



# **Use of Electronic Communications Policy**

**Corporate Human Resources**

Amended February 2010

## Introduction

All council electronic communications equipment is there to help provide a high quality service to our customers. While the use of this equipment for council business must come first, the council allows employees and councillors to use this equipment for appropriate and moderate personal use. We trust employees and councillors to behave sensibly and to use equipment for personal use outside recorded working council time (for example, at lunchtime).

Electronic communications equipment includes telephone, computer, email, internet, mobile phone (all types), fax, voicemail, photocopier and palm-held equipment.

**Failure to follow any aspect of this policy (either deliberately or accidentally) could lead to disciplinary action against you in accordance with the council's disciplinary policy which may result in dismissal.**

### 1. The use of the internet

The internet is a valuable work resource, offering access to research data and other information sources. Users are expected to restrict internet access to work related sites within work hours. Reasonable personal use is permitted outside of recorded working council time (for example, at lunchtime). Any abuse of this privilege may result in disciplinary action.

Employees are not allowed to 'blog' using council's electronic equipment – that is, publish an online diary.

Following the removal of filtering blocks, employees will now have access to many other resources, this means that social networking sites and webmail – such as Hotmail and Yahoo, facebook and Twitter will become available. Kirklees recognises that employees have a right to a private life; however, we must ensure that confidentiality and our reputation are protected. We therefore require employees who use social networking websites to:

- Refrain from identifying themselves as working for Kirklees
- Ensure that you do not conduct yourself in a way that is detrimental to Kirklees
- Take care not to allow their interaction to damage working relationships between Kirklees, its partners and our residents

Employees should not assume that their entries on any website will remain private.

## **2. The use of email and office communicator**

E-mail is provided as a work communication tool and any abuse of this privilege may result in disciplinary action. It must not be used to store or circulate personal email and any material that may be deemed by the council as offensive or discriminatory, or any material (including jokes, videos, pictures) that is actually or potentially defamatory of any person or organisation. For details of classification see appendix I.

Emails should be written in a professional tone and text, as they are a means of formal communication. Bear in mind that emails may be submitted as evidence in legal proceedings. The use of obscene language or swear words is prohibited. Please be aware that email discussions with third parties can constitute a legally binding contract.

Use of the email system to copy and/or transmit any documents, software or other information protected by copyright law is prohibited without the appropriate copyright permission.

No email attachment should be opened unless you have absolute confidence in its origin as this is one of the most likely points of access of a virus into the council's computer systems. This includes material from a home email address. If you are in doubt, the email should be forwarded unopened to the Sin Bin.

Under no circumstances must an individual access the email of another individual within the council without express permission and a clear understanding of the reason for the proxy access.

Office communicator is our instant messaging, online chat, one click phone calls, video call system and also allows colleagues to know whether you are available, away from your desk or in a meeting and should be used in the same way you would use email.

### **The 'Sin Bin'**

It is impossible to control what information is sent to a member of staff by email. However if offensive, obscene and/or discriminatory material is received it is then the responsibility of the receiver to do three things:

1. Forward the email to the 'Sin Bin'

- highlight the email in your inbox and right click the mouse
- from the drop down menu, click on the option 'forward'
- type Sin Bin in the forwarding box on the email and click send
- the email will then be considered by InTech

2. Delete the email from your computer

3. Inform your manager

Saving or not deleting emails and attachments that fall within this category is not only deemed offensive and is grounds for disciplinary action by the council but it also slows down computer communication by using up memory of computers and file servers.

### **3. The use of the Staff Message Boards**

The staff message boards are a facility on the council's intranet that allows employees to view and post messages relating to work and topics of general interest.

These boards must only be used during your own time (for example, at lunchtime), not during working hours.

- The staff notice board is intended for posting messages of general interest – not for chit-chat, gossip or jokes. Users can also enter into business-related discussions of a non-confidential nature.
- The 'unclassifieds' board is for staff to advertise private items for buying or selling. Please delete your message as soon as you have sold your item. No trade or commercial selling is permitted.

Bear in mind that your message has the potential to be read by many others and as such should be written in a manner that does not offend. It is all too easy for written comments to be interpreted in a manner that was not implied. Any abuse of this privilege may result in disciplinary action.

### **4. Misuse of electronic equipment**

Misuse is a serious disciplinary offence. The following are examples of misuse and you **MUST NOT**:

- Store, view, download or distribute material that is obscene, offensive or pornographic, contains violent images, or incites criminal behaviour or racial hatred
- Gamble using council equipment
- Undertake political lobbying (councillors are exempt from this provision)
- Promote or run a commercial business
- Download or distribute games, music or pictures from the internet for personal use. They can bring viruses with them, use up capacity on the servers and potentially breach copyright.
- Spend council time on personal matters (for example, arranging a holiday, shopping, looking at personal interest websites). This may be treated as fraud.

- Store personal information on your system or network that uses up capacity and slows down the system (for example, personal photos, screensavers or wallpaper)
- Send emails around the 'office' or team which:
  - are critical about a member of the team
  - contain specific or implied comments you would not say out loud in the team
  - contain inappropriate comments which could cause offence or harassment on the grounds of gender, race, disability, age, religion or sexual orientation
  - have originated from a chain letter
- Conduct private and intimate relationships via email
- Download or copy software
- Take and/or transmit pictures of a member of staff on your mobile phone, camcorder or camera without the person's permission
- Give away all-user email lists or lists of large number of email users for non-council business. If in doubt, ask your manager.
- Blog
- Use internet chat rooms

## **5. Monitoring and Privacy**

The council's email and internet facilities are business systems, owned by the organisation. The council therefore reserves the right to track all use of the internet and of the council's IT systems. Usage will be monitored to ensure that the systems are being employed primarily for business reasons, that there is no harassment or defamation taking place and that employees are not entering into illegal transactions.

Employees need to be aware that internet sites visited are traceable, and that deleted or trashed messages or attachments can be recovered.

Any material stored on the council's network or being circulated via the council's email system has no rights of individual privacy. In accordance with RIPA (Regulation of Investigatory Powers Act 2000) monitoring or surveillance without an employee's knowledge can be carried out on internal email systems, or information stored on a server. It is permitted to intercept communications in this way so the council can ensure its systems are being used properly in accordance with council policies and are working correctly.

The monitoring of email, telephone calls and internal and external post, unless clearly identified as private and confidential and not expected to be opened in an employee's absence, will be carried out on a regular basis. General monitoring of this nature will be carried out in the normal course of the running of the council's business. As such, the monitoring would be regarded as falling outside RIPA as there is implied proxy access to all the council's communication systems for monitoring and interception of communications in order to deal with matters in an employee's absence for holiday, illness or other reason.

## 6. Breaches and Sanctions

Failure to follow any aspect of this policy (either deliberately or accidentally) could lead to disciplinary action against you in accordance with the council's disciplinary policy which may result in dismissal.

**Appendix I** gives an explanation of the classifications used when investigating electronic communications misuse and is used as a guide. There may be material that does not readily fit into these categories.

**Appendix II** details the factors that are considered before deciding the appropriate sanction in cases of electronic communications misuse.

For information or any concerns you may have please contact:

- Your manager
- Your HR team
- InTech services

## CLASSIFICATION OF ELECTRONIC COMMUNICATIONS MISUSE

TERM	MEANING	RATING	SANCTION
<b>Gross</b>	<ul style="list-style-type: none"> <li>• Time</li> <li>• Volume</li> <li>• Capacity</li> <li>• Offensive material of the following nature:               <ul style="list-style-type: none"> <li>○ Sexually explicit or suggestive, usually in picture format</li> <li>○ Racist</li> <li>○ Homophobic</li> <li>○ Ridiculing religion, disability, sexual orientation or politics</li> <li>○ Ridiculing/demeaning individuals</li> <li>○ Inciting cruelty or illegal activity</li> </ul> </li> </ul>	Gross Misconduct	Dismissal
<b>Serious</b>	<ul style="list-style-type: none"> <li>• Time</li> <li>• Volume</li> <li>• Capacity</li> <li>• Offensive material of the following nature:               <ul style="list-style-type: none"> <li>○ Sexually orientated</li> <li>○ Bad and offensive language</li> <li>○ Politically aggravating</li> <li>○ Ageism</li> <li>○ Showing violence or nudity</li> </ul> </li> </ul>	Serious Misconduct/ Misconduct	Final written warning/written warning
<b>Mild and non-offensive</b>	<ul style="list-style-type: none"> <li>• Time</li> <li>• Volume</li> <li>• Capacity</li> <li>• Material of the following nature:               <ul style="list-style-type: none"> <li>○ Jokes/short stories with minor references to material of a sexist nature or in bad taste</li> <li>○ Jokes/stories etc. of a non-offensive nature (that is, not gross, serious or mild)</li> <li>○ Light hearted material</li> <li>○ Cute animal pictures</li> </ul> </li> </ul>	Misconduct	Written warning/verbal warning/informal process

### Definitions

**Capacity** – material that takes up a lot of capacity on the hard drive of the email account

**Time** – personal use could be considered tantamount to fraud

**Volume** – the numbers being received and/or sent on

## Factors to Consider

### Factors to take into consideration before deciding the appropriate sanction in cases of email and internet abuse

If the allegations are proven, then consideration should be given to whether they are gross misconduct or other misconduct. Gross misconduct can be defined as misconduct for which dismissal would be appropriate without previous warnings. If the misconduct is not gross, then dismissal would not normally be appropriate without previous warnings.

Before reaching a decision on the appropriate sanction, the following factors should also be taken into account:

- 1. Seniority**  
Has the manager failed to set an example to the team? Has the manager challenged inappropriate behaviour amongst the team being managed?
- 2. Realisation of Misconduct**  
Has the employee understood the implications of the breach of discipline?
- 3. Behaviour Change**  
Is the employee likely to repeat the misconduct, or is a desired change in behaviour likely?
- 4. Coercion**  
Did the employee feel pressure to join in these activities, either through their peers or, more worryingly, their manager?
- 5. Instigator**  
Is the employee at the heart of the email abuse, encouraging and/or promoting the distribution of material?
- 6. Recipients**
- 7. Policies breached**
- 8. Environment**  
Have the images been viewed in an area where clients, service users or members of the public might be able to see it?
- 9. External Contact**  
Has material been exchanged with those outside the organisation which would increase the risk of reputation of the council being damaged?