees who currently have access to the Town of Billerica's Internet or e-mail systems. Prior to authorizing new access, the supervisor is responsible to provide a copy of this policy to, and collect signed consent forms from all employees who will have access to the Town of Billerica's Internet or e-mail systems. The supervisor will review alleged or suspected violations of the policy and clear violations may result in disciplinary actions. Any user violating these provisions or applicable local, state or federal laws is subject to immediate loss or restrictions of Internet/e-mail privileges, additional disciplinary actions, up to and including termination of employment, and/or criminal prosecution.

## **SECTION 7. Consent Agreement.**

As a condition of employment, all Town of Billerica employees must acknowledge that all computer and electronic systems, including but not limited to, electronic mail and Internet network activity are the property of the Town of Billerica, and therefore, they should not consider any activity to be private. Current users of the Town of Billerica's Internet or e-mail systems must sign the consent form provided, within thirty (30) days of receiving a copy of this policy. Prior to obtaining new access to Internet or e-mail systems provided by the Town of Billerica, employees must sign the consent form provided. By signing the consent form, users acknowledge that they have received a copy of the policy, read it, and understand the Town of Billerica's Policy and the potential penalties for non-compliance. If a consent form has not been signed within the 30 day period, all internet access will be blocked on the users computer.



## **INTERNET AND E-MAIL ACCEPTABLE USE POLICY**

### **Purpose/Scope**

These guidelines set the standards for appropriate behavior of a Town of Billerica employee when accessing the Internet or E-mail. These guidelines apply to all Town of Billerica employees. The Town of Billerica specifically reserves the right to modify, change or discontinue any portion of these guidelines from time to time at its sole discretion.

### **Guidelines**

As a condition of providing Internet and E-mail access to its employees, the Town of Billerica places certain restrictions on workplace use of the Internet and E-mail. The Town of Billerica encourages employee use of the Internet and E-mail:

- To communicate with fellow employees and other contact regarding matters within an employees' assigned duties;
- To acquire information related to, or designed to facilitate the performance of regular assigned duties;
- To facilitate performance of any task or project in a manner approved by an employee's supervisor

Please be advised that your use of the Internet and E-mail access, provided by the Town of Billerica, expressly prohibits the following:

- Dissemination or printing of copyrighted materials (including articles and software) in violation of copyright laws.
- Sending, printing or otherwise disseminating confidential information of the Town of Billerica. Offensive or harassing statements or language including disparagement of others based on their race, national origin, sex, sexual orientation, age, disability, religious or political beliefs.
- Sending or soliciting sexually oriented messages or images.
- Operating a business, or soliciting money for personal gain
- Sending chain letters, gambling or engaging in any other activity or violation of local, state or federal laws.
- E-mail and/or Internet messages and communication are not confidential or private, and, as a result, employees should use discretion in all E-mail communications.

Disciplinary action for violation of Town of Billerica's Internet and E-mail Acceptable Use Policy may include, but is not limited to, termination, suspension, or transfer of the offending employee. In cases involving less serious violations, disciplinary action may consist of a warning or reprimand. Remedial action may also include counseling, changes in work assignments, or other measures designed to prevent future misconduct. The measure of discipline will correspond to the gravity of the offense as weighed by its potential effect on the Town and fellow employees.

### **Employee Statement**

I understand the information stated on this form, and I agree to comply fully with these policies.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Employee Name: \_\_\_\_\_  
Hand Written