

TOWN OF LUNENBURG

USE OF INFORMATION TECHNOLOGY RESOURCES POLICY

I. Policy

It is the policy of the Town of Lunenburg (the "Town") to ensure effective business communications among all individuals within the Town and with others outside of the Town, in particular the Town's citizens. It is important that all forms of communication, whether verbal, written or transmitted via the Town's electronic communications systems, promote an atmosphere of professionalism, courtesy and respect.

II. Town Communications

All communications regarding Town procedure and administration or which may affect the Town or its personnel as a whole, will either originate from or be approved by the Town prior to distribution. No individual in the Town is to send or distribute any communication to "All Personnel" or "All Users" without prior authorization from the Town. Managers are authorized to send or distribute communications regarding their area's business.

A. **Bulletin Boards.** The Town maintains a bulletin board, which is designated for the posting of Town notices. Employees are not authorized to post any form of literature, printed or written materials, or notices of any kind the Town's bulletin board, on the walls, in the copy areas or on the Town's property.

B. **Solicitations.** Employees are prohibited from soliciting other employees during working time and from distributing materials in work areas. Work time does not include rest periods, breaks or lunch periods. Employees are prohibited from selling or buying merchandise at any time. Persons not employed by the Town are prohibited from soliciting employees on the Town's premises or distributing materials on the Town's non-public areas at any time for any purpose.

III. Electronic Communication Devices

Electronic communication devices as defined in this policy include, but are not limited to, the Town's telephone system (including voicemail), facsimiles, electronic mail, instant messaging, text messaging, Internet services, Intranet, cell phone services, pagers, copy machines, Town-owned laptops, tablets and computers provided for home use ("electronic communication devices" or collectively referred to as "electronic communication systems"). Electronic communication devices are Town-owned resources and are provided as business communication tools. All information or transmissions that are created, sent, received or stored on the Town's electronic communication systems ("electronic communications") are the sole property of the Town.

This policy governs all use of Town-owned electronic communication devices, electronic communications and electronic communication systems and also governs electronic communications that occur using electronic communication devices or electronic communication systems not owned by the Town but that occur in connection with the Town's activities whether

on or off the Town's premises. Electronic messages should be communicated with the same thought and care devoted to written or verbal communications. Individuals should not transmit any form of electronic communication that they would not be comfortable writing in a letter or memorandum. All individuals of the Town must adhere to the following, while on the Town's premises and off-site, and use good judgment when using the Town's electronic communication devices.

A. Privacy. There can be no guarantee of privacy for electronic communications regardless of whether an employee is required to use a password to access any electronic communications system. The Town reserves the right to review and/or monitor all electronic records and communications, at any time, with or without notice, including individual user folders and other information stored on the Town's electronic communication systems. In accessing the Internet, users should assume that all connections and sites visited will be monitored and recorded. This examination helps to ensure compliance with Town policies, assists when internal investigations must be conducted and supports the management of the Town's information systems. Use of the Town's electronic communication devices constitutes acceptance of such monitoring.

B. Security. The Town's electronic communication systems are to be used only by authorized persons. An electronic mail (e-mail) account is assigned to each user with a username and password. Any communication sent from that account is the responsibility of the user assigned to the account. Except when specifically authorized by the Town, users shall not (i) disclose their passwords to others; (ii) use someone else's password; (iii) provide their e-mail address to any non-business related Internet Web site; or (iv) transmit their user names or passwords through the e-mail. Passwords are designed to provide security of the Town's electronic communication systems from unauthorized users, not to provide privacy to individual users of the Town's electronic communication systems.

C. Workplace Environment. The Town is committed to maintaining a working environment free from all forms of abuse and harassment. Use of the Town's electronic communication systems to send abusive, vulgar, offensive or discriminatory messages is prohibited. Among those that are considered offensive are any messages that contain profanity, overt sexual language, sexual implications or innuendo or comments that offensively address someone's age, gender, race, sexual orientation, religious beliefs, national origin, or disability.¹ Individuals of the Town are responsible for the content of all text, audio or images that they place or send over the Internet and for ensuring that the Internet is used in an effective, ethical and lawful manner. The transmission or downloading of any sexually explicit materials including abusive, profane or offensive language or images is prohibited. The Town reserves the right to access and monitor all messages and files as it deems necessary and appropriate.

¹ Sexual harassment and harassment on the basis of race, color, religion, creed, national origin, ancestry, gender, age, as defined by law, physical or mental disability, sexual orientation, as defined by law, gender identity or expression, genetic information, or military status, are covered by the Town's *Sexual Harassment Policy and Harassment of Individuals in Protected Classes Policy and Procedures*, and should be referenced for those specific requirements.

D. Effective Business Communications. While e-mail and voicemail may be the quickest and easiest way to communicate, it may not always be the most appropriate or effective way to communicate when managing or conducting the Town's business. Individuals of the Town should avoid using e-mail when the message that must be communicated involves extremely important, confidential or sensitive internal Town matters (e.g., discussions regarding an employee's work performance or a candidate's application for employment). Such communications, including dialogues that call for extensive back-and-forth discussion, are best held in person or on the phone.

E. Confidential Information. Users of the Town's electronic communication systems should be careful in creating e-mail messages that contain confidential information or providing such information through access to Internet web sites. E-mail is inherently insecure, as E-mail messages are sent over the Internet unencrypted, and can be intercepted and read by a third party. Even when a message has been deleted or Internet access terminated, the information may still exist in a printed or electronic version, may be recreated from a back-up system, or may have been forwarded by the recipient to someone else.

F. Protected Health Information. Individuals of the Town authorized to access Protected Health Information ("PHI") must take reasonable steps to ensure that access to electronically transmitted PHI is password protected. Electronically stored PHI, including such information residing in electronic messages, electronic document files, databases, removable media and other computer files must be password-protected and accessible only by individuals of the Town who have a need for access. Reasonable steps must also be taken to ensure that all incoming facsimiles and print jobs containing PHI are viewable and retrievable only by individuals of the Town with a legitimate need for access. PHI that no longer needs to be retained after use should be deleted or shredded, unless subject to record retention policies and procedures.²

G. Electronic Discussion Groups or Subscription Services. Participation by any individual of the Town in an electronic discussion group, such as a list-serv, newsgroup, website comments section, or an e-mail subscription service, shall be allowed only if such participation relates to the business of the Town. No participation in such groups for personal reasons is allowed whether during, before, or after normal business hours except in limited situations (e.g., CNN Breaking News) and pre-approval has been obtained from the Human Resources Director. Individuals of the Town should be mindful that no confidential information may be shared with other group participants.

H. Viruses. Any files downloaded from e-mail or Internet web sites and any removable media received from outside sources must be scanned with the Town's virus detection software before installation or use. Downloading programs (including self-installing software and upgrades) is prohibited without prior approval. Any viruses detected, tampering or system problems must be reported immediately to the Technology Department.

² Subject to the Town's *HIPAA Privacy Compliance Program*.

I. Personal Use. The use of the Town's electronic communication devices is primarily for business purposes. Personal use of electronic communication devices during business hours is prohibited except in limited situations when circumstances warrant communications with family members or co-workers as well as the use of electronic communication devices for community activities, educational or professional development purposes.³ Individuals may not abuse this privilege for any significant amount of personal use or activity. Any personal use of the Town's electronic communication devices or electronic communication systems is expected to be on the employee's own time and is not to interfere with the employee's job responsibilities or the business operation of the Town. Any communication sent is the responsibility of the user assigned to the account.

J. Specific Prohibited Uses. In addition to requiring compliance with this policy, the Town expressly prohibits the use of the camera feature on personal cell phones while working and while on the Town's premises. The Town also expressly prohibits certain specific types of misuse of the Town's electronic communication devices or systems. Personnel shall not use the Town's or other electronic communication devices or electronic communication systems to:

- engage in any illegal activity including, but not limited to, pornography, terrorism, espionage, theft, drugs, gambling or hacking;
- send, receive, access, create, print or distribute or otherwise transmit any form of offensive, discriminatory, obscene, pornographic, harassing, defamatory, derogatory, disruptive or otherwise inappropriate communication, at any time, to any person or entity;
- send, receive, access, create, print, distribute or otherwise transmit inappropriate language or images that offensively address someone's age, gender, race, sexual orientation, religious beliefs, national origin or disability;
- release any communication that violates the Town's confidentiality requirements including divulging confidential or privileged information;
- use or disclose Protected Health Information ("PHI") unless pursuant to the Town's *HIPAA Privacy Compliance Program*;
- authorize other individuals to send e-mail from their account or use another account to send e-mail communications for their own purposes;
- engage in extensive personal communications with co-workers, friends or family members;
- send, receive, access, copy, print, distribute or otherwise transmit copyrighted materials, including music, articles and software, movies, trade secrets or proprietary

³ This prohibition does not apply to discussions of conditions of employment with other employees.

financial information in violation of Town policy or written agreements or without prior authorization;

- install personal software on Town-owned computers or install Town-owned software on computers that are not owned by the Town without the prior written approval of the Technology Department;
- operate a business, solicit outside business ventures, usurp business opportunities, search for outside employment or for solicitation in connection with political, religious or personal causes (except as described in subsection I above); and
- engage in unethical activities or content, or activities or content that could damage the Town's reputation.

All such instances as specified in this subsection J must be reported immediately to a supervisor, Management or Human Resources. It is important to note that while this policy sets forth specific prohibited uses of the Town's electronic communications, electronic communication devices and electronic communication systems as outlined above, the policy is not designed or intended to limit our authority to discipline or take remedial action for inappropriate use of the Town's electronic communications, electronic communication devices and electronic communication systems which we deem unacceptable, regardless of whether it is specified in this policy.

K. Deletion of E-Mails and Messages. The Town reserves the right to delete e-mails or messages, or other communications, at any time without notice. E-mail messages are archived for a period of seven years or longer, if required by the State Public Records Law.

L. Cell Phones. While at work, employees are expected to exercise the same discretion in using personal cellular phones as is expected for the use of the Town's phone system. Personal cell phones to place or receive personal calls should be kept to a minimum while on the Town's premises and are expected to be on the employee's own time and not interfere with the employee's job responsibilities or be disruptive to the business operation of the Town. Personal cell phones are to be turned off or placed on silent mode during meetings and in public work areas of the Town. Use of cell phones to discuss Town-related information must be done with extreme caution so as to eliminate the possibility of a breach of confidentiality or the inadvertent disclosure of confidential information. The Town will not be liable for the loss of personal cellular phones brought onto the Town's premises. Individuals of the Town who are charged with traffic violations resulting from the use of their cell phones while driving will be solely responsible for all liabilities that result from such actions.

Safety studies have shown that drivers who use a cellular telephone while their vehicle is in motion are at a higher risk of being in an auto accident than non-callers. The Town recommends that personnel not use a cellular phone while driving. However, should a situation arise in which an individual of the Town needs to use a cell phone while driving, the following safety guidelines shall be followed:

- choose as your first option to pull off to the side of the road and safely stop the vehicle before placing or accepting calls when utilizing your phone in your vehicle;
- do not use your phone while driving to send or review emails or text messages;
- use a hands-free device when available to avoid having to handle the phone while in traffic, read your instruction manual before driving in order to become acquainted with features such as speed dial and redial and do not take notes or look up contact information while driving;
- position your phone within easy reach so that you can access it without taking your eyes off the road;
- use your phone sensibly by assessing the traffic beforehand and place a call while at a red light, stop sign or otherwise stopped and avoid altogether, if possible, using the phone while in traffic;
- keep verbal communications to a minimum, suspend such communications during heavy traffic or hazardous weather conditions and let the person with whom you are communicating know you are driving and may be interrupted;
- avoid stressful or emotional communications while driving by either pulling over or ending the communication; and
- use your phone to call for help by dialing 911 in emergency situations.

M. Misuse of Electronic Devices. Electronic devices are provided, including those assigned to employees to use outside of the office, for the purpose of their employment. Employees whose work reasonably requires them to work outside of the office will be assigned a tablet or laptop for their regular use. Other employees, with the approval of their supervisor, may also request to sign-out an electronic device for a limited period of time to use away from the office. Employees shall be responsible for any damage, loss or theft resulting from their misuse of any electronic devices, and particularly those that are used outside of the office.

IV. Violation of Policy

Any individual violating this policy, including failure to report violations, will be subject to appropriate discipline, including possible termination of employment.⁴ The Town intends to follow each provision of this policy but reserves the right to change any provision at any time if circumstances warrant or require and also reserves the right to terminate or restrict access to any part of the Town's electronic communication systems on an individual or group basis at any time for any reason. A failure to enforce this policy does not constitute a subsequent waiver of any violation of this policy. This policy should be read and interpreted in conjunction with all other Town policies and procedures.

⁴ Subject to the Town's at-will employment policy and collective bargaining agreements.

V. Complaints or Problems of Misuse

Should any individual of the Town receive a harassing, offensive, threatening or intimidating communication from inside or outside of the Town, the individual should initiate a complaint by contacting the Harassment Grievance Officer as soon as possible. The current Harassment Grievance Officer is Heather Lemieux, Town Manager. She can be reached at Town Hall, 17 Main Street, 2nd floor, Lunenburg, MA 01462, and her telephone number is (978) 582-4144. If you would prefer, you may contact Nancy Forest, Payroll and Benefits Coordinator and Risk Manager, who has been designated as the Alternate Harassment Grievance Officer. She can be reached at Town Hall, 17 Main Street, 1st floor, Lunenburg, MA 01462 and her telephone number is (978) 582-4134.

VI. Acknowledgment of Receipt of Policy

I acknowledge receipt of this *Use of Information Technology Resources Policy* from the Town, and that I have read it. I understand that all electronic communications and all information transmitted by, received from, or stored in these systems are the property of the Town. I also understand that I have no expectation of privacy in connection with the use of the Town's electronic communications or with the transmission, receipt or storage of information in these systems. I acknowledge and consent to the Town monitoring my use of its electronic communications at any time, at its discretion. Such monitoring may include reviewing Internet websites visited, printing and reading all e-mail entering, leaving or stored in these systems, reviewing all documents created or downloaded as well as listening to voicemail in the ordinary course of business. I understand that all e-mail messages are subject to the Town's e-mail deletion and retention procedures.

Name (Print)

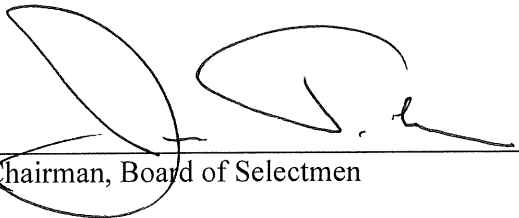
Signature

Date

Witness

VII. Adoption By Board of Selectmen

This policy was adopted by the Board of Selectmen on September 5, 2017.



Chairman, Board of Selectmen