

113.3 Electronic Communications and Electronic Mail Policy

- I Electronic Communications Purpose
- II Electronic Communications Policy
- III Electronic Mail Purpose
- IV Electronic Mail Policy
- V Electronic Mail Records Management and Retention
- VI Effective Date

SECTION I – ELECTRONIC COMMUNICATIONS PURPOSE

To better serve our citizens and give our employees the best tools to do their jobs, the Town continues to adopt and make use of new means of communication and information exchange. The Town encourages the use of electronic media and services, including, but not limited to, computers, electronic mail, telephones, cellular telephones, voice mail and the internet.

However, all employees and everyone connected with the Town should remember that electronic media and services provided by the Town are Town property and their purpose is to facilitate and support Town business. No expectation of privacy in regards to use of the Town's electronic communication systems should be expected in any respect related to accessing, transmitting, sorting or communicating information via the system. The purpose of this policy is to set forth general guidelines governing the use of electronic media and services. The following procedures apply to all electronic media and services that are accessed on or from Town premises, accessed using Town computer equipment, or used in a manner that identifies the individual as acting for or on behalf of the Town, or in any way identifies the Town.

SECTION II – ELECTRONIC COMMUNICATIONS POLICY

This policy applies to all of the Town of Berry, including its Town Board, Plan Commission, Committee members and employees. It is the policy of the Town to follow this set of procedures for the use of electronic communication media and services.

- A. Prohibited Communications. Electronic media cannot be used for knowingly transmitting, retrieving or storing any communication that is:
 - 1. Personal business or entertainment on Town time, except as otherwise allowed under Section B.
 - 2. Discriminatory or harassing.
 - 3. Derogatory to any individual or group.
 - 4. Obscene as defined in Wisconsin Statute 944.21.
 - 5. Defamatory or threatening.
 - 6. Engaged in for any purpose that is illegal or contrary to the Town's policy or business interests.
- B. Personal Use. Except as otherwise provided, electronic media and services are provided by the Town for employees' business use during Town time. Limited, occasional, or incidental use of electronic media (sending or receiving) for personal non-business purposes is permitted as set forth below:
 - 1. Personal use is limited to breaks, lunch or immediately before/after work.
 - 2. Personal use must not interfere with the productivity of the employee.
 - 3. Personal use does not involve any prohibited activity, see Section A (2-6).
 - 4. Personal use does not consume system resources or storage capacity on an ongoing basis.

- C. Town telephones and cellular phones are to be used for Town business. However, brief, limited personal use is permitted during the work day.
- D. Access to Communications. Electronic information created and/or communicated by using email, word processing, voice mail, and similar electronic media may be accessed and monitored by the Town. The Town reserves and intends to exercise the right, at its discretion, to review, monitor, intercept, access and disclose all messages created, received or sent over the electronic communication systems for any purpose including detecting use which is in violation of Town policies or may constitute illegal activity. Disclosure will not be made except when necessary to enforce the policy, as permitted or required under the law, or for business purposes. Any such monitoring, intercepting and accessing shall observe any and all confidentiality regulations under federal and state laws.
- E. Security and Appropriate Use. Town Board, Plan Commission, Committee members and employees must respect the confidentiality of other individuals' electronic communications. Except in cases in which explicit authorization has been granted, Town Board, Plan Commission, Committee members and employees are prohibited from engaging in, or attempting to engage in:
 - 1. Monitoring or intercepting the files or electronic communications of other Town Board members, Plan Commission members, Committee members, employees or third parties.
 - 2. Hacking or obtaining access to systems or accounts they are not authorized to use.
 - 3. Using other people's log-ins or passwords.
 - 4. No electronic mail or other electronic communications can be sent that attempt to hide the identity of the sender or represent the sender as someone else.

SECTION III – ELECTRONIC MAIL PURPOSE

The Town provides systems to send and receive electronic mail (e-mail). E-mail is a useful way to exchange ideas and share files. The messages sent and received on the e-mail system are the property of the Town and may constitute public records. This policy explains rules governing the appropriate use of e-mail and sets out the Town's rights to access messages on the e-mail system.

SECTION IV – ELECTRONIC MAIL POLICY

This policy applies to all of the Town of Berry, including its Town Board, Plan Commission, Committee members and employees. It is the policy of the Town to follow this set of procedures for the use of the Town's e-mail system.

A. Access to e-mail.

- 1. Individuals should not have any expectation of privacy with respect to messages or files sent, received, or stored on the Town's e-mail system. E-mail messages and files, like other types of correspondence and Town documents, can be accessed and read by authorized individuals outside the Town. The Town reserves the right to monitor, review, audit, intercept, access and disclose all messages created, received or sent over the e-mail system. Information contained in the e-mail system will only be disclosed to the extent permitted by law, for business purposes, or as needed to enforce the policy.
- 2. Except as otherwise noted herein, e-mail should not be used to communicate sensitive or confidential information. It should be anticipated that an e-mail message might be disclosed to or read by individuals other than the intended recipient(s), since messages can be easily forwarded to other individuals. In addition, while the Town endeavors to maintain the reliability of its e-mail system, individuals should be aware that a variety of human and

system errors have the potential to cause inadvertent or accidental disclosures of e-mail messages.

3. The confidentiality of any message should not be assumed. Even when a message is erased, it is still possible to retrieve and read that message.
4. Individuals should understand that electronic mail is a written form of communication, just like a paper letter. Though electronic mail is relatively spontaneous compared with regular mail, individuals should take care to use the same level of discretion and forethought before executing electronic messages.
5. E-mail communications relating to town business should not develop into a quorum. Town business that develops into a quorum should be conducted at a posted meeting.

SECTION V – ELECTRONIC MAIL RECORDS MANAGEMENT AND RETENTION

As a general rule, e-mail is a public record whenever a paper message with the same content would be a public record as defined in Wisconsin Statute 19.32(2).

- A. An e-mail record shall include the message, the identities of the sender and all recipients, the date, and any attachments to the e-mail message.
- B. Initially the custodian, that Town Board member, Plan Commission member, Committee member or employee of the Town who keeps or is in possession of an e-mail, bears the responsibility for determining whether or not a particular e-mail record is a public record which should be saved and ensures the record is properly indexed and forwarded for retention as a public record.
- C. E-mail which is subject to records retention must be saved and filed so that it is linked to the related records, so that a complete record can be accessed when needed.
- D. E-mail records to be retained shall be archived to a media or printed out and saved in the appropriate file to assure readability in future years.
- E. The Town Clerk is the legal custodian of e-mail records. All records will be retained and destroyed according to the Town's Public Records Retention and Destruction Ordinance.
- F. If the Town receives a request for release of an e-mail public record, the legal custodian of the record shall determine if it is appropriate for public release, in whole or in part, pursuant to law, consulting the Town's Attorney, if necessary. As with other records, access to or electronic copies of disclosable records shall be provided within a reasonable time.

SECTION VI – EFFECTIVE DATE

This Policy shall take effect and be in force from and after the day after passage and publication as required by law.

Dated this 21st day of August, 2018

Posted: August 23, 2018

Brenda Kahl, Clerk/Treasurer
Jeff Davis, Supervisor
Joe Kruchten, Supervisor

Anthony Varda, Chair
Michael Statz, Supervisor
Duane Haag, Supervisor