PINAL COUNTY POLICY AND PROCEDURE **2.50**

Subject: **ELECTRONIC MAIL, INSTANT MESSAGING, AND CALENDAR ~~SCHEDULING~~ SYSTEMS**

Date: ~~**May 17, 2017**~~ **December 1, 2024**

Pages: **1 of ~~4~~5**

Replaces Policy Dated: ~~**November 18, 2009**~~**May 17, 2017**

PURPOSE: **This policy establishes standards for** ~~The purpose of this policy is to define employee responsibilities for~~ the proper, secure, and lawful use of electronic communication systems, including but not limited to: electronic mail (email), instant messaging (IM), and electronic calendars owned or leased by the County for use by Pinal County employees.~~the Pinal County's email, calendar, and instant messaging (IM)systems.~~

STATEMENT OF POLICY: The Pinal County electronic communications systems includes email, IM and electronic calendar systems are designed and maintained to facilitate business and professional communication for the efficient and effective delivery of County services. The contents of all communications created, sent or received using these systems are the property of Pinal County and are subject to applicable Public Records Law.

~~**APPLICATION**~~**SCOPE:** ~~This policy applies to a~~All Pinal County employees, including Elected Officials, ~~and~~ employees of the Superior Courts, ~~including~~ temporary employees, contractors, and any third parties who have been authorized to use Pinal County~~access to said~~ systems.

DEFINITIONS:

~~1. Email is any transmission of messages, including attachments and imbedded objects, across the County's enterprise electronic mail system.~~

1. **Calendar** is part of the email system and is used to schedule, track and store appointments, tasks, reminders, and other events electronically.
2. **Electronic Mail** (Email) is any transmission of messages, including attachments and imbedded objects, through the County's enterprise computer network system.
3. **Electronic Communication Systems** means the County's IT devices and applications utilized by County personnel, whether owned or leased by the County, to communicate and/or transmit information necessary to perform job responsibilities and duties. Electronic communications systems, whether accessed from within County facilities or outside, include but are not limited to: electronic mail and messaging, cell/smart phones, radios, computers, tablets, and peripheral devices such as facsimile, printer, scanner, copier and other interfacing equipment or technologies.
4. **Formal Communications** are communications of any kind pertaining to public business, which must be preserved as a public record.
5. **Instant Message (IM)** is a form of text-based online communication transmitted in real-time.

~~2.~~

~~3.~~6. **Instant Messaging (IM)** is a means for transmitting over the Internet or other network internal Instant Messages in real time. ~~type of text based internal online chat which offers real-time transmission over the Internet~~

7. **Intellectual Property (IP)** means rights to, and/or products of the mind or intellect, arising under any law, including, but not limited to, trade secrets, trademarks, copyrights, and Unfair Competition. This includes any body of work developed by an employee working on County business.

8. **IT** is the Information Technology Department responsible for the maintenance and administration of the County's electronic mail, Instant Messaging, and calendaring systems.

9.

~~4.~~10. **Public Record**, pursuant to ~~per~~ Arizona Public Records law (~~,~~ Arizona Revised Statutes (A.R.S.) §§ 39-101, *et seq.*), is a record that is made by a public official or employee when performing their duties,~~in the pursuance of a duty,~~ the immediate purpose of which is to disseminate information to the public, or to serve as a memorial of official transactions for public reference.

~~5. Formal Communications are communications of any kind pertaining to public business, which must be preserved as a public record.~~

~~6. Intellectual Property means rights to, and/or products of the mind or intellect, arising under any law, including, but not limited to, trade secrets, trademarks, copyrights, and Unfair Competition. This includes any body of work developed by an employee working on Countybusiness.~~

~~7. IT is the Information Technology Department responsible for the maintenance and administration of the County's electronic mail system.~~

~~**EMAIL, CALENDAR, INSTANT MESSAGE POLICY**~~
PROCEDURES:

Use of Electronic Mail, Instant Messaging, and Calendar Systems

~~The Pinal County email, calendar, and instant messaging systems are designed and maintained to facilitate communication for County business. The contents of all communications sent or received using these systems are the property of Pinal County and are subject to all applicable Public Record laws.~~

~~These systems are not to be used as a long term document management, retention or storage solution. All messages, attachments and imbedded objects which meet the criteria of a public record shall be preserved in accordance with the specific departmental document retention policy.~~

A. Appropriate use of the County electronic communication systems includes activities that are relevant to the performance of County business. Such use includes:

1. Correspondence within County government;
2. Correspondence with entities doing business with or on behalf of the County;
3. Sharing of County event information;
4. Sharing information within the department, with the approval of the Appointing Authority, regarding work-related social events, and County approved charitable activities.
5. Using the County email address to register on professional websites or other registrations for work-related purposes.
6. Profile and IM Photos: Employees are authorized to include profile pictures and instant messenger photos. These photos must be actual photos of the employee in a professional/workplace setting.
7. Limited personal use, for example:
    a) Scheduling/managing of personal appointments (i.e., lunches, meetings, doctors' appointments, etc.);
    b) Sharing of event driven information, to include photographs and

attachments (i.e., birthdays, marriage announcements, births, etc.)

c) Participating in employer sponsored programs and activities

B. Prohibited use of the County email system includes, but is not limited to:

1. Using personal external email accounts (Yahoo, Gmail, Hotmail, etc.) to conduct County business.
2. Using County email addresses for personal, non-business registration.
3. Using the email system for personal gain, advancement of individual views that are unrelated to the performance of official County business.
4. Using the email system for solicitation of any activity not authorized by the County, to include:
   a) Funds,
   b) Advertisements,
   c) Private business activities,
   d) Charitable endeavors, or
   e) Other unauthorized non-County purposes.
5. Developing or retaining content which violates state or federal law including, but not limited to, violation of intellectual property and/or confidentiality laws.
6. Using the email system for political messages and/or attempting to influence the outcome of an election in violation of Arizona Revised Statutes (A.R.S.) § 11-410.
7. Forwarding chain letters, stories, email petitions, warnings, pictures, programs, or other non-County materials.
8. Distributing content which is discriminatory, harassing, or disruptive which includes, but is not limited to, content that is sexually explicit, derogatory or abusive; threatening images; cartoons, jokes, or inappropriate or profane language.
9. Misrepresenting, obscuring or concealing the identity of sender or recipient, or routing of email or encrypting email with the intent to disguise, hide, or prevent detection of violation of this policy.
10. Sending or receiving copyrighted materials, trade secrets, proprietary financial information, or similar materials without prior authorization.
11. Using the County electronic communication systems for personal use, other than as described in Section Seven (7) above, without the prior consent of the employee's Appointing Authority.
12. Accessing, attempting to gain unauthorized access, and/or sharing any electronic communication for which you are not the intended recipient.
13. Archiving or storing electronic communication to any personal storage device (i.e. thumb drives, portable hard drive, etc.).

C. Compliance

1. It is the user's responsibility to stay within the set limit.
2. Electronic communication systems should not be used for document storage.

Security, Confidentiality/Privacy

D. Security:

1. Since no computer system is completely secure, these systems are not intended to transmit sensitive materials, such as evidence, personal identifying, financial or other

similar information that may be more appropriately transferred by other secure transfer methods.

2. Every device that accesses the County email system must be security/passcode enabled.
3. Passwords and security codes shall be periodically changed to ensure security of the email system.
4. Employees shall not share password/security codes with anyone.

E. Confidentiality/Privacy:

1. Employees shall not intentionally intercept, eavesdrop, record, read, alter, or receive other persons' electronic communication without authorization.
2. Unless covered by a legal privilege, all communications, including text, images, and attachments may be subject to disclosure without the consent of the sender or the receiver.
3. Secure File Share shall be used for the transmission of private/sensitive information such as Social Security Numbers or Protected Health Information (PHI).
4. Employees shall not transmit confidential information regarding personnel matters, personnel decisions, progressive discipline, or grievances, within the body of an email, or as an attachment, to anyone who does not have a need to know.

Retention

F. Retention

1. IT will enforce email mailbox size limits in order to maintain the overall health and recoverability of the email system and will retain electronic communications for a period of ~~five~~ two (2) years.
2. Electronic Communications will be preserved pursuant to this policy, applicable federal and state laws, and relevant Pinal County and departmental record retention and disposition schedules.
3. Formal communications transmitted or received through email shall be either printed, and preserved in the appropriate department file in permanent paper format pursuant to each department's records retention and disposition schedule, or saved to an electronic file and preserved pursuant to each department's records retention and disposition schedule and policies. Once communications have been preserved as documents in the appropriate format, the documents shall be deleted from the electronic mail system.
4. Records retention for litigation purposes is the responsibility of County departments, in consultation with the County Attorney's Office. If your department is involved in any litigation or claims against the County, the emails in your department may constitute evidence, or have other legal value, and must be preserved for possible disclosure in connection with the litigation or claim. Such emails shall be preserved in hard copy form or in another electronic database or format to ensure retention.
5. IMs are not logged or retained by IT.
6. Communications subject to an existing public records request, a litigation hold requested by the County Attorney's Office or an attorney representing the County, or subject to formal discovery in ongoing litigation will be preserved in the appropriate file or word processing system.
7. Records maintained by public entities are presumed to be public records and are subject to

inspection on request. There are, however, exceptions to the disclosure requirement where nondisclosure of public records may be necessary to protect important public or privacy interests. In addition, privileged information such as attorney-client records maintained by the Public Defender, County Attorney or other County legal counsel are privileged and may not be subject to inspection or disclosure.

8. These systems are not to be used as a long term document management, retention, or storage solution. All messages, attachments and imbedded objects that meet the criteria of being a public record shall be preserved in accordance with the specific departmental document retention policy.

ELECTRONIC COMMUNICATIONS MONITORING

The County Manager may authorize requests from managers and supervisors to review or monitor the contents of electronic communications for business continuity reasons for employees or former employees under their purview. Requests shall be routed to the Human Resources Director. Access may be granted with written authorization from the County Manager or his or her designee.

Requests for the review or monitoring of electronic communications for potential violations of policy shall be referred to the Director of Human Resources and handled in accordance with Pinal County Policy 3.65. No electronic messages may be monitored, reviewed, audited, intercepted, accessed, or disclosed without written authorization of the County Manager or his/her designee.

A. IT will enforce mailbox size limits in order to maintain the overall health and recoverability of the email system. It is the user's responsibility to stay within the set limit. Additionally, the email system will not store messages older than five years unless the messages are subject to litigation or claims against the County.

Since no computer system is completely secure, these systems are not intended to transmit sensitive materials, such as evidence, personal identifying, financial or other similar information that may be more appropriately transferred by other secure transfer methods.

Employees shall not intentionally intercept, eavesdrop, record, read, alter, or receive other persons' e-mail messages without proper authorization. All communications, including text, images, and attachments may be disclosed to law enforcement or other third parties without the consent of the sender or the receiver, except for communications covered by a legal privilege. Misrepresenting, obscuring or concealing the sender, receiver or routing of E-mail or encrypting E-mail with the intent to disguise, hide or prevent detection or violation of this policy is prohibited.

An Elected Official or the County Manager may authorize or direct managers and supervisors the right to review or monitor the contents of e-mail communications for employees under their direction. No electronic messages may be monitored, reviewed, audited, intercepted, accessed, or disclosed without authorization of the specific Elected Official, the County Manager or his/her designee.

Any request to IT for email records will be processed through the County's eDiscovery system and in accordance with Pinal County policy 2.95.
The misuse of e-mail privileges is subject to disciplinary action, as determined by the elected official or county manager, in accordance with the Human Resource Personnel Rules, and/or other applicable standards, policies, rules or laws.

1. Passwords/Security Codes
A. While users have a confidential password that facilitates access to the County network and the email system, users should be aware that this does not suggest that the system is for personal confidential communication, nor does it suggest that e-mail is the property right of the employee. The use of the e-mail system is for County business. The confidentiality of any message should not be presumed
B. Every mobile device that accesses the County email system must have security/passcode enabled.
C. Passwords and Security Codes should be periodically changed to ensure security of the e-mail system.
D. Never share your password/security codes with anyone.

2. Prohibited Uses of E-Mail include, but are not limited to:
A. Soliciting or recruiting membership for commercial ventures, religious or political purposes, outside organizations, or other non- county relatedsolicitations.
B. Creating any offensive or disruptive messages that contain sexual matters or comments that offensively address race, color, religion, gender, national origin, ancestry, marital status, sexual orientation, age, physical or mental disability, medical condition, or veteran status.
C. Transmitting pictures or other images in electronic mail that are not related to Countybusiness.
D. Issuing or forwarding serial or chain mail type messages or advertisements of any commercial nature, except notices of officially approved or sponsored organizations that concern County employees, i.e., the Wellness Coalition, Alcoholics Anonymous, employee educational scholarships, Weight Watchers.
E. Sending (uploading) or receiving (downloading) copyrighted materials, trade secrets, proprietary financial information, or similar materials without prior authorization.

F. Retrieving or reading any electronic mail messages that are not sent to them unless authorized by the e-mail recipient or attempting to gain access to another employee's messages or files without his/her permission.
G. E-mail archiving or storing email to any external removable storage device that is not on the County network (i.e. thumb drives, CD's, DVD's, etc.)
H. Any activity that violates established County or department policy.

3. Personal Use
A. In addition to the use of electronic mail in the performance of their job duties, employees may make limited personal use of electronic mail under the following circumstances:
i. Scheduling of personal appointments as an effective extension of one's over all time management, i.e., lunches, meetings, etc.
ii. Sharing of event driven information and planning of work related social events where the intent is to enhance employee morale, i.e., birthdays, marriages, births, etc.
iii. Attachment or sharing of photographs in messages is limited to this authorized personal use.
iv. Other limited uses that do not violate County or departmental policy.
B. Employees may not use external email accounts (Yahoo, Gmail, Hotmail, etc.) to conduct County business. External web email hosting sites will be blocked from County networks. Limited access will be made available to the Information Technology department for testing purposes only.
C. Using the County email address to register on web sites or other registrations for work related purposes ONLY, do not use the County email address to register for non-work related purposes.

4. Profile and Instant Messenger Photos: Employees are authorized to use profile pictures and instant messenger photos. These photos must be actual photos of the employee in a professional/workplace setting.

5. Status and what's happening use in IM: Employees are authorized to change IM status, locations, and "what's happening today" notes. These fields are to be used in a professional manner only.

6. Retention and Account Management
A. Electronic mail communications will be preserved pursuant to this policy, applicable federal and state laws, and relevant Pinal County and departmental record retention and disposition schedules.
B. Email accounts and the contents of email boxes for personnel that separate from employment with Pinal County will be deleted 30 days after the last date of employment. Elected Officials or Department Directors may request the contents of the departing/former employees email records for business continuity or other legal reasons. The request must be made in writing to the Information Technology department and receive approval from the specific Elected official or the County Manager. The records will be compiled from the eDiscovery system and delivered in PDF format. The records may also be imported directly to another appropriate email box for review however the mailbox size limits still apply.
C. The Information Technology Department will create backups of the e-mail system only for system recovery in the event of disasters and/or system failures. Server backups will be kept for system recovery purposes only and will be retained for a period of one full week. The Arizona State Library, Archives and Public Records Department does not recognize server backups as a public record.
D. All email communications are stored in a separate eDiscovery system used to process requests for email records. This system will not store messages older than five years unless the messages are subject to litigations or claims against the County.
E. Elected Officials should consult the County Attorney's Office and Human Resources before requesting an employee's email records from the Information Technology. Department Directors

must have County Manager and Director of Human Resources approval before requesting employee (current or former) email records.

F. Formal communications transmitted or received through electronic mail shall be either printed, and preserved in the appropriate department file in permanent paper format pursuant to each department's records retention and disposition schedule, or saved to an electronic file and preserved pursuant to each department's records retention and disposition schedule and policies. Once communications have been preserved as documents in the appropriate format, the documents shall be deleted from the electronic mail system.

G. Routine electronic mail communications shall be deleted after the required action is taken. Routine Electronic Mail Communications include:

i. Scheduling routine meetings and conference calls.

ii. Notification of legal and policy issues to be resolved in more formal communication.

iii. Requests for information or directives to complete tasks.

iv. Notification of employees' whereabouts, i.e., vacations, conferences, out-of-office work.

v. Requests for advice and assistance.

H. Records retention for litigation purposes is the responsibility of County departments, in consultation with the County Attorney's Office. If your department is involved in any litigation or claims against the County, the E- mails in your department may constitute evidence, or have other legal value, and must be preserved for possible disclosure in connection with the litigation or claim. Such E-mails shall be preserved in hard copy form or in another electronic database or format to ensureretention.

I. Instant Messages (IM's) are not logged or retained by InformationTechnology.

J. Communications subject to an existing public records request, a litigation hold requested by the County Attorney's Office or an attorney representing the County, or subject to formal discovery in ongoing litigation will be preserved in the appropriate file or word processingsystem.

K. Records maintained by public entities are presumed to be public records and are subject to inspection on request. There are, however, exceptions to the disclosure requirement where nondisclosure of public records may be necessary to protect important public or privacy interests. In addition, privileged information such as attorney-client records maintained by the Public Defender, County Attorney or other County legal counsel are privileged and may not be subject to inspection or disclosure.

AUTHORITY AND RESPONSIBILITY

1. Employees are responsible for:

a. Understanding and adhering to the electronic mail policy.

b. Using common sense and good judgment in the use of electronic mail as determined by this County Policy and related departmental policy(ies) if any.

c. Managing their electronic mail accounts by appropriately marking as confidential, preserving and/or deleting electronic mail messages from their folders as instructed by this policy.

d. Advising Management of breaches of this policy.

e. Maintaining reasonable precautions to safeguard their electronic mail from unauthorized entry or use.

f. Understanding the electronic Mail system is not a document repository and is not to be used to store critical documents.

g. Management is responsible for:

h. Understanding this policy, and related policies and documents.

i. Advising their employees about this policy and appropriate use.

j. Notifying the Human Resources Director when circumstances warrant monitoring of an employee's electronic mail.

k. Establishing retention schedules in accordance with applicable statutes, County and organizational policies.

l. In their respective positions, either the Elected Official or the Human Resources Director is responsible for:
m. Confirming that reported circumstances warrant monitoring.
n. Notifying (in the case of an elected official) or obtaining authorization (in the case of the Human Resources Director) from the County Manager or designee before monitoring specific activity.
o. Coordinating with the Director of Information Technology to effect the monitoring.
p. Reporting violations of this policy to the employee's Appointing Authority for further investigation and disciplinary action as appropriate.
q. Facilitating the use of external resources including civil or criminal investigators, as appropriate.

PROCEDURES

1. The Human Resources Department will provide all employees with a copy of this electronic mail policy during new employee orientation and ensure the employees acknowledge and sign a policy acknowledgment.

2. If a violation of this policy occurs or is suspected, the appointing authority or designee should:
a. Document the circumstances.
b. Confirm with the Human Resources Director that monitoring electronic mail is appropriate.
c. Monitor the employee's mail in a manner consistent with the circumstances of the policy violation.
d. Initiate disciplinary action, as appropriate under the circumstances.

e. Any employee who violates this policy or uses the electronic mail system for improper purposes shall be subject to discipline, up to and includingdischarge.

f. Any employee who discovers a violation of this Policy shall notify his/her Appointing Authority, may request an investigation by the Human Resources Director.