

DRAFT

PORT SAN LUIS HARBOR DISTRICT POLICY HANDBOOK

POLICY TITLE: Electronic Communications
POLICY NUMBER: 3095
REVISED: November 16, 2021

3095.10 PURPOSE

To develop policies surrounding Port San Luis Harbor District (District) employee use of electronic communication resources.

3095.15 SCOPE

This policy applies to all employees of the District.

3095.20 OVERVIEW

Electronic communications (email, text messages etc.) can be a very effective way of sharing information with others, both inside and outside of the District. However, because electronic communications often appear less formal than other written communication, there may be tendency to forget that electronic communications still reflect “official District business” and must be perceived in such a manner. The purpose of this policy is to set forth guidelines for both employees and Commissioners to retain the inherent value of electronic information exchange while assuring a use that is appropriate in conducting District business.

3095.25 PURPOSE OF DISTRICT EMAIL

The District's email system exists for the purpose of conducting District business and is not intended for personal use. All electronic data placed on the District's information systems are the property of the District. Accordingly, employees and Commissioners should have no expectations of privacy in ~~their~~ any email messages (or any other data files residing on District-owned hardware), whether sent or received. This includes any messages or files that users may designate as "private," "personal," or "confidential."

While email messages and other data files will not be routinely monitored, the District reserves the right for authorized staff to access and review all email messages and data files on the District's information systems at any time. Reasons for doing so may include:

1. Retrieving lost data.
2. Recovering from system failures or monitoring system performance.
3. Complying with lawful requests for information.
4. Ensuring that District information systems are being used in accordance with this policy.

3095.26 LIMITS OF ACCESS

While the District reserves the right to access and review all data on its information systems, no employee — including system administrators, other information technology (IT) support staff or an independent contractor — is allowed to access email or other data files solely for the purpose of satisfying idle curiosity about the affairs of others.

3095.30 POTENTIAL DISCLOSURE PURSUANT TO THE PUBLIC RECORDS ACT

Regardless of the medium used to send, receive, or store electronic communications and records, disclosure is always a possibility in response to a California Public Records Act (“PRA”) request. In order to minimize potential risk of embarrassment or awkward situations for yourself the message sender and for the District, please take the following into consideration when using various electronic communication methods:

- A. All District business should be conducted using District communications equipment and accounts to the greatest extent feasible. Conducting work communications in this way assures that the District has a record of your communications, which can then be searched and produced in a noninvasive manner should a public records request be received. However, should you need, under limited circumstances, to use personal devices and/or personal accounts, such as text messaging, email, or social media, to communicate with others regarding District business, please be prepared to timely search for and provide copies of work-related communications if the District receives a related PRA request.
- B. Exercise thoughtfulness when communicating in writing regarding District business, regardless of the recipient. While the PRA's definition of work-related “records” is essentially limited to communications relating to actual conduct of the District’s business by an individual in their official capacity, there is no guarantee that any particular personal or seemingly incidental work-related communication will ultimately be deemed exempt from production or disclosure. While the law attempts to strike a balance between the public's interest in disclosure and the official's personal right to privacy, permitted exemptions from production and disclosure are rather narrow, and the District’s legal counsel must act impartially when determining whether a record is exempt. Factors such as potential embarrassment cannot be accounted for in determining what to produce, and the District is obligated by law to err on the side of disclosure. Additionally, bear in mind that in the event of litigation, a subpoena for records is a more powerful tool that can potentially compel the District to produce a broader array of records, including those that would not have been produced under a PRA request.

3095.35 APPROPRIATE USES OF DISTRICT EMAIL

Since the District’s email system exists solely for the purpose of conducting District business, good judgment and common sense must always prevail regarding its appropriate use. While it is not possible to list all allowed and prohibited uses of electronic communications, the use of District email is expressly prohibited in the following circumstances:

- A. Communications that compromise the integrity of the District and its business operations in any way.
- B. The distribution of copyrighted material. Employees must respect all copyright and licensed agreements regarding software or publication ~~they access or download~~ that is accessed or downloaded from the internet. The District does not condone violations of copyright laws and licenses and the employee will be personally liable for any fines or sanctions caused by the employee's license or copyright infringement.
- C. Use of another person's name or account without express permission of the system administrator or their designee.
- D. Using District email for personal social media, online shopping, and other similar online commercial activity.
- E. Communications that contain offensive, abusive, threatening, or obscene language or graphics.
- F. Communications that violate the District's diversity or sexual harassment avoidance policies by including content that is sexually explicit or could be construed as discriminatory based on race, national origin, sex, sexual orientation, age, disability, or religious or political beliefs.
- G. Advertising or promote commercial ventures, religious beliefs, or political causes.

3095.36 PERSONAL USE OF EMAIL

There may be times when email messages of a more personal nature may be appropriate, such as notifying fellow employees about births, deaths, and illnesses. There are also times when providing or receiving information about people and events outside of the District organization may be appropriate; however, these should be few and far between. If the District's goals, values, and objectives are not advanced by the communication, then the email is likely not an appropriate District communication.

3095.40 DECORUM AND COMMON SENSE

Electronic communications occur in "real-time," and therefore, certain distinctions should be observed as opposed to other forms of written communication. The following serve as reminders of effective use of communication:

1. Share information but avoid conflict. Email is very effective for sharing information, but it is not very effective in resolving conflicts or differences of opinion. Whenever discussion is required in reaching a decision, the telephone or face-to-face communication should be used.
2. Humor can be misconstrued. Jokes and sarcasm can be easily misunderstood without the benefit of body language or tone of voice.
3. Think before ~~you press send~~ the message is sent. Spontaneity is a benefit of electronic communications; however, it can interfere with a reasoned thought process. If a message

generates negative feelings, set it aside and re-read it later. Don't rule out the possibility that this is a misunderstanding, which is common in email because of the lack of physical cues and tone.

4. Electronic communications last forever. Never put into an email or text message something ~~you~~ that would not be put into a hard-copy memorandum. Once transmitted, an email can be printed, forwarded, and disclosed by the receiving party without the consent of the sender. The informality of electronic communications is part of ~~their~~ its convenience. But depending on how it was saved by ~~you~~ the sender (or the recipient), it can become a permanent record of a written communication and more easily retrieved than a hard-copy memorandum. Further, email may be subject to disclosure as a public record.
5. Grammar and spelling. In any correspondence, proper grammar, sentence structure and spelling help the reader understand ~~your~~ a message. Review ~~your~~ all messages for both structure and content before sending ~~them~~.
6. Identify yourself in email messages. It is always possible the recipient of an electronic message may only receive your name and a reference to the Port San Luis Harbor District. Be sure to include your full name, position, and department somewhere in your message. (Outlook has a "signature" feature that makes this easy to do.)

3095.45 SUMMARY

The intent of this document is to give specific guidelines on the responsibilities of employees and managers in the use of District electronic communication resources. This policy is subject to change at any time, as is District support of any electronic communication resources. Questions regarding this policy should be directed to Department Heads or the Harbor Manager.

3095.50 DISTRICT PERSONNEL RESPONSIBILITY

The use of electronic communications is an important and convenient communication tool. However, because of its convenience, email and text messages can very easily be used in an inappropriate manner. The purpose of these guidelines is to ensure that common sense, consideration for others, and thoughtfulness as to the District's mission and values are embodied in the daily use of electronic communications

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RECEIPT OF ELECTRONIC COMMUNICATIUN POLICIES

I have read and fully understand the Electronic Communication policies of Port San Luis Harbor District and agree to uphold those policies. Additionally, I understand that abuse of these policies will be subject to disciplinary actions up to and including termination.

Signature

Date