



TOWN OF BROOKLINE

POLICY ON THE USE OF INFORMATION TECHNOLOGY RESOURCES

The Town of Brookline provides many of its employees, special employees and contractors (hereinafter, "Users") with a variety of information technology resources (hereinafter, "Information Resources"). These Information Resources include computers, computer programs, printers, facsimile machines, telephones, voice mail, and on-line capabilities such as electronic mail (hereinafter, "e-mail") and the Internet. The Town of Brookline provides these Information Resources in order to permit the delivery of better and more efficient services to the Town and its citizens. Users are encouraged to use these Information Resources to their fullest extent in connection with the official duties and responsibilities of their employment, special employment or service contract.

This Policy applies to all Users of the Town's Information Resources. It is intended to prevent the illegal and/or improper use or abuse of the Town's Information Resources. No contractual rights are created by the existence of this Policy. **Use of any of the Town's Information Resources by any User shall constitute acceptance of the terms of this Policy and of any future amendments.**

I. User Responsibilities

It is the responsibility of all Users to read, understand and follow the terms of this Policy. Users are expected to exercise reasonable judgment in interpreting this Policy and in making decisions about the use of the Town's Information Resources. Any User with questions about the application or interpretation of this Policy should seek clarification from his or her Department Head or Supervisor.

II. Acceptable Uses

1. Any use that is related to a User's official duties and responsibilities or which furthers a particular Town goal in providing its citizens with better and more efficient services.
2. Subject to Department Head/Supervisor approval, limited personal use by employees is permitted. However, the prohibitions listed in Section III, below, apply at all times to all uses whether personal or work related. Time which interferes with the User's work performance, as determined by the employee User's Department Head/Supervisor, is deemed to be a violation of this Policy. Therefore, all Users are expected to check with their Department Head or Supervisor if they have a question regarding limited personal use.

III. Prohibited Uses

Intentional use of the Town's Information Resources for any of the following activities is strictly prohibited:

1. Sending, receiving, downloading, displaying, forwarding, printing or otherwise disseminating material that is profane, obscene, harassing, fraudulent, offensive or defamatory other than for legitimate work related matters;

2. Disseminating or storing destructive programs (viruses or self-replicating codes) or other unauthorized material;
3. Wasteful use of the Town's Information Resources by, among other things, sending mass mailings or chain letters, spending excessive amounts of time on the Internet, printing multiple copies of documents, or otherwise creating unnecessary network traffic. For the purposes of this section "excessive amounts of time" is time that interferes with the User's official duties and responsibilities.
4. Using or copying software in violation of a license agreement or copyright;
5. Infringing on intellectual property rights;¹
6. Intercepting communications intended for other persons, except for the limited purpose(s) set forth in Section VIII, below;
7. Gaining or attempting to gain unauthorized access to any computer or network;
8. Violating any international, federal, state or local law; and
9. Conducting a private business.

IV. Data Confidentiality

As is more fully discussed below, e-mail messages dealing with official Town business are generally considered to be public record information. **E-mail messages can be stored, copied, printed or forwarded by any intended or unintended recipient; therefore, Users should not expect their e-mail messages to be either private or confidential.**

Some Users may, as part of their jobs, have access to confidential or proprietary information such as personal data about identifiable individuals or commercial information about business organizations. Users are strictly prohibited from acquiring access to and/or disseminating such confidential information unless access to and/or dissemination of such confidential information is authorized and required by their jobs.

V. E-Mail and the Public Record Law

E-mail messages concerning official Town business are generally considered public record information that is subject to disclosure under the Massachusetts public records law. [G.L. c. 66, § 10; G.L. c. 4, s. 7(26)]

¹ Legal protections may exist for information published on the Internet, such as the text and graphics on a web site. Copying or distributing computer programs or information that is copyrighted without the consent of the owner is prohibited.

Public record information includes all “[b]ooks, papers, maps, photographs, recorded tapes, financial statements, statistical tabulations, or other documentary materials or data, regardless of physical form or characteristics, made or received by any officer or employee . . . ” of the Town, unless such materials are exempt from disclosure under the public records law. [G.L. c. 4, s. 7(26)]

Like all other correspondence dealing with official Town business, e-mail messages must be printed and filed in accordance with existing public record filing procedures and retention standards. Documents prepared in anticipation of litigation should not be disclosed without prior approval from Town Counsel.

VI. E-Mail Etiquette

E-mail, like other forms of written communication, reflects upon the Town of Brookline. Users should attempt to communicate in a professional manner with proper spelling and grammar.

Department Heads/Supervisors may, in their discretion, require that work-related e-mail messages be approved as to form and content prior to dissemination. Users should check with their respective Department Head or Supervisor regarding such additional intra-departmental requirements.

VII. Network Security and Computer Viruses

Users are expected to take precautions to prevent the infection of Town computers with computer viruses. Computer programs, attachments and files that are imported from other sites should not be downloaded to Town computers without prior approval from the Town’s Information Technology Department.

VIII. Privacy

All Information Resources are the property of the Town of Brookline and must be used in conformance with this Policy. Since the Town owns these Information Resources, Users are advised that they should have **no expectation or guarantee of privacy** when using the Town’s Information Resources, whether their use of the Town’s Information Resources takes place during or outside of working hours.

The Town of Brookline reserves the right to monitor the use of the Town’s e-mail and internet systems for legitimate business purposes, including, but not limited to, the need for supervision and/or proper operation of the workplace. Such monitoring and/or inspection may include ensuring that Users comply with the Town’s Policy against sexual harassment; accessing information necessary to carry on Town business when a User is unavailable; investigating claims of criminal activity; or investigating violations of this Policy. **Use of the Town’s Information Resources for any purpose shall constitute consent by the User for such access.**

No User shall access or attempt to access the e-mail of any other User without consent, except as otherwise provided herein. Users are advised that the interception of e-mail may, in certain situations, violate federal and/or state law. [G.L. c. 272,§99; 18 U.S.C. §§ 2510, 2511.]

IX. Disciplinary Action

It is the responsibility of Department Heads to ensure that all employee Users under their supervision, and all special employee and contractor Users who are associated with their Department, receive a copy of this Policy.

Failure to observe this Policy may subject employee and special employee Users to disciplinary action ranging from curtailment of the use of Information Resources up to and including termination of employment. Failure to observe this Policy may subject contractor Users to sanctions ranging from curtailment of the use of Information Resources up to and including termination of services.