

TITLE 3

COUNTY OFFICERS AND EMPLOYEES

CHAPTER 350

WEBSITE POLICIES AND REGULATION CODE

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I. GENERAL PROVISIONS

350.005 Title

This Chapter, LCC 350.005 to LCC 350.999, shall be known and may be cited as the "Linn County Website Policies and Regulation Chapter" or simply as the "Website Regulation Chapter."

[Adopted 03-258 §1 8/27/03 eff 11/26/03]

350.010 Purpose

The purpose of this Chapter is to establish policies, procedures, and rules that govern the content, accessibility, user responsibilities, disclosures, and security of the County website and all sites made available to the public on the World

Wide Web that are maintained by and under the control of the County.”

[Adopted 03-258 §1 8/27/03 eff 11/26/03]

350.020 Background

(A) Under ORS 192.420, “every person” has a right to inspect any nonexempt public record of a public body in Oregon. This right extends to any natural person, any corporation, partnership, firm, association or any member or committee of the Legislative Assembly. It is understood that the Public Records Law imposes a duty on public bodies to retrieve and make available nonexempt computer or electronically stored data and information when requested. Before the advent of the Internet and widespread use of personal computers, a person would have to go to the location of such records and make a request to the record custodian to inspect and/or copy such record (with the cost of making the copy usually borne by the requestor).

(B) With the advent of modern technology many public records can be placed on the worldwide web and any one having access to the Internet can access, inspect, and copy such records at a savings of time and money to the requestor and to the local government.

(C) The presence of information on the county website is only a portion of the public records available otherwise available from the County. A specific official request must be made to the custodian of the record to inspect or to obtain copies of such records.

350.030 Uniform Resource Locator

The Uniform Resource Locator (URL) address of the County website home page is:

<http://www.co.linn.or.us/>

[Adopted 03-258 §1 8/27/03 eff 11/26/03]

350.040 Responsibility for maintenance of the County website

(A) The Department has general responsibility for maintaining the County website.

(B) The Office of County Counsel is responsible for maintaining its homepage and the pages containing the Linn County Code which includes all codified Chapters, county policies, rules, and regulations.

(C) County agencies that maintain pages particular to those agencies are responsible for the content of those pages.

[Adopted 03-258 §1 8/27/03 eff 11/26/03]

350.050 Contents of the website; generally

(A) The website home page shall, and other pages on the site map may, contain one or more links to pages that contain provisions that conform to this Chapter.

(B) Specifically, those pages and links, at a minimum, shall be identified as:

- (1) User agreement;
- (2) Liability Disclaimers;
- (3) Website Privacy Information;
- (4) Website Accessibility Information;

and

- (5) Public Records on the County’s Website.

(C) Most of the provisions set forth in this Chapter are formatted as requirements for and limitations on user access and use of information on the County website.

[Adopted 03-258 §1 8/27/03 eff 11/26/03]

350.060 Definitions

(A) As used in this Chapter, the term:

(1) “**Board**” means the Linn County Board of Commissioners.

(2) “**Cookies**” mean simple text files having a unique number stored on the user’s computer by the user’s web browser. A cookie provides a method of identifying each visitor’s session while using an application on the County’s website.

(3) “**County**” means Linn County.

(4) “**County agencies**”

(a) mean:

(i) Linn County Assessor;

(ii) Linn County Board of

Commissioners;

- (iii) Linn County Clerk;
- (iv) Linn County Sheriff;
- (v) Linn County Surveyor;

and

- (vi) Linn County Treasurer.

(b) The term includes the employees of the respective County agencies where the context requires.

(5) **“County website”** means an area on a server or other equipment owned and maintained by the County where information is stored electronically and made available to users of the World Wide Web subject to the terms and conditions set forth in this Chapter. The term includes the uniform resource locator address for that site, all pages mapped to that site and the content on those pages that is maintained by and under the control of the County, and all on-line services offered by and under the control of the County. The term does not include information contained on third party sites for which a link is provided on a page maintained by the County.

(6) **“Department”** means the Information Technology Services department of Linn County.

(7) **“Employee”** means an appointed or elected public official employed by the County.

(8) **“Forum”** means an interactive medium accessible on the Internet such as a bulletin board, discussion web, chat room, or other message, interactive, or communication facility involving the County and other users.

(9) **“Information Technology Services”** or **“ITS”** means the Linn County department responsible for developing and managing the County’s website, and for the day-to-day operations that provide reasonable safeguards to maintain integrity of the County site.

(10) **“Internet Protocol address”** and **“TCP/IP”** mean the numerical identifier assigned either to the Internet service provider or directly to the user’s computer and is used to direct Internet traffic to the user.

(11) **“Page”** means an area on a server, such as an electronic file, devoted to a particular

topic or kind of information. A page is usually accessed from another page by an electronic link.

(12) **“Personal information”** or **“personal identifying information”** means information that is readily identifiable to a specific individual. The term includes such things as an individual’s name, address, phone number, and e-mail address. The term does not include a domain name or an Internet Protocol address.

(13) **“Public official”** means any person appointed or elected to a public position in Linn County government.

(14) **“User”** means any person accessing the County website or any information on the County website and any person using, including viewing, such information in any manner. The term includes employees and public officials of the County and members of the general public.

(15) **“User agreement”** means acceptance by the user to all terms, conditions, restrictions, limitations specified on the county website without modification as consideration for access to, and use of, the County website and links to any mapped pages under the control of, and maintained by, the County.

(16) **“Visitor”** has the same meaning as **“user.”**

(17) **“Webmaster”** means the Director of Linn County Information Technology Services, 300 SW 4th Avenue, Albany OR 97321, email: webmaster@co.linn.or.us, phone: 541-967-3803.

[Adopted 03-258 §1 8/27/03 eff 11/26/03]

II. USER AGREEMENT

350.100 Purpose

(A) The purpose of LCC 350.100 to LCC 350.150, is to set forth the policies, procedures, and rules relating to:

- (1) the online services and information offered to the public;
- (2) the terms and conditions of access to the services and information; and
- (3) the acceptance of those terms and conditions by the users and visitors.

(B) The substance of the policies, procedures, and rules of LCC 350.100 to LCC 350.150 shall be made available by a link on the home page and may be made available on other pages of the County website. The link shall be to a website page called: "User Agreement."

[Adopted 03-258 §1 8/27/03 eff 11/26/03]

350.110 General conditions of use

(A) The website page referred to as the "User Agreement" page shall contain statements that inform the user of the terms and conditions that the user agrees to when accessing and using information on the County website.

(B) At a minimum, the user shall be informed:

(1) that the user is using a County computer system, which is being provided as a public service;

(2) that government personnel and the general public may use this system to review and retrieve publicly available government information.

(3) that access to and/or the use of the information contained in the County website is conditioned on acceptance of the terms, conditions, and notices contained in this Chapter, without modification, and set forth on pages linked to and identified as:

(4) "User Agreement;"

(5) "Liability Disclaimers";

(6) "Privacy Information";

(7) "Accessibility Information;" and

(8) "Public Records on the County's Website."

(9) that access to and/or use of the County website by the user constitutes acceptance of the terms and conditions set forth in this Chapter.

(10) that the user agrees to use this website as permitted by applicable local, state, and federal laws.

(11) that the user agrees not to:

(a) knowingly and without authorization, alter, damage, or destroy the County's or another user's computer system, network, soft-

ware, program, documentation or data contained therein;

(b) use this service to conduct or attempt to conduct any business or activity or solicit the performance of any activity that is prohibited by law.

(12) that taking action which results in blocking access to this website will be deemed an unauthorized use.

(13) that anyone using this system expressly consents to administrative monitoring at all times.

(14) that the user is advised that system administrators may provide evidence of possible criminal activity identified during such monitoring to appropriate law enforcement officials;

(15) that if the user does not wish to consent to monitoring, the user must at that point exit the system.

[Adopted 03-258 §1 8/27/03 eff 11/26/03]

350.120 Nature of the user agreement

(A) The County website page referred to as the "User Agreement" page shall contain statements that inform the user of the nature of the user agreement.

(B) At a minimum, the user shall be informed:

(1) that the user agreement includes, at a minimum, all the terms, condition, limitations, and restrictions set forth in this Chapter.

(2) that the user agreement constitutes the entire agreement between the user and the County with respect to this website and it supercedes all prior or contemporaneous communications and proposals, whether electronic, oral or written, between the user and the County with respect to this website.

(3) that the user agreement shall be deemed to include all other notices, policies, disclaimers and other terms contained in this website; provided, however, that in the event of a conflict between such other terms and the terms of user agreement, the terms of user agreement shall control.

(4) that a printed version of user agreement and of any notice given in electronic form will be admissible in judicial or administrative proceedings based upon or relating to user agreement to the same extent and subject to the same conditions as other business documents and records originally generated and maintained in printed form.

(5) that any rights not expressly granted by the County in user agreement are reserved.

[Adopted 03-258 §1 8/27/03 eff 11/26/03]

350.140 Jurisdiction

(A) The County website page referred to as the “User Agreement” page shall contain statements that inform the user of the term of jurisdiction:

(B) At a minimum, the user shall be informed:

(1) that this agreement is governed by the laws of the State of Oregon.

(2) that the user must consent to the exclusive jurisdiction and venue of courts in Linn County, Oregon in all disputes arising out of or relating to the use of this website.

(3) that the use of this website is unauthorized in any jurisdiction that does not give effect to all provisions of these terms and conditions, including without limitation this paragraph.

(4) that the County’s performance of user agreement described in this Chapter is subject to existing laws and legal process and nothing contained in this agreement is in derogation of the County’s right to comply with law enforcement requests or requirements relating to the user’s use of this website or information provided to or gathered by the County with respect to such use.

[Adopted 03-258 §1 8/27/03 eff 11/26/03]

350.150 Severability

(A) The County website page referred to as the “User Agreement” page shall contain a statement pertaining to severability substantially complying with the statement set forth in subsection (B) of this section.

(B) If any part of the user agreement is determined to be invalid or unenforceable pursuant to applicable law including, but not limited to, the warranty disclaimers and liability limitation set forth above, then the invalid or unenforceable provision will be deemed superseded by a valid, enforceable provision that most closely matches the intent of the original provision and the remainder of the user agreement shall continue in effect.

[Adopted 03-258 §1 8/27/03 eff 11/26/03]

III. LIABILITY DISCLAIMERS

350.200 Purpose

(A) The purpose of LCC 350.200 to LCC 350.280, is to set forth the policies, procedures, and rules relating to disclaimers regarding:

- (1) the liability and reliability of:
 - (a) online services and information offered to the public;
 - (b) information contained on third party websites;
- (2) assumptions of all risks by the user;
- (3) the County’s disclaimer of damages and liability;
- (4) the County’s disclaimer of indorsement;
- (5) the County’s disclaimer of association with the users;
- (6) disclosure of information about the user;
- (7) use of forums; and
- (8) indemnity.
- (9) the acceptance of those terms and conditions by the users.

(B) The substance of the policies, procedures, and rules of LCC 350.200 to LCC 350.280 shall be made available by a link on the home page and may be made available on other pages of the County website. The link shall be to a website page called: “Liability Disclaimers.”

[Adopted 03-258 §1 8/27/03 eff 11/26/03]

350.210 Disclaimer of liability and reliability

(A) The County website page referred to as the “Liability Disclaimers” page shall contain statements that inform the user of the liability for and reliability of the website information.

(B) At a minimum, the user shall be informed:

(1) that in the preparation of these sites, every effort was been made to offer the most current, correct, and clearly expressed information possible; however, inadvertent errors in information may occur.

(2) that the County disclaims in particular and without limitation, any responsibility for typographical errors and accuracy of the information that may be contained on the County’s web pages.

(3) that the information and data included on the County’s servers have been compiled by County staff from a variety of sources, and are subject to change without notice to the user.

(4) that the County makes no warranties or representations whatsoever regarding the quality, content, completeness, suitability, adequacy, sequence, accuracy, or timeliness of such information and data.

(5) that in any situation where the official printed publications of the County differ from the text contained in this system, the official printed documents take precedence.

(6) that the services, information, and data made available on the County website are provided “as is” without warranties of any kind.

(7) that the County makes no representations or warranties regarding the condition or functionality of its website, its suitability for use, or that accessibility to its website will be uninterrupted or error-free.

(8) that if misleading, inaccurate or otherwise inappropriate information is brought to the attention of the County, a reasonable effort will be made to fix or remove it, and that any such concerns should be addressed to the page sponsor listed on each web page.

[Adopted 03-258 §1 8/27/03 eff 11/26/03]

350.220 Links to third parties’ websites

(A) The County website page referred to as the “Liability Disclaimers” page shall contain statements that inform the user of the liability for and reliability of links to third party websites.

(B) At a minimum, the user shall be informed:

(1) that the County website may contain links and pointers to third party Internet websites contained in the County’s website.

(2) that these sites which are linked from the County website are not under the County’s control.

(3) that the County does not assume any responsibility or liability for any information, communications or materials available at such linked sites, or at any link contained in a linked site.

(4) that the County does not intend these third party links to be referrals or endorsements of the linked entities by the County, and are provided for convenience only.

(5) that each individual site has its own set of policies about what information is appropriate for public access.

(6) that the user assumes sole responsibility for use of third party links and pointers.

[Adopted 03-258 §1 8/27/03 eff 11/26/03]

350.230 Disclaimer of damages

(A) The County website page referred to as the “Liability Disclaimers” page shall contain statements the inform the user of the County’s disclaimer of damages.

(B) At a minimum, the user shall be informed:

(1) that by using the County’s web pages, the user assumes all risks associated with the use of this site, including any risk to user’s computer, software or data being damaged by any virus, software, or any other file which might be transmitted or activated via a County web page or user’s access to it.

(2) that the County shall not in any event be liable for any direct, indirect, punitive, special, incidental, or consequential damages,

including, without limitation, lost revenues, or lost profits, arising out of or in any way connected with the use or misuse of the information or lack of information on the County's website or with the delay or inability to use this website, or from any information, documents, services, software, or other material obtained through this website, or otherwise arising out of the use of this website, whether based on contract, tort, strict liability or otherwise, even if the County and/or any of its employees or affiliates has been advised of the possibility of damages.

(3) that the County shall not be liable for any loss or injury caused in whole, or in part, by its actions, omissions, or contingencies beyond its control, including in procuring, compiling, or delivering the information, or arising out of any errors, omissions, or inaccuracies in the information regardless of how caused, or arising out of any user's decision, or action taken or not taken in reliance upon information furnished.

[Adopted 03-258 §1 8/27/03 eff 11/26/03]

350.240 Disclaimer of association with user

(A) The County website page referred to as the "Liability Disclaimers" page shall contain statements that inform the user of the County's disclaimers of association with the user:

(B) At a minimum, the user shall be informed:

(1) that the user acknowledges that no joint venture, partnership, employment or agency relationship exists between the user and the County as a result of the user agreement or use of this website;

(2) that the user agrees not to hold himself or herself out as a representative, agent, or employee of the County and the County shall not be liable for any representation, act or omission of the user.

[Adopted 03-258 §1 8/27/03 eff 11/26/03]

350.250 Disclaimer of indorsement

(A) The County website page referred to as the "Liability Disclaimers" page shall contain

statements that inform the user of the County's disclaimer of indorsement:

(B) At a minimum, the user shall be informed:

(1) that reference on the website to any specific commercial products, process, or service by trade name, trademark, manufacturer, or otherwise, does not necessarily constitute or imply its endorsement, recommendation, or favoring by the County.

(2) that the views and opinions of authors expressed on the website do not necessarily state or reflect those of the County, and shall not be used for advertising or product endorsement purposes.

[Adopted 03-258 §1 8/27/03 eff 11/26/03]

350.260 Disclosure of information about user.

(A) The County website page referred to as the "Liability Disclaimers" page shall contain statements that inform the user of the use of information provided by the user.

(B) At a minimum, the user shall be informed:

(1) that any information provided exclusively to the County by a user through the County website may be subject to Oregon's public records law and other state and federal laws governing records disclosure and confidentiality for public entities.

(2) that, by way of example, and not as a limitation, the County will, whenever possible, seek to keep personal information about a user confidential if public disclosure would lead to an unreasonable invasion of privacy, unless a third party sufficiently demonstrates that the public interest requires disclosure under particular circumstances.

[Adopted 03-258 §1 8/27/03 eff 11/26/03]

350.270 Use of bulletin board, or any other communication or interactive forums

(A) The County website page referred to as the "Liability Disclaimers" page shall contain statements that informs the user of the use of any forum.

(B) At a minimum, the user shall be informed:

(1) that to the extent that the County website contains, or may in the future contain, bulletin boards, discussion webs, chat rooms, or other message, interactive or communication facilities involving the County and other users, the user must agree to use such forums only to send and receive messages and material that are proper and related to the particular forum.

(2) that, by way of example, and not as a limitation, the user agrees that when using a Forum, the user shall not violate the law by:

(a) defaming, abusing, harassing, stalking, threatening or otherwise violating the legal rights (such as rights of privacy and publicity) of others.

(b) publishing, posting, distributing, or disseminating any defamatory, infringing, obscene, indecent or unlawful material or information.

(c) uploading or downloading files that contain software or other material protected by intellectual property laws (or by rights of privacy or publicity) unless the user owns or controls the rights thereto or has received all necessary consents.

(d) deleting any author attributions, legal notices or proprietary designations or labels in any file that is uploaded.

(e) falsifying the origin or source of any material contained in a file that is uploaded.

(f) knowingly introducing viruses, corrupted files or any other similar software or programs that may damage, alter or destroy the County website or the operation of another's computer system, network, software, program, documentation or data contained therein.

(g) knowingly accessing or attempting to access or use the County's computer system, computer network, or any part thereof, including its website, for the purpose of devising or executing any scheme or artifice to defraud; obtaining money property or services by means of

false or fraudulent pretenses, representations or promises; or committing theft, including but not limited to theft of proprietary information.

(3) that the user agrees to (as available) send and receive electronic mail, engage in conferences and chats, download and upload files, and otherwise use this website only as permitted by the terms and conditions set forth in this section, any additional policies or procedures published on the County website from time to time by the County, and applicable law.

(4) that the County reserves the right to remove any contents of this website received from users for violations of the County forum use policies and other applicable regulations and law, including violations of others' constitutional rights. The County reserves the right to edit any notices or postings for length if and when such length interferes with other users' access to and use of this forum. The reservations in this paragraph are subject to rights guaranteed by the Oregon and the United States constitutions and statutes.

(C) that the user must acknowledge that chats, conferences, bulletin boards, discussion webs and any other such interactive or communications' forums hosted by this website are public and not private communications.

(D) that the user must acknowledge that chats, posting conferences, discussion webs and other communications by other users are not endorsed by the County, and such communications shall not be considered to have been reviewed, screened, or approved by the County.

[Adopted 03-258 §1 8/27/03 eff 11/26/03]

350.280 Indemnity

(A) The County website page referred to as the "Liability Disclaimers" page shall contain a statement that informs the user of the County's term of indemnity.

(B) At a minimum, the user shall be informed that, as a condition of use of the County's website, the user agrees to indemnify the County, its Commissioners, officers, employees and agents against any and all liability, expenses (including

attorney's fees) and damages arising out of claims resulting from user's use of this website, including without limitation any claims alleging facts that if true would constitute a breach by user of these terms and conditions.

[Adopted 03-258 §1 8/27/03 eff 11/26/03]

IV. WEBSITE PRIVACY INFORMATION

350.300 Purpose

(A) The purpose of LCC 350.300 to LCC 350.365, is to set forth the policies, procedures, and rules relating to:

(1) website privacy and public disclosure requirements, generally;

(2) the collection of information, including personal information, from the user by the County from:

(a) email, surveys, discussion groups;

(b) online services and information offered to the public;

(c) information contained on third party websites;

(3) the limitations on the County's use of such information;

(4) public disclosure of such information;

(5) the manner in which a user may review information collected from the user, and the process for submitting proposals to correct information believed to be erroneous;

(6) the use of and limitations on the use of cookies;

(7) the acceptance of those terms and conditions by the users.

(B) The substance of the policies, procedures, and rules of LCC 350.300 to LCC 350.365 shall be made available by a link on the home page and may be made available on other pages of the County website. The link shall be to a website page called: "Website Privacy Information."

[Adopted 03-258 §1 8/27/03 eff 11/26/03]

350.305 General privacy information

(A) The County website page referred to as the “Website Privacy Information” page shall contain statements that informs the user of the certain privacy information.

(B) At a minimum, the user shall be informed:

(1) that the County strives to protect the user’s privacy whenever possible and appropriate while using the County website.

(2) that the information offered on the County website is to help the website user, understand the collection, use, and security of information that may be obtained from access to and use of the County website.

(3) that it is not meant to be a contract of any type, either express or implied, and should not be treated as such by site visitors.

(4) that the information on the County website may change at any time, without prior notice to any user.

[Adopted 03-258 §1 8/27/03 eff 11/26/03]

350.310 Basic information collected by the County from the user.

(A) The County website page referred to as the “Website Privacy Information” page shall contain statements that inform the user of the information that the County obtains upon access to the County website.

(B) At a minimum, the user shall be informed:

(1) that, by accessing to the County website to browse, or to read or download information, the County automatically collects and stores the following information about the user:

(a) Internet Protocol (TCP/IP) address and domain name.

(b) type of browser

(c) type of operating system.

(d) the date and time of access.

(e) the web pages or services the user’s accessed at the County site.

(f) the website the user’s visited prior to coming to the County website.

(2) that this information is used to improve the content and delivery of the County’s web services to help staff understand how people are using the County’s services and to determine what technology people use to access the County site.

(3) that the County analyzes its website logs to improve the value of the materials and services available on its site and the ease of accessing them.

(4) that the County does not attempt to link the logs with the individuals that browse its website.

[Adopted 03-258 §1 8/27/03 eff 11/26/03]

350.315 Email and surveys

(A) The County website page referred to as the “Website Privacy Information” page shall contain statements that inform the user of the collection of information email queries and surveys on the County website and the use of such information.

(B) At a minimum, the user shall be informed:

(1) that, if during a visit to the County website, the user participates in a survey or sends an email message, the following additional information will be collected:

(a) email address.

(b) contents of the email message.

(c) any information volunteered in response to a survey.

(2) that, generally, the information collected is retained in accordance with Oregon Public Records Law, ORS 192.410 to 192.505 (PRL).

(3) that the County’s intent is to make reasonable efforts to respond to email queries and in an appropriate manner.

(4) that the County’s response to email queries may include addressing issues the user identified, further improving the County website, or forwarding the email to another agency for appropriate action.

(5) that the County encourages the user to assume responsibility for confirming that the

user's email has been received by the appropriate office, department, or person.

[Adopted 03-258 §1 8/27/03 eff 11/26/03]

350.320 Discussion groups

(A) The County may make use of online forums to gather input and facilitate community dialog.

(B) The County website page referred to as the "Website Privacy Information" page shall contain statements that inform the user of the collection of information from forums on the County website and the use of such information.

(C) At a minimum, the user shall be informed:

(1) that, generally, the user will be asked to provide the user's name and address or email address along with the posting.

(2) that the information posted to a discussion group, along with the user's name and address, is available to the public.

(3) that the County encourages the user to be thoughtful in comments and to be considerate of other discussion group participants.

(4) that, for further information, the user may visit the County's website Liability Disclaimer page.

[Adopted 03-258 §1 8/27/03 eff 11/26/03]

350.325 Online services

(A) The County offers services online as a means to improve services and to make them more convenient and accessible.

(B) The County website page referred to as the "Website Privacy Information" page shall contain statements that inform the user of the collection of information from the use of on-line services on the County website and the use of such information.

(C) At a minimum, the user shall be informed:

(1) that, if the user accesses any online services during a visit to the County website, the County may collect additional information related directly to the service being accessed.

(2) that the County will attempt to limit the information requested to only that required to conduct the service and to limit the use to that service.

(3) that the user may be offered opportunities related to the service, for example, to be put on a mailing list for information updates, but permission of the user will be solicited for such alternative use.

(4) that the County may use private vendors to provide online services as a means to reduce costs and improve services, and that the vendors act on behalf of the County and will be required to abide by LCC 350.300 to LCC 350.365.

[Adopted 03-258 §1 8/27/03 eff 11/26/03]

350.330 Personal information and choice

(A) The County website page referred to as the "Website Privacy Information" page shall contain statements that inform the user of the collection of personal information and use of such information.

(B) At a minimum, the user shall be informed:

(1) that it is the County's intent is to limit its request for personal information to instances in which the County believes it is necessary to provide a service or complete a project.

(2) that the County's intent is to not collect personal information about the user on the website unless the user voluntarily provides it (i.e. by sending an email, by participating in a survey or a discussion group, or by accessing a service).

(3) that if the user chooses not to send an email, participate in a survey or a discussion group, or access a service, the user's choice will in no way effect the user's ability to use any other feature of the County website.

[Adopted 03-258 §1 8/27/03 eff 11/26/03]

350.335 Public disclosure

(A) The County website page referred to as the "Website Privacy Information" page shall contain statements generally informing the user of

the laws relating to the County's disclosure requirements regarding its public records.

(B) At a minimum, the user shall be informed:

(1) that the County is governed by Oregon's Public Records Law (PRL), which is primarily a disclosure law, rather than a confidentiality law.

(2) that the County will strive to request only personal information from the user, which is required in order to provide a particular service or to complete a project (survey).

(3) that, due to Oregon's PRL, there are only a few instances in which the County can protect confidentiality, for example, when state or federal law prohibit disclosure such as: social security number, credit card or bank account information, certain health or medical information.

(4) that the County will consider reasonable and appropriate security measures to protect such information from public disclosure when the user specifically requests such information.

(5) that, as to personal information which the user may voluntarily provide without a specific request from the County, the general rule is that such information becomes a public record subject to disclosure, unless exempt.

(6) that, however, for discussion groups, any information disclosed by a website user is disclosed to the public and the County is not able to protect it in any way.

(7) that the applicability of most other public records exemptions depends on a case-by-case balancing of public interests, weighted in favor of disclosure. For example, if a third party requests disclosure of information located on the website, the County will strive to, whenever possible, keep personal information about a user confidential if public disclosure would lead to an unreasonable invasion of privacy, unless the third party sufficiently demonstrates that the public interest requires disclosure under particular circumstances.

(8) that, if a user voluntarily provides personal information without a specific County request, the County does not agree to keep such information confidential.

[Adopted 03-258 §1 8/27/03 eff 11/26/03]

350.340 Access and correction of personal information

(A) The County website page referred to as the "Website Privacy Information" page shall contain statements that inform the user of the manner available to the user to review and propose changes to information obtained from the user on the County website.

(B) At a minimum, the user shall be informed:

(1) that the user may review any personal information that the County collects about the user through participation various forums and online services.

(2) that the user may recommend changes to personal information believed to be in error by submitting a written request that credibly shows the error.

(3) that, if the user believes that the personal information is being used for a purpose other than what was intended when submitted, the user is encouraged to contact the County.

(4) that the County will attempt to take reasonable steps to verify the user's identity before granting access or making corrections. See LCC 350.365 (County Website Contact Information).

[Adopted 03-258 §1 8/27/03 eff 11/26/03]

350.345 Limits to use of website

(A) The County website page referred to as the "Website Privacy Information" page shall contain statements that inform the user of limitations on the use of the County website.

(B) At a minimum, the user shall be informed:

(1) that the email, forums, and online services provided through the County website are not intended to act as a substitute for other specified means of submitting information to the

County, for example, information to be considered and included in the record of a land use or other quasi-judicial proceeding or legal service on the County or its employees.

(2) that, if the user needs to communicate with a particular County office, department, or employee, including submitting information to a specified place within a particular time deadline, it is the user's responsibility to confirm that this has been accomplished.

(3) that it is the user's responsibility to confirm that information has been transmitted to and received by individuals or agencies outside of the County government.

[Adopted 03-258 §1 8/27/03 eff 11/26/03]

350.350 Cookies

(A) The County website page referred to as the "Website Privacy Information" page shall contain statements that inform the user about the use of cookies upon use of the County website.

(B) At a minimum, the user shall be informed:

(1) that to better serve the users, the County employs the use of cookies to customize the user's browsing experience with the County's website.

(2) that cookies created on the user's computer by using the County website does not contain personal identifying information and does not compromise the user's privacy or security.

(3) that the user may refuse the cookie, but that if the user does refuse the cookie, the user may not be able to properly use or view some web pages or online applications.

(4) that the user may delete the cookie file on the user's computer after the user's visit from by using the user's web browser software."

[Adopted 03-258 §1 8/27/03 eff 11/26/03]

350.355 Security

(A) The County website page referred to as the "Website Privacy Information" page shall contain statements that inform the user about the security and integrity of the County website.

(B) At a minimum, the user shall be informed:

(1) that the security and integrity of the County's website are essential for its success both to deliver services and information and to maintain reasonable privacy of its visitors.

(2) that the department, as developer and manager of the County's website, has the day-to-day responsibility to provide reasonable safeguards to maintain integrity of the County site.

(3) that the department uses a variety of techniques, including but not limited to authentication, monitoring, auditing, and encryption. Such security measures have been integrated into the design, implementation and day-to-day practices of the County web environment."

[Adopted 03-258 §1 8/27/03 eff 11/26/03]

350.360 Privacy disclaimer

(A) The County website page referred to as the "Website Privacy Information" page shall contain statements that inform the user that the County is not responsible in any way for information on third party sites even if links to such sites exist on the County website.

(B) At a minimum, the user shall be informed:

(1) that the County web site has links to other websites, and that they include links to websites operated by other government agencies, nonprofit organizations and private businesses.

(2) that, when the user links to another site, the user is no longer on the County website and that LCC 350.300 to LCC 350.365 will not apply.

(3) that, when the user links to another website, the Use is subject to the privacy policy of that new site."

(4) that the user should read the "Website Liability Disclaimer" that addresses other liability issues associated with the County's website.

[Adopted 03-258 §1 8/27/03 eff 11/26/03]

350.365 County website contact information

(A) The County website page referred to as the “Website Privacy Information” page shall contain a statement that informs the user on the manner of contacting certain County personnel responsible for maintaining the County website.

(B) At a minimum, the user shall be informed:

(1) That user may inspect or obtain a copy of records containing the user’s personal identifying information collected by the County, if any, subject to the Public Records Law.

(2) That the user may request that the County correct factual errors in the user’s personal identifying information, by the following methods:

(a) contacting the appropriate County department that collects and administers the information;

(b) contacting the County Webmaster by email at: webmaster@co.linn.or.us;

(c) mailing the request to: PO Box 100, Albany OR 97321, attention: County Webmaster; or

(d) telephoning the County Webmaster at 541-967-3803.

(3) That the user may contact the Webmaster or County Administrative Officer to offer comments about the County’s website or about the information presented in LCC 350.300 to LCC 350.365.

[Adopted 03-258 §1 8/27/03 eff 11/26/03]

V. WEB ACCESSIBILITY INFORMATION

350.400 Purpose

(A) The purpose of LCC 350.400 to LCC 350.420 is to set forth the policies, procedures, and rules relating to the use of the County website by persons with disabilities and the reporting mechanism for such persons having problems with using the County website.

(B) The substance of the policies, procedures, and rules of LCC 350.400 to LCC 350.420 shall be made available by a link on the home

page and may be made available on other pages of the County website. The link shall be to a website page called: “Website Accessibility Information.”

[Adopted 03-258 §1 8/27/03 eff 11/26/03]

350.410 General

(A) The County website page referred to as the “Website Accessibility Information” page shall contain statements that inform the user about the use of County website by persons with disabilities.

(B) At a minimum, the user shall be informed:

(1) that the County has a responsibility to provide effective access to its website information to those with disabilities unless there is undue burden on County staff or when doing so would result in a fundamental alteration to the service.

(2) that in placing information on the County website, the Department will use, as guidance, the technical standards adopted by the Architectural and Transportation Barriers Compliance Board (Access Board) for electronic and information technology. That information may be available at:

<http://www.access-board.gov/sec508/guide/1194.22.htm>

(3) that it is an ongoing goal of the department to publish web based information utilizing these standards when reasonably feasible and appropriate.

[Adopted 03-258 §1 8/27/03 eff 11/26/03]

350.420 Reporting problems

(A) The County website page referred to as the “Website Accessibility Information” page shall contain a statement that informs the user of the information about how to report problems using the County website.

(B) At a minimum, the user shall be informed that if the user has any accessibility problems with any of the County’s web pages , the user is encouraged to report them to the County Webmaster’s email address at:

[Adopted 03-258 §1 8/27/03 eff 11/26/03]

VI. PUBLIC RECORDS ON THE COUNTY'S WEBSITE

350.500 Purpose

(A) The purpose of LCC 350.500 to LCC 350.560 is to set forth the policies, procedures, and rules relating, generally, to the requirements of, and limitations imposed on the County by, Oregon's public record laws.

(B) The substance of the policies, procedures, and rules of LCC 350.500 to LCC 350.560 shall be made available by a link on the home page and may be made available on other pages of the County website. The link shall be to a website page called: "Public Records on the County's Website."

[Adopted 03-258 §1 8/27/03 eff 11/26/03]

350.510 Public records on the County's website

(A) The County website page referred to as the "Public Records on the County's Website" page shall contain statements that inform the user of the information set forth in subsection (B) of this section.

(B) At a minimum, the user shall be informed:

(1) That the purpose of LCC 350.500 to LCC 350.560 is to provide a policy and procedures for the County in distributing public records information on the County website that contains certain personal information.

(2) That the following objectives were used in guiding this policy:

(a) to allow the user ease of access to public records information that is currently being provided at the County.

(b) to conform to laws that may prohibit the County from disclosing certain personal information about members of the public;

other personal information should be protected where feasible.

(c) to recognize that individuals who demonstrate a danger to personal safety or to the safety of a family member residing with them may request that a record containing their home address and telephone number not be disclosed.

(d) to promote public trust and confidence in the use of services and information provided by the County website.

(e) to inform the public about the practices, procedures and principles for public records information that is displayed on the County website.

[Adopted 03-258 §1 8/27/03 eff 11/26/03]

350.520 Scope

(A) The County website page referred to as the "Public Records on the County's Website" page shall contain a statement that informs the user of the information set forth in subsection (B) of this section.

(B) At a minimum, the user shall be informed that LCC 350.500 to LCC 350.560 applies to public records information displayed on the County website that contain personal information as that term is used in Oregon Public Records Law, applicable regulations, or judicial interpretations of these laws and regulations.

[Adopted 03-258 §1 8/27/03 eff 11/26/03]

350.530 Personal information policy

(A) The County website page referred to as the "Public Records on the County's Website" page shall contain statements that inform the user about its personal information policy as they relate to the County website.

(B) At a minimum, the user shall be informed:

(1) That it is the County's intent to balance the public's interests in access to public records information on the County website (now available only in County offices) and to protect certain personal information from disclosure when required and when feasible.

(2) That the County's intention is not to distribute to the public any of the following personal identifying information on the County website:

- (a) Social security number;
- (b) Driver license number;
- (c) Mother's maiden name;
- (d) Credit card information;
- (e) Bank account information;
- (f) Residential telephone numbers;
- (g) Health or medical records;
- (h) Place of birth;
- (i) Date of birth;
- (j) Personal identifying information, including the name, of any person under the age of 18;

- (k) Building floor plans; and
- (l) Facsimiles of signatures.

(3) That it is the County's intent to comply with all applicable laws and regulations which prohibit disclosure of certain personal information about members of the public, and that this includes some of the information in the list above.

(4) That placing public records information on the County website may increase the availability of that information, as well as increase the risk of disclosure of personal information that may not otherwise be prohibited from disclosure, and that this may include other information listed above.

(5) That due to budget constraints, it is not feasible for the County to review each specific record or type of data prior to such a potential disclosure through the County website.

(6) That it is the County's intent to only distribute on the County website types of data or documents:

- (a) where a majority of the data or documents would not contain personal information of the type listed above, and or,
- (b) where a majority of the data or documents may include such personal information in a common location which can be deleted by that common field.

(7) That the purpose of LCC 350.500 to LCC 350.560 is to balance the competing objectives of making public documents and data from those documents more readily available on the County website, but limiting the occurrence of disclosure of personal information not otherwise prohibited from disclosure.

(8) That the County shall determine, in its discretion, the types of data and documents which meet the criteria above.

(9) Notwithstanding the restrictions set forth in LCC 350.530 (b) (ii) and subject to ORS 192.410 to 192.505, public officials may obtain access to original documents that have not had their contents screened on the internal network or from outside the internal system by first applying for and obtaining a userid from the Webmaster.

(10) Notwithstanding the restriction set forth in LCC 350.530 (b) (ii) (12) and subject to ORS 192.410 to 192.505, members of the general public may obtain access to original documents by first applying for and obtaining a userid and password from the Webmaster. The Webmaster may provide an interactive application form and issue the userid and password on the Internet.

(11) That nothing in LCC 350.500 to LCC 350.560 is intended to create a cause of action arising out of the County's implementation of LCC 350.500 to LCC 350.560.

350.540 Non-disclosure for personal safety reasons

(A) The County website page referred to as the "Public Records on the County's Website" page shall contain a statement that informs the user of information about the non-disclosure of information relating to personal safety.

(B) At a minimum, the user shall be informed:

(1) That public record information displayed on the County website will comply with ORS 192.445.

(2) That in certain instances, this will require that the County not release or make available a specific public record indicating the home

address or telephone number of an individual that has made a written request and has demonstrated to the satisfaction of the County that there is a danger to personal safety or to the safety of a the individual or family member residing with the individual if the home address or personal telephone number remains available for public inspection.

(3) That the request described in this subsection shall comply with OAR 137-004-0800.

(C) Pursuant to ORS 192.445 (6), this exemption does not apply to county property and lien records.

[Adopted 03-258 §1 8/27/03 eff 11/26/03]

350.550 Approval process for distributing public records information

(A) The County Administrative Officer is delegated the responsibility to review and approve the types of data and documents to be displayed on the County website in accordance with this Chapter.

(B) The review required by subsection (A) shall include consideration of budgetary constraints.

(C) Prior to displaying information on the County Website, the office or department must first apply for and obtain approval of the display of that information. Application shall be made in writing to the County Administrative Officer and the application shall contain a copy bearing an example of the information or the kind of information to be displayed.

350.560 Related policies, guidelines or standards

(A) The County Administrative Officer is the delegated authority to adopt administrative procedures and guidelines in consultation with County Counsel, the Department, and any affected office or department in order to implement this policy.

(B) The Webmaster is delegated authority to create and maintain, in consultation with the County Administrative Officer and County Counsel, the pages described in this Chapter as User

Agreement, Liability Disclaimers, Website Privacy Information, Web Accessibility Information, and Public Records on the County's Website. The pages shall conform to the requirements set forth in this Chapter.

[Adopted 03-258 §1 8/27/03 eff 11/26/03]

Statutory References and Authorities:

ORS 203; LCP 13 (Confidentiality & Anonymous Complaints); LCP 20 (Personnel Policy Manual); LCP 21 (Use of County Information Technology); LCP 31 (Disclosure of Information to the Media); Lane County on-line policies from which this Chapter was adapted with permission

Legislative History of Chapter 350:

Adopted 03-285 §1 7/28/03 eff 11/26/03

Amendments to 03-285:

#1 none

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