



## GENERAL ADMINISTRATION POLICY PORT ORANGE, FLORIDA

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TITLE: Electronic Information Systems Use Policy  
NUMBER: 01-32  
EFFECTIVE: August 2019  
SUPERSEDES: 11/2014

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### PURPOSE

To establish policy for the use and accessibility of the electronic information systems provided to employees, boards and commission members, or volunteers by the City. Electronic Information Systems ("EIS") shall include all computers, phones, software, internet access, and other electronic devices and systems provided by the City. To ensure that the City and its users benefit from the use of these systems, the following guidelines are hereby established. This policy is also intended to provide guidance and direction for the preservation of emails and text messages under the public records law. These guidelines provide a minimum standard to be followed. Individual departments may impose rules and regulations that are more restrictive.

### IN GENERAL

It is the general policy of the City that any use of EIS provided by the City shall be used in a responsible, efficient, ethical, and legal manner to support the programs of the City.

The City reserves the right to monitor and log all activity on any of its EIS including email, text messaging, and internet use, with or without notice. Users shall have no expectation of privacy or confidentiality when using City EIS.

Although the City maintains firewalls and other security measures, users of EIS may be exposed to content that is offensive, indecent, or objectionable. Users shall access EIS including email and internet services at their own risk.

### SCOPE

This policy shall apply to all employees including full-time, part-time, permanent, and temporary positions. This policy applies during all hours of the day and night including normal business hours, after-hours, and weekends. This policy also applies to boards

and commission members. Ordinance No. 2014-12 additionally addresses the applicability of these provisions to these members.

### **LICENSING AND SECURITY ISSUES**

All electronic or digital software, data files, and applications residing on the City's EIS are either owned by or licensed solely for the City's use. Unauthorized reproduction of such software, data files, or applications is prohibited.

Software and applications that are not owned or licensed by the City may contain computer "viruses" which are capable of inflicting enormous damage upon the City's EIS. In addition, the City may face liability under copyright laws if users make or use unauthorized copies of copyright protected programs. As a result, users shall not install or use non-City owned or licensed software or applications on the City's EIS, except as specifically authorized by the City on a case-by-case basis. These software and applications include "screen savers," games, "shareware," and "freeware." If any user needs to use such software or application on the City's EIS, that user shall contact the IT Division for appropriate authorization. The IT Division shall maintain a list of approved and compatible software programs.

### **PROHIBITED ACTIVITIES**

All employees are expressly prohibited from using the City's EIS to engage in any of the following activities:

1. Use that interferes with job performance;
2. Viewing electronic materials that contain obscene, pornographic, or otherwise offensive content;
3. Dissemination of sexually explicit, hate orientated, discriminatory, threatening or illegal images or information, including offensive jokes or cartoons;
4. Accessing any web site that promotes discrimination based on race, religion, gender, age, marital status, national origin, or disability;
5. Accessing gambling sites;
6. Promoting or endorsing any outside business venture;
7. Non-work-related chat or messenger services;
8. Playing video type games during the City's regular business work hours or using streaming services that interrupt normal work performance;

9. Engaging in unauthorized fund-raising efforts (any fund-raising effort utilizing the City's EIS must be approved by the City Manager);
10. Engaging in political activities prohibited by Section 10.02 of the Civil Service Rules and Regulations;
11. Downloading illegal or "pirated" software, incompatible software, games, audio, or video files, including but not limited to the use of any bittorrent, "torrent", or unauthorized peer-to-peer like applications;
12. Distributing, sending, or forwarding chain letters that contain discriminatory or offensive content;
13. Distributing, sending, or forwarding copies of documents, files, or applications in violation of copyright laws;
14. Accessing the electronic information of others without a bona fide business purpose;
15. Transmitting confidential information without authorization or using an unsecure means of transmission;
16. Conduct considered threatening, libelous, intemperate, abusive, or insulting towards the City or its various organizations, employees, and citizens; and
17. Any violation of local, state, or federal law.

The above is not an exhaustive list of prohibited EIS usage. Using the City's EIS in any manner which may cause disruption in the workplace is strictly prohibited.

#### **NON-BUSINESS PURPOSE USE**

Limited use of City EIS for non-business purposes may be permitted in accordance with express authorization from the Department Head. Any usage of City EIS for non-business purposes shall conform to the following requirements:

1. Use does not include any of the prohibited activities listed and does not otherwise create a real threat of immediate disruption in the workplace;
2. Use occurs during the employee's personal time (i.e., lunch break, before and after work, weekends, or off-duty);
3. Use does not otherwise impact the system bandwidth such that it raises a concern to IT Division or the normal flow of City operations; and

4. Use is scheduled so as not to infringe upon the employee's duties and work productivity.

## **PUBLIC RECORDS MANAGEMENT**

Many employees are provided an email account and/or a cell phone by the City for official business use. All employees who have been provided a city email account shall use the city email account in furtherance of city business to ensure the maintenance and retention of all public records. All employees who have been provided a City cell phone are discouraged from using text messaging. If text messaging must be used, it may only be used when the message transmitted is transitory in nature and created primarily to communicate information of short-term value. Transitory messages are not intended to formalize or perpetuate knowledge and do not set policy, establish guidelines or procedures, certify a transaction, or become a receipt. All emails and text messages sent and received using a City provided email account or cell phone are subject to public disclosure as required by law. In the event that unavoidable circumstances require an email or text message related to official City business be sent to or received from a personal email account or personal cell phone, the same shall be immediately forwarded to [cityclerk@port-orange.org](mailto:cityclerk@port-orange.org) within seventy-two (72) hours of being sent or received to ensure proper maintenance and retention of the public record. Emails or text messages being preserved pursuant to this policy shall identify the sender, recipient(s), and contents of the message along with the date and time of transmission.

Employees are encouraged to use personal email accounts or personal cell phones when communicating private, non-business-related information which the employee does not wish to be made public. Any personal emails or text messages which do not fall within the definition of a "public record" pursuant to Fla. Stat. Section 119.011 (12) and containing sensitive personal information that has been inadvertently stored on a City email address or City cell phone should be reported to IT personnel immediately. The City Clerk's Office will endeavor to omit such personal (non-public records) when processing public records request involving emails and text messages. **HOWEVER, THE CITY SHALL NOT BE RESPONSIBLE FOR THE RELEASE OF ANY PRIVATE/PERSONAL COMMUNICATION THAT WAS SENT OR RECEIVED FROM A CITY-PROVIDED EIS.**

All emails and text messages made or received in connection with the transaction of official City business, **EVEN FROM PERSONAL EMAIL ACCOUNTS AND PERSONAL CELL PHONES**, shall be subject to public disclosure as required by law. It shall be the responsibility of each person subject to this policy to retain and provide to the records custodian any public record stored on a personal email account or personal cell phone in accordance with this policy.

Upon separation of employment or no longer serving on a board or commission, an employee's EIS account will be inactivated as quickly as possible. However, public records will be maintained in accordance with applicable law which may be requested in accordance with Policy 1-47, Processing of Public Records Request.

## SOCIAL MEDIA

### "City Social Media Accounts"

When using City EIS, the City's social media pages (i.e. Facebook, Twitter, etc.) may only be accessed for business purposes by employees with express authorization from their respective department head and the City Manager. When using social media to transmit or communicate information to the public, all information transmitted or communicated shall be retained in accordance with the Public Records Act. All employees expressly authorized to use social media shall conduct themselves at all times as representatives of the City and accordingly, shall adhere to all City rules, procedures, and standards of conduct. All content posted by an authorized user of social media shall represent the City's point of view, not that of the employee.

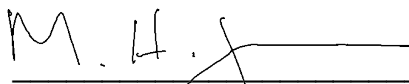
### "Personal Social Media Accounts"

The First Amendment does not require a public employer to tolerate embarrassing, vulgar, vituperative, ad hominem attack, even if such attack touches on a matter of public concern. Accordingly, any defamatory, obscene, slanderous, or unlawful speech, writing, or other expressions posted by an employee on his/her personal social media account may result in disciplinary action. However, this policy shall not be interpreted in any way as to interfere with, restrain, or coerce public employees in the exercise of any rights guaranteed them by Chapter 447, Part 11, Florida Statutes, including but not limited to the right to engage in concerted activities not prohibited by law, for the purpose of collective bargaining or other mutual aid or protection.

## CONSEQUENCES OF POLICY VIOLATION

Employees violating this Policy are subject to disciplinary action up to and including termination. The severity of the disciplinary action and/or legal action taken will depend on the nature of the offense. Violation of this policy may also be grounds for revocation of City EIS access.

**THE CITY OF PORT ORANGE RESERVES THE RIGHT TO EXAMINE ALL DATA STORED, VIEWED, OR TRANSMITTED ON ANY CITY EIS TO ENSURE THAT ALL USERS ARE IN COMPLIANCE WITH THIS POLICY. USERS OF CITY EIS SHALL HAVE NO PRIVACY RIGHTS IN ANY INFORMATION SENT, RECEIVED OR STORED WITH THE USE OF CITY EIS.**



Michael H. Johansson  
City Manager

Date 8/13/2019