

TITLE 10

SPECIAL ORDINANCES, REGULATIONS, RULES, POLICIES, AND BARGAINING AGREEMENTS

SUBTITLE 3 — POLICIES

POLICY 21

USE OF COUNTY INFORMATION TECHNOLOGY

TABLE OF CONTENTS

Section Title

I. GENERAL PROVISIONS

- 21.010 Background
- 21.020 Definitions

II. OPERATIVE PROVISIONS

- 21.200 Statement of policy; generally
- 21.220 Improper use of county information technology
- 21.240 Allowable personal use of information technology
- 21.260 Statement of policy on access to electronic records
- 21.410 No expectation of privacy; supervisory access
- 21.420 Electronic records are public records
- 21.440 Requests for public disclosure
- 21.500 Retention of electronic records
- 21.900 Violation of this policy

References and Authorities

Legislative History of Policy 21

I. GENERAL PROVISIONS

21.010 Background

(A) Linn County (County) uses information technology for the normal conduct of business.

(B) It is essential that there shall be clear policies regarding the use of information technology.

(C) Computer and computer generated products such as electronic mail and telephone recordings such as voice mail are public records and subject to the Public Records Law.

(D) The County encourages the use information technology to support the mission and business of the County.

[Adopted 98-387 eff 9/29/98]

21.020 Definitions

(A) “**Electronic record**” means a document, file, graphic produced by, for, or stored in or received or sent by County information technology. In general, electronic records used in the course of county business can be divided into three categories:

(1) *A policy or historical electronic record*: This record states or forms the basis of policy, sets important precedents, or records historic events related to the County or operations of the agency.

(2) *A program electronic record*: This record documents or adds significant information to the program or primary functional responsibility of the agency, within existing policy parameters.

(3) *A routine electronic record*: This record is of a transitory or housekeeping nature which does not add significant information to the program or primary functional responsibility of the agency. Most information will fall in the category of routine electronic record.

(B) “**County information technology**” includes but is not limited to the following County-owned or -leased hardware and software: mainframe, personal computers, laptop comput-

ers, servers, printers, copy machines, fax machines, scanners, and telephones cellular phones, electronic mail, voice mail, and Internet access.

(C) “**Electronic mail**” or “**voice mail**” are means an electronic record that is created, sent, or received by County employees using County information technology.

(D) “**Internet access**” means access to the Internet using County provided information technology.

[Adopted 98-387 eff 9/29/98]

II. OPERATIVE PROVISIONS

21.200 Statement of policy; generally

(A) An employee of Linn County shall follow this policy in the use of County information technology.

(B) Except as set forth in this policy, an employee may use County information technology only for county business.

(C) Using County information technology for non-County purposes is, in general, prohibited.

(D) County information technology will be used in accordance with all applicable Federal, State and local laws, County Administrative Procedures and rules and regulations established by County offices and departments.

(E) Employees may not use County information technology to solicit for charitable or commercial ventures. An employee shall not use County information technology for personal gain or in order to avoid the financial detriment.

(F) Employees may not use County information technology to proselytize for religious, political or other causes.

(G) Employees may not copy software from County information technology or install software unless approved in advance by the appropriate elected official or department head.

(H) Elected officials and department heads may establish, as needed, additional policies and guidelines regarding the use of county information technology. A copy of a policy adopted or amended pursuant to this subsection shall be filed

with the Board of Commissioners within five days of its adoption or amendment.

(I) Employees must endeavor to minimize information technology costs as much as possible. For example, an employee should

(1) use a regular telephone, if available, rather than a cellphone;

(2) minimize time on long distance calls and 1-800 calls; and

(3) use a 1-800 number when calling from an area outside the local calling area.

[Adopted 98-387 eff 9/29/98]

21.220 Improper use of county information technology

(A) Examples of improper use of information technology could include but are not limited to:

(1) sending offensive or harassing messages,

(2) soliciting non-County business ventures or

(3) conveying political or religious messages.

(B) Examples of improper use of Internet access could include but are not limited to:

(1) using the County’s computers for personal gain or in order to avoid the financial expense of subscribing to an Internet service at personal expense, or

(2) accessing Internet sites that contain so-called “adult material” including pornography or sexually stimulating information.

(C) Pursuant to a policy established under LCP 21.200 (H), law enforcement employees are exempt from paragraph (2) of subsection (B) of this section if, in the performance of their duties, accessing such site is required.

[Adopted 98-387 eff 9/29/98]

21.240 Allowable personal use of information technology

(A) This policy is not intended to preclude the use of information technology including electronic mail, voice mail, or Internet access for minimal (brief and infrequent) personal purposes that would otherwise be legal. For example, receiving a doctor’s appointment time, changing arrange-

ments for child care, or making a luncheon appointment, etc.

(B) Use of cellular phones for personal purposes should be limited to reasons directly related to county business or an emergency.

(C) Occasional personal use of computers, printers, copiers, faxes (receive or local-calls-only) on an employee's own time is allowed.

(D) Personal telephone calls or faxes received or made during business hours must be held to both a minimum number and time limit and must not interfere with the employee's work.

(E) Personal long-distance calls may not be made and then reimbursed from any type of county-owned phone.

(F) When a toll call must be placed, the call is to be billed to the employee's home number or made collect.

(G) It is the employee's responsibility to ensure that no cost to the County results from the employee's personal use of information technology.

[Adopted 98-387 eff 9/29/98]

21.260 Statement of policy on access to electronic records

(A) No employee shall gain access to another employee's electronic records without prior permission from that employee or from that person's supervisor.

(B) If an electronic record is accessed or obtained by a person other than the intended addressee and such record on its face is marked confidential or such equivalent, the receiver shall not read that record but take reasonable steps to route it to and in any event notify the proper addressee.

(C) Questions regarding the use of e-mail systems should be directed to the employee's immediate supervisor or to the Administrative Officer.

[Adopted 98-387 eff 9/29/98]

21.410 No expectation of privacy; supervisory access

(A) Unless otherwise provided by law or County policy, County employees have no right to

expect that any electronic record involving the County's information technology is a privileged communication, or is subject to privacy.

(B) The County has the right to access, monitor and record any electronic record involving the County's information technology at any time and without notice. The County may use this information in disciplinary or other legal proceedings.

[Adopted 98-387 eff 9/29/98]

21.420 Electronic records are public records

An electronic record is a public record. As such, an electronic record is subject to the same rules for public inspection and retention that apply to all other County records.

[Adopted 98-387 eff 9/29/98]

21.440 Requests for public disclosure

(A) Upon receipt of a proper request, the County is responsible for making an electronic record available for inspection by the public.

(B) If an office or department receives a request to inspect or copy an electronic record, contact County Counsel before making a decision to release or withhold the record.

(C) It is not the intent of this policy to define public records, or to identify records which are exempt from disclosure under the Public Records Law. Questions concerning the definition of "public records" or which records are exempt from disclosure should be directed to County Counsel.

[Adopted 98-387 eff 9/29/98]

21.500 Retention of electronic records

(A) Public employees have an obligation to apply the appropriate retention rules set forth in this section to electronic records and these records have the same retention rules as other records

(1) Policy and historical electronic records shall be retained permanently.

(2) Program electronic records shall be retained for the same period as the program or functional record series to which it relates.

(3) Routine electronic records shall be retained as needed. Most information will fall in

the category of routine electronic records and can be destroyed once it is received or used.

(4) A document “attached” to another document shall be retained according to the rule that applies to the document attached and not the rule that applies to the document to which it is attached.

(B) It is not the intent of this policy to define retention schedules. Questions about the responsibility for record retention or record retention schedules should be directed to the County Clerk.

[Adopted 98-387 eff 9/29/98]

21.900 Violation of this policy

A violation of this policy may subject the employee to the full range of disciplinary action; in addition, a violation of 21.100 to 21.180 will minimally result in cost reimbursement to the County.

[Adopted 98-387 eff 9/29/98]

References and Authorities:

ORS 244; Oregon Standards and Practices Commission Advisory Opinion No. 98A-1003 (7/9/98)

Legislative History of Policy 21:

Adopted 98-387 eff 9/29/98

Amendments to 98-387:

#1 none
