

# **Village of Hastings-on-Hudson Electronic Policy**

## *Internal and External Email Policies and Procedures*



**Effective February 2012**

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## **1. General Policies**

### **1.1 Establishment and upkeep of the Communication Policy**

The Board of Trustees has determined the need for a formal internal and external email policy. It has approved the first version of that policy and authorizes the Village Manager, in concert with the Village Clerk and, if necessary, Village counsel, to maintain and recommend updates to this policy as required.

### **1.2 Ownership of email**

The Village legally owns all emails that employees and Village officials create and receive when conducting official Village business on the Village email system, regardless of where employees and officials create and receive the emails. Employees and officials should have no expectation of personal privacy when using email on behalf of the Village.

- Email users who work at home should use their Village email account for Village-related emails or, at minimum, should maintain Village emails separately from personal emails.
- Emails sent out on the Village system should include a disclosure statement at the bottom of the email summarizing the fact that any emails sent by the public to the Village or from the Village may be liable to FOIL or discovery, as well as internal review.

All email users of Village email accounts will acknowledge that they understand the Village's policy on email ownership when issued their email address.

### **1.3 Ownership of Village email lists**

The Village legally owns all email lists used by the Village to communicate with Village residents.

- These Village email lists are never shared with external organizations nor ever sold to external entities.
- Access to the Village email list is restricted to the Village Manager and any individual(s) he designates as a responsible party.

## **1.4 Ownership of Village external email**

The Village legally owns all emails sent by the Village, any Village entity, individual authorized to use the Village email system or external entity allowed access to use the Village email system.

Such ownership does not extend to copyrighted material that may be forwarded by a user of the system.

## **1.5 Training**

- The Village Clerk will ensure training on the email system for all new Village officials and employees, and will also provide any necessary ongoing training, especially after upgrades or transitions to new email programs.
- New employees will not have access to and use of a Village email account until they are trained on the Village's email policies and procedures.

## 2. Managing Employee Emails

The Village manages most email as general correspondence. The Village manages and preserves permanent emails into perpetuity, and ensures non-permanent email with a retention period of one year is destroyed after one year.

### 2.1. Classifying email

Email users are responsible for classifying emails, on receipt or before transmission, as either not records or as permanent records. Non-records and permanent records are defined as follows:

- Permanent emails document significant policy, decision making, events, or legal issues, or pertain to legal precedents. They include emails in from constituents with opinions or questions on issues, emails sent out explaining positions on issues, responding to questions, asking legal counsel for help on issues, or emails with other Village employees that display evolving thinking on policy, decision-making, significant events or legal issue.
- The Village Clerk will review mail received in the official email of record (currently [boardoftrustees@hastingsgov.org](mailto:boardoftrustees@hastingsgov.org)) as well as other emails designated for that purpose (as may be established for public hearings, etc.) and determine if any mail received should be filed permanently. The Village Clerk will then save those emails so determined as permanent records in a folder or other location defined for that purpose.
- Any employee or official must forward permanent emails sent specifically to them from their individual Village email accounts to the Village Clerk with an indication in the subject line that the record is permanent. The Village Clerk, in turn, will save the record permanently. There is no need to forward the permanent email to the Village Clerk if it was also sent to an email address identified as one that is reviewed and saved by the Village as a matter of course (e.g. [boardoftrustees@hastingsgov.org](mailto:boardoftrustees@hastingsgov.org)) since those records are reviewed and where appropriate, saved permanently.
- All other emails sent to or from individual accounts are automatically saved to a safe location for one year by the Village and then deleted permanently. Deletion is carried out at the end of the calendar year for the previous year's emails. So, on December 30, 2010, the Village would delete all non-permanent emails sent or received in 2009.
- The Village will ensure that email archiving system will prevent modification or deletion of archived email.

## **2.2. Managing retention and disposition**

- Permanent emails will be managed and preserved in an appropriate manner, along with the Village's other electronic records (see below under ["2.4 Preservation"](#)).
- The Village Clerk will ensure that non-permanent emails generated during a calendar year are purged from the email archives at the end of the following calendar year.
- Village employees or officials who work on Village business at home or elsewhere should utilize the Village email system and use Village emails for their Village-related correspondence. If this is impossible, then they should periodically forward any emails deemed as “permanent” from their private emails onto the Village Clerk when they are created and originally emailed so that they can be permanently archived.
- Email users may store non-permanent records that they need for daily use in their own folder. The Village Clerk will prompt email users to review files on their personal drives annually, and to delete those saved emails that have passed their legal retention periods. While these records will not be automatically purged, they should not be considered private; they are subject to discovery and Freedom of Information requests.

## **2.3. Preservation**

- Emails with retention periods greater than one year will be preserved with other electronic files in the Village's shared file directory or other appropriate archive.
- The Village Clerk, with assistance from the Village's computer support vendor, will monitor new versions of email software and the archiving appliance to determine whether upgrades are necessary.
- The Village Clerk will ensure that backups of archived emails are made maintained. Furthermore, the backups of mails should be treated as regular emails and be destroyed according to the retention policy stipulated above. Backups of the email system and archive are to be used for disaster recovery purposes only, not for retention.

## **2.4. E-discovery and FOIL**

Village staff and officials must be aware that all email messages, including personal communications, may be subject to discovery proceedings in legal actions, and all must respond appropriately to an impending legal action involving email. Similarly, some emails may be made available as part of the filing of a request under the Freedom of Information Law.

- Legal counsel will work with the Village Clerk to establish procedures for preserving evidence relating to imminent or ongoing legal actions.
- If a Village staff member or official becomes aware of potential litigation, it is his or her responsibility to notify legal counsel immediately. Counsel will determine what action, if any, needs to be taken.
- Legal counsel will work with the presiding judge and opposing counsel to narrow the parameters of a records search as much as possible.
- The Village Clerk will ensure that records of potential relevance in the archive remain accessible for the full extent of the proceeding, which may require moving relevant email records to removable storage media.
- All measures taken in response to an e-discovery action will apply to Village-related emails that are retained by email users working on home computers.
- The Village Clerk, as records access officer, will respond to all FOIL requests involving email and, if necessary, will confer with legal counsel about an appropriate response (especially if a request is denied).

### **3. Appropriate Use for Staff Email**

Appropriate use will be handled as a security issue. Violation of the Village's appropriate use policy can threaten the Village's computer system, make the Village vulnerable to legal action, and cause irreparable damage to the Village's reputation.

#### **3.1 Responsibility for appropriate use and system security**

- All email users are expected to know the difference between appropriate and inappropriate use of email. This appropriate use policy applies to anyone who is representing the Village, even if that person is using a personal account on a home computer.
- All users will be prompted to acknowledge their personal responsibility for using email when they are issued their email and reminded of their obligation in an annual email issued by the Village Clerk.

#### **3.2 Inappropriate uses of email**

Email is provided as a tool to assist Village employees and officials in their day-to-day work, facilitating communication with each other, our constituency, and other stakeholders. The Village email system is intended for official communications only, and it is everyone's responsibility to limit personal use of the system.

It is not acceptable to use the Village email for

- any illegal purpose
- transmitting threatening, obscene, or harassing materials or messages
- distributing confidential Village data and information
- interfering with or disrupting network users, services, or equipment
- private purposes, such as marketing or business transactions
- installing copyrighted software or computer files illegally
- promoting religious and political causes
- unauthorized not-for-profit business activities

- private advertising of products or services
- Modifying, obtaining, or seeking information about files or data belonging to other users, without explicit permission to do so.

### **3.3 Enforcing appropriate use**

The Village has the right to address instances of email misuse through disciplinary action or termination, if necessary.

- Messages relating to or in support of illegal activities must be reported to the appropriate authorities.
- The Village Clerk has access rights to all email to monitor and ensure system security. This can include the deployment of third-party software and vendors who may be employed to verify that the above restrictions have not been violated.
- The Village Manager will review alleged violations of the email appropriate use policy on a case-by-case basis.

## **4. Managing Village Informational Emails**

The Village manages informational email as general correspondence. The Village retains and preserves all outgoing informational emails on a permanent basis.

### **4.1 Email list subscription**

- The Village will seek to ensure and protect the privacy of individuals on any email subscription list maintained by the Village.
- If a resident submits a request to opt off any or all Village mailing lists, they shall be purged within 24 hours.
- If the Village believes that access to the email list has occurred by unauthorized parties, the Village will notify list members of such a breach as soon as is practical.

### **4.2 Access to email system**

The Village Manager controls access to the Village's external email system and can designate any individual(s) to manage and generate those emails. Access to the Village email system should be strictly limited to designated Village employees and officials. User IDs and passwords that access the system should not be shared or posted.

### **4.3 Typical uses of the email system**

The email system is intended to function as a communication medium to Village residents and interested parties who have elected to join the Village mailing list. Broadcast emails can include (but are not limited to):

- Information about upcoming Village government events
- Agendas of upcoming meetings
- Storm alerts and information about impending emergencies
- News items about Village events of general interest to the public
- Subscription information about Village activities, such as the pool or senior events
- Information of general interest about non-commercial events in the Village that promote a Village interest.

#### **4.4 Prohibited uses**

It is not acceptable to use the Village email for

- any illegal purpose
- transmitting threatening, obscene, or harassing materials or messages
- distributing confidential Village data and information
- promoting religious or political causes

#### **4.5 Commercial promotion and advertising**

The Village email broadcast system is for the distribution of Village information. It cannot promote or advertise private commercial interests, nor in any way should it favor the interests of one commercial party over another. The Village cannot sell advertising in its email broadcasts, and nor can it forward flyers or promotional items for private firms.

#### **4.6 Forwarding email**

Users of the Village email broadcast system may on occasion forward items perceived to be of general interest to the community at large. These forwarded items (e.g. announcement of a school activity, such as a play, that may be of broad interest) will be labeled clearly as having originated outside the Village email system and being forwarded for general interest. Forwarded emails should not include any described in “Prohibited Uses”.

#### **4.7 Technical security**

- In the event that email users receive unsolicited email (spam) or email with unexpected and suspect attachments, they must delete these emails and report them to the Village Clerk, who will confer with the Village's computer vendor to assess the security risk.
- Users should exercise similar care when linking to external websites from unsolicited messages.
- Email users must employ passwords to access their email in the Village email system and should change their passwords periodically.
- As a general rule, email users must not share their passwords with other Village officials or employees. In cases of planned or emergency absences, other personnel may be allowed to access the absent person's email, with prior approval from the Village Clerk.

## **4.8 Staff departure**

- If a staff member or official separates from the Village, the Village Clerk will place a hold on the email account of that individual until the account and computer can be reviewed for record content.
- Any Village emails maintained on a home computer by a former employee must be transferred to the Village Clerk for review and disposition.

## **4.9 Training**

All Village employees and officials will be trained in established email use and management policies.

Training will be provided to all Village email users within the first ten days of employment or appointment, and to all employees when the policy is revised or the Village changes its current email management system.

The Village Clerk will provide or arrange for training that will address the following topics:

- identifying records, permanent records, and general records management practices
- responsibilities of employees in records and email management
- costs to the Village and the individual of not managing email
- use of the Village email application and its relationship to non-system Village email
- appropriate use of Village email accounts
- responding to legal actions and FOIL requests

Training materials can also be obtained by contacting the Village Clerk.

## **4.10 Other responsibilities**

The person or persons responsible for certain functions associated with managing email are indicated throughout this email policy. Other responsible parties (and their respective responsibilities) are listed below.

### **1. Village mayor and Village board**

- ensure an adequate budget allowance for maintaining the email management system
- promote, support, and enforce this email policy
- review alleged violations of the email appropriate use policy on a case-by-case basis and adopt disciplinary measures as needed

### **2. Village counsel**

- reviews and approves contracts with vendors to ensure they are consistent with Village law and with the Village's internal procurement practices