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Subject: Internet Policy

The following is a draft internet usage policy developed by Eric Bernstein, Esq., General Counsel for the Association. It is provided for information and guidance purposes only. If a municipality is to adopt such a policy for local usage, that policy, even if based upon the following draft, should be referred to and endorsed by the municipality's attorney to insure compliance with local codes as well as any recent changes in law or judicial interpretations.

****Disclaimer****

This Internet and E-Mail Usage Policy and Internet and E-Mail Usage Agreement are intended for informational purposes only. Eric M. Bernstein & Associates, L.L.C. shall not be responsible for an employer's implementation and use of this Policy in any manner whatsoever.

****For Informational Purposes Only****

INTERNET AND E-MAIL USAGE POLICY

A. PURPOSE

This policy shall govern access and use of Employer's equipment, telecommunications and services for employees of the Employer. The intent of this policy is to provide employees with the tools to perform their job tasks without infringing on the rights of others, whether they be public or employee users of personal computers and the Internet and Electronic Mail (E-mail) communications systems. This includes minimizing the risk of computer virus infections, avoiding bandwidth congestion, adhering to software license agreements and controlling private use of government equipment. The Employer makes every effort to provide the best available technology to those performing services for the Employer. In this regard, the Employer has installed, at substantial expense, equipment such as computers, electronic mail, and voice mail. This policy is to advise those who use

our business equipment on the subject of access to and disclosure of computer-stored information, voice mail messages and electronic mail messages created, sent or received by the Employer's employees with the use of the Employer's equipment. This policy also sets forth policies on the proper use of the computer, voice mail and electronic mail systems provided by the Employer.

B. AFFECTED PARTIES

All Employer's employees, including appointed and elected officials, quasi-employees and authorized volunteers who use the Employer's equipment, services and information technology are subject to this policy.

C. POLICIES

Employer's property, including computers, E-mail and voice mail, should only be used for conducting municipal business. Personal use of Employer computers is prohibited and the Employer may, at any time, monitor the use of said equipment. Employer's employees should not expect any privacy with respect to any information they place in or on Employer's computers or computer equipment.

1. EMPLOYER PROPERTY

Computers, computer networks, computer files, software programs, E-mail, all communications created on, received by, stored on or transmitted through those systems are the sole and exclusive property of the Employer. Likewise, all records, data, files, software and all electronic communications contained in these systems are the property of the Employer. Therefore, employees should have no expectation of privacy regarding any such files and/or communications.

Passwords are only intended to prevent unauthorized access to E-mail, computer files or voice mail. All employees must supply all of their current (and any future) passwords and login names to supervisors and advise them any time they are changed.

2. AUTHORIZED SOFTWARE

All software installed on the Employer's computers and networks must be authorized software. All software installations, even free software from the Internet, are to be approved by the Employer or its designated official before it is installed.

Authorized software is that software purchased by and licensed to the Employer or approved for use by the Employer or its designated official. Employees and officials shall not install any software onto any Employer computer or file server without approval. To prevent computer viruses from being transmitted through the system, there will be no unauthorized downloading of any software or the utilization of unauthorized media.

Employees and officials shall not use, copy or provide copies of unlicensed software. Unlicensed software or personal software may be deleted by the Employer without notice to the employee or officer.

3. USE OF E-MAIL

The use of E-mail may not be used to solicit for commercial ventures, religious or political causes, outside organizations or other non-job related solicitations. Furthermore, E-mail is not to be used to create any offensive or disruptive messages. Among those which are considered offensive are any messages which contain sexual implications, racial slurs, gender-specific comments or any other comments that offensively address someone's age, sexual orientation, religious or political beliefs, national origin or disability. In addition, E-mail shall not be used to send (upload) or receive (download) copyrighted materials, trade secrets, proprietary financial information or similar materials without prior authorization.

Although the Employer may provide certain codes to restrict access to computers, voice mail and E-mail to protect these systems against external parties or entities obtaining unauthorized access, employees should understand that these systems are intended for business use and all computer information, voice mail and E-mail messages are considered Employer records. The Employer also needs to be able to respond to proper requests resulting from legal proceedings that call for electronically-stored evidence. Therefore, the Employer must, and does, maintain the right and the ability to enter into any of these systems and to inspect and review any and all data recorded in those systems.

Because the Employer reserves the right to obtain access to all voice mail and E-mail messages left on or transmitted over these systems, employees should not assume that such messages are private and confidential or that the Employer or its designated representatives will not have a need to access and review this information. Individuals using Employer's business equipment should also have no expectation that any information stored on their computer, whether the information is contained on computer hard drive, computer disks or in any other manner, will be private.

The Employer has the right to, but does not regularly monitor voice mail or E-mail messages. The Employer will, however, inspect the contents of computers, voice mail or E-mail in the course of an investigation triggered by indications of unacceptable behavior or as necessary to locate needed information that is not more readily available by some other less intrusive means. The contents of computers, voice mail, and E-mail, properly obtained for some legitimate business purpose, may be disclosed by the Employer if necessary within or outside of the Employer. Given the Employer's right to retrieve and read any E-mail messages, such messages should be treated as confidential by other employees and accessed only by the intended recipient. The Employer or its designee will review any request for access to the contents of an individual's computer, voice mail, or E-mail prior to access being made without the

individual's consent.

4. USE OF THE INTERNET

Access to the Internet is strictly for Employer's business. Any costs incurred while accessing sites on the Internet or ordering supplies and/or materials through the Internet are the responsibility of the employee unless approved in advance by the Employer in writing. Employees may not use personal Internet accounts during work hours or use Employer's equipment to reach personal sites. Internet access will be removed for any employee due to violation of this policy.

Access to the Internet via Employer resources can only be used for Employer purposes and cannot adversely affect the operation of the Internet or misrepresent the interests of the Employer. Accessing, viewing, downloading or any other method for retrieving non-Employer related information is prohibited. This includes, but is not limited to, entertainment sites or pornographic/adult sites or other sites unrelated to the employee's/official's responsibilities with the Employer. Resources of any kind, for which there is a fee, must not be accessed or downloaded without prior approval of the Employer. Use of aliases or anonymous messages is prohibited. Also, the misrepresentation of an employee's job title, job description or position with the Employer is prohibited. Employees may not release untrue, distorted or confidential information regarding Employer business. Employees are also prohibited from the following list of activities which is not all-inclusive: violating copyright laws; using or changing other's password; trespassing in other's folders, work or files, accessing resources not related to the user's department or work without permission; damaging computers, computer systems, computer networks or computer peripherals such as printers; harassing, insulting or verbally attacking others.

Employee's rights while accessing the Internet and E-mail through the use of Employer property does not include the right to privacy. When sites are accessed, Internet Protocol addresses are recorded. Comments are not anonymous and any electronically stored communications sent or received may be retrieved.

5. COPYRIGHT ISSUES

Employees may not transmit copyrighted materials belonging to others over the Internet. One (1) copy of the copyrighted material may be downloaded for your own personal use in research with the written permission of the copyright holder.

Users are not permitted to copy, transfer, rename and/or delete information or programs belonging to other users unless given express written permission to do so by the owner. Failure to observe copyright or license agreements may result in disciplinary action or legal action by the copyright owner.

6. CONFIDENTIAL INFORMATION

Employees and officials shall not send, transmit or otherwise disseminate nonpublic personal data, police materials or other confidential information of the

Employer to an unauthorized person or in an unauthorized manner. Unauthorized dissemination of this information may result in substantial civil liability and/or criminal penalties, as well as disciplinary action up to and including termination from employment.

7. PRIVACY CAUTION

Employees should be aware that any computer, whether networked or stand alone, may be accessible to other users. The Employer cannot guarantee the absolute privacy of E-mail communications, whether internal or external.

Employees should never assume that E-mail can be read by no one except the employee, others may be able to read or access E-mail.

8. GENERAL GUIDELINES

The following guidelines are established, but not exclusive, for sending Internet and LAN E-mail:

- a) Do not communicate confidential and sensitive issues via E-mail. E-mail is not secure.
- b) Racism, sexism and other inappropriate behavior will not be tolerated. If you receive such messages, forward them to your supervisor. Employees are prohibited from sending, retrieving, displaying or printing offensive messages.
- c) Be cognizant of system etiquette. Mail takes up space. It is best not to save every message you receive.
- d) Be careful when sending replies; make sure that mail is addressed to the individual or group you want to receive it.
- e) Employees should not permit individuals, including family members, employees or consultants to use Employer computers, networks or internal E-mail without written authorization from the Employer or its designated representative.

9. EMPLOYER WEBSITE

The Employer's website was created to provide information about the Employer to the public and to provide direct links to other related sites. The site is not to be used for personal or partisan political purposes. All items posted on the website must reflect the principals enumerated in this policy.

10. VIOLATIONS

Failure of employees to adhere to this policy may result in restriction, revocation of access or other disciplinary action. The Employer reserves the right to make final determinations as to what is considered appropriate in all cases of Internet and E-mail use.

Employees who are found in violation of this policy may be subject to the

following:

- a) Revocation of Internet and E-mail access;
- b) Restriction of access to Internet and E-mail; and,
- c) Any other discipline, up to and including termination.

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INTERNET and E-MAIL USAGE AGREEMENT

On _____(date), I _____(print name) received a copy of the policies regarding Internet and Electronic Mail (E-mail). I have read the policies and agree to comply with all stated provisions and terms for usage involving Employer provided equipment and accounts. By using the Internet and E-mail access provided, I agree that I am aware of the policy and that the Internet and E-mail records may be read or monitored by authorized individuals. I agree that the Employer is not responsible for and/or is not liable for any claims arising or resulting from my use of the Internet or E-mail services provided by the Employer. I understand that, pending investigation, failure to adhere to these policies may result in discipline, in accordance with established Employer policies.

_____ (signature of employee)

Dated: _____

*****PLEASE NOTE*****

Only those individuals who have signed and submitted a copy of this form to the Employer are authorized to use the Employer's Internet and E-mail system. Unauthorized access is a violation of law and Employer policies and may result in disciplinary action up to and including termination.

On _____(date), I _____(print name) received the signed copy of the Internet and E-mail Usage Agreement for the above employee. I give my approval for this employee to use the Internet and E-mail and realize that I am responsible for the enforcement of the Internet and E-mail Policies for usage involving Employer provided equipment and accounts. The Employer has not provided me with any special software or training to electronically monitor an employee's use of the Internet and E-mail. However, if I suspect misuse of the Internet and E-mail, I will immediately notify the proper official(s). I understand that, pending investigation, failure to adhere to my duties to supervise may result in discipline, in accordance with established Employer policies.

_____ (signature of employer)

Dated: _____