

RESOLUTION NO. 2277

A RESOLUTION OF THE CITY OF SALISBURY, MARYLAND ADOPTING A COMPUTER AND INTERNET USE POLICY TO DEFINE GUIDELINES AND RESTRICTIONS REGARDING THE USE OF COMPUTER RESOURCES AND COMMUNICATIONS TECHNOLOGIES BY CITY OF SALISBURY EMPLOYEES

WHEREAS, the City Council finds that it is in the best interest of the City and its citizens that it adopt a policy which will provide all City employees with the guidelines and limitations for appropriate use of computer technology and other communications equipment; and

WHEREAS, the City Council believes that the use of such technologies is necessary for the City to operate openly and efficiently; and


WHEREAS, the City Council also recognizes that, since there is a potential for employee abuse of such technologies, a personnel policy must be implemented which will identify acceptable employee use of the defined technology resources; and

WHEREAS, the City Council believes that it is in the best interest of the City to provide its employees with a clearly defined policy of acceptable technology use.

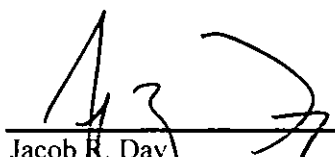
NOW, THEREFORE, BE IT RESOLVED that the Salisbury City Council adopts the attached Computer and Internet Use policy.

THE ABOVE RESOLUTION was introduced and duly passed at a meeting of the council of the City of Salisbury, Maryland held on the 28th day of May, 2013 and is to become effective immediately upon adoption.

ATTEST:




Kimberly R. Nichols
CITY CLERK



Jacob R. Day
PRESIDENT, City Council

Approved by me this 30th
day of May, 2013.



James Ireton, Jr.
MAYOR, City of Salisbury

Memo

To: John Pick
From: Bill Garrett *B.G.*
Date: 5/17/13
Re: Computer and Internet Use Policy

Computer and Internet Use Policy

The computer and Internet use policy has undergone the following revisions before coming to its present state. The policy has been reviewed and approved by legal.

November 14, 2012

In the November 5, 2012 work session when discussing the Computer and Internet Use policy, the Council raised a concern about item 6.16.1, which reads:

6.16.1 Employees of The City of Salisbury are prohibited from using government computers and Internet for any unauthorized purpose, including participating in social networking sites, such as Facebook, Myspace, and Twitter, as well as online chat applications like Yahoo, MSN, and AIM unless approved by their department heads.

The topic was researched, including examining the article from the ICMA newsletter about social media issues with the Baltimore Fire Department, and Mr. Jim Peck from the MD Municipal League providing examples of policies from other municipalities. With the knowledge that Mark thinks there is no legal problem with the wording of this portion, I would recommend to Council that we keep this section in the policy. This item pertains to the City employees using City equipment and/or Internet feeds to use social media or other websites for unauthorized purposes, and does not pertain to employee activity when not at work (that is covered by 6.16.3, which Mark said was worded broadly enough to cover our bases).

This section of the policy was not intended to prohibit employee use of Facebook, Myspace, Twitter, LinkedIn or any other social media sites, it is just intended to prohibit unauthorized use while using City equipment or Internet connections. The primary purpose for this was because a large number of computer malware and virus infections originate from social media websites, and when employees access the site and click links, it adds an extra layer of vulnerability to the network.

A recent study from GFI showed that in the last year alone there had been a 20-40% increase in social-media targeted malware: http://www.gfi.com/whitepapers/viprebusinesssocialmedia/malware_en_gen.pdf

January 30, 2013

The policy was modified to address concerns raised by Council during that work session. Small grammatical issues were fixed, sections 6.16 and 6.17 were added to the document. The original section 6.16 was changed to 6B: Social Networking. This section was elaborated upon and clarified. Due to the renumbering, the rest of the item numbers were adjusted for clarity. Section 6.18.2.5 was added to the policy. The 6.18.3.1 subsections were removed, and they were referred to in section 6.18.2. Section 6.18.3.2 was elaborated upon, and section 6.18.3.4 was changed to reflect the concerns of council. Sections 6.16.5 and 6.17 were removed from the document, being added to other portions of the policy for clarification reasons.

April 16, 2013

Other than small grammatical issues being fixed, at the request of Council, section 6A now references penalties being in accordance with the employee handbook. Section 6.16 was clarified for ease of reading. At the request of Council, section 6.18.2 was edited to reflect the Department Head needs to give permission for online posting of city information. "City Seal" was added to 6.18.2.3 at the request of the Council.

May 17, 2013

Additional grammar issues were fixed in the policy. At the suggestion of the Legal department, section 6B had content added clarifying that first amendment rights might not cover "their speech either on or off duty, and in the course of their official duties on matters of public concern". It further explains that disciplinary actions might be sought if the speech is deemed detrimental to the city. Sections 6.18.3.2 and 6.18.3.4 were edited slightly to clarify the points they were trying to make.

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Computer & Internet Use Policy

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Department of Information Technology

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4/16/13 5/17/13

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This document covers what are acceptable and unacceptable computer and Internet uses.

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18 **1. Policy Statement**

19 Computers and computer-related services are made available to departments and employees of the
20 City of Salisbury for City business-related purposes. In particular, Internet services are provided to
21 support open communications and exchange of information and the opportunity for collaborative
22 government-related work. While the City of Salisbury believes that computers and computer-
23 related services, including Internet, are essential tools for its departments and employees, access to
24 such services is a revocable privilege. As such, conformance with acceptable use, as expressed in this
25 Policy, is required. Departments of the City of Salisbury are expected to maintain and enforce this
26 Policy.

27 **2. Relationship to Other Policies**

28 This Policy supplements any and all City of Salisbury policies relating to workplace harassment,
29 discrimination, retaliation, conflicts of interest, discipline and discharge and records retention.

30 **3. No Expectation of Privacy**

31 City of Salisbury computers and any data stored in them are the property of the City of Salisbury
32 and may be accessed at any time by authorized officials of the City of Salisbury. Employees shall not
33 expect privacy in the use of the City of Salisbury computers. The City of Salisbury may, without
34 notice, monitor Internet usage and/or email and review computer files to ensure that computers are
35 not being used for impermissible purposes.

36 **4. Public Records**

37 Many emails and other electronic files constitute public records for purposes of state record
38 retention laws. As such, whether a given email or electronic file is subject to a retention schedule
39 must be determined by its content rather than its format. As a general rule, when any email or other
40 electronic file which is a substitute for a letter, memorandum, notice, report, or other traditional
41 record that would be subject to a particular retention schedule, then it too is subject to the schedule.
42 Conversely, if the email or other electronic file is merely transitory, it need not be retained beyond
43 its useful life (e.g., listserv messages, meeting notices, general staff announcements, invitations to
44 events, etc.) Users of the City of Salisbury computers and other computer-related services must also
45 bear in mind that all emails and other electronic files are generally subject to disclosure under the
46 Public Information Act.

47 **5. Acceptable Uses**

48 The following constitute acceptable uses of the equipment and Internet made available to
49 employees by the City of Salisbury:

- 50 5.1 Communication and information exchange directly related to the user's duties and
51 responsibilities as an employee of the City of Salisbury or the mission and function of his/her

52 department.

53 5.2 Communication and exchange for the user's professional development as an employee
54 of the City of Salisbury, to maintain currency of his/her relevant training or education, or to
55 discuss issues related to his/her research, projects, or programs as an employee of the City of
56 Salisbury.

57 5.3 Use in applying for or administering grants or contracts for the City of Salisbury's
58 research or programs.

59 5.4 Use for advisory, standards, research, analysis, and professional society activities related
60 to the user's duties and responsibilities as an employee of the City of Salisbury.

61 5.5 Announcements of new City of Salisbury regulations, ordinances, procedures, policies,
62 rules, services, programs, information, or activities.

63 5.6 Any other authorized City of Salisbury-related administrative communications not
64 requiring a high level of security.

65 **6. Unacceptable Uses**

66 A. The following constitute unacceptable uses of the equipment and the Internet made available to
67 employees by the City of Salisbury and may subject an employee to disciplinary action, up to and
68 including termination of employment in accordance with the Employee Handbook:
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70 6.1. Visiting inappropriate web sites (pornography, hate groups, etc.).

71 6.2. Unauthorized attempts to access any computer or network.

72 6.3. Sending or posting threatening, or otherwise inappropriate messages.

73 6.4. Sending or posting racially and/ or sexually harassing messages or images, sending or
74 posting any sexually suggestive or explicit messages, or any other use in violation of the City of
75 Salisbury policies regarding workplace harassment, discrimination, and/ or retaliation.

76 6.5. Accessing or copying copyrighted, confidential and/ or proprietary software, program, or
77 other electronic files without permission.

78 6.6. Accessing, sending or posting confidential information without authorization.

79 6.7. Downloading, uploading, or sending viruses or other malicious files or programs.

80 6.8. Opening or sending emails or other electronic files that may endanger City of Salisbury
81 computers and/ or network.

82 6.9. Using the Internet and/ or email for any purpose which violates a federal, state, or local

83 law.

84 6.10. Using the Internet and/or email for any private business or other for-profit activities
85 unrelated to the user's duties and responsibilities as an employee of ~~the~~ the City of Salisbury.

86 6.11. Accessing, downloading, or sending computer games that have no bearing on the user's
87 duties and responsibilities as an employee of ~~the~~ the City of Salisbury, except that some games
88 designed to teach, illustrate, train, or simulate agency-related issues may be acceptable when
89 approved by the department head.

90 6.12. Accessing, copying, or modifying electronic files stored within ~~the~~ the City of Salisbury
91 computers outside of the user's duties and responsibilities as an employee of ~~the~~ the City of
92 Salisbury without authorization.

93 6.13. Disclosing or exchanging passwords or seeking or obtaining passwords of other
94 employees of ~~the~~ the City of Salisbury or other authorized users of ~~the~~ the City of Salisbury computers
95 and computer-related services. Authorization to reset passwords or give access to accounts of
96 former employees still in the City of Salisbury's network must be given by the department head.

97 6.14. Representing oneself as another user, either on ~~the~~ the City of Salisbury internal network or
98 elsewhere on the Internet, without authorization.

99 6.15. Intentionally developing programs designed to harass other users or infiltrate a
100 computer or computing system and/or damage or alter the software components of same.

101 6.16 Streaming video and audio from online sources such as YouTube and Amazon unless
102 approved by ~~their user~~ department heads.

103 6.17 Fundraising or public relations activities not ~~specifically~~ related to the user's duties and
104 responsibilities ~~or to the City of Salisbury's approved activities~~, as approved by the user's
105 department head.
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107 B. Social Networking: The Internet, blogs, the World Wide Web, social networking sites, and any
108 other medium of electronic communication shall not be used in a manner that is detrimental to the
109 mission and function of ~~the~~ the City of Salisbury. The purpose for regulation in this area is to minimize
110 risk to the City of Salisbury, its employees and its residents of slanderous or unprofessional content
111 which impairs the public trust or could lead to legal claims. The purpose is not to restrict the flow of
112 useful and appropriate information or the expression of free speech. The policy applies to all social
113 media communications, even those made at home on a personal computer, as long as the
114 communications pertain to the functioning of the City of Salisbury. An employee's comments on
115 social media reflect on the employee as an individual and on the City of Salisbury as a whole. Before
116 posting on social media, employees should consider how their comments would look on the front
117 page of the newspaper. Using social media to gratuitously criticize the City of Salisbury, City officers,
118 or other employees, or the City's of Salisbury's services reflects poorly on the City of Salisbury and

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119 can lead to legal challenges. This policy is not intended to curtail legal rights, but rather to provide
120 guidance on acceptable conduct. Nothing in this policy is intended to restrict communications
121 protected by State or Federal law. City personnel are cautioned, however, that their speech either on
122 or off duty, and in the course of their official duties on matters of public concern may not necessarily
123 be protected speech under the First Amendment, and this speech may form the basis for discipline if
124 deemed detrimental to the City. Employees should assume that their speech and related activity on
125 social media sites will reflect upon their position within the City.

126 6.18.1 Employees of ~~the~~ the City of Salisbury are prohibited from using government computers
127 and Internet access for any unauthorized purpose, including participating in social networking
128 sites, such as Facebook, Myspace, and Twitter, as well as online chat applications like Yahoo,
129 MSN, and AIM unless approved by their user's department heads.

130 6.18.2 Employees of ~~the~~ the City of Salisbury are prohibited from posting or in any other way
131 broadcasting, without prior approval from their user's department heads, information on the
132 Internet or other medium of communication regarding, the business of ~~the~~ the City of Salisbury
133 including but not limited to:

134 6.18.2.1 Photographs/~~u~~ images, video, or audio files relating to any activity of ~~the~~ the City of
135 Salisbury.

136 6.18.2.2 Photographs/~~u~~ images, video, or audio files which memorialize a government-
137 related action of ~~the~~ the City of Salisbury.

138 6.18.2.3 Logos/~~u~~ uniforms/~~u~~ badges, the city seal or other items that are symbols
139 associated with ~~the~~ the City of Salisbury.

140 6.18.2.4 Any other item or material that is identifiable to ~~the~~ the City of Salisbury

141 6.18.2.5 Text that identifies ~~the~~ the City of Salisbury or provides an accounts of events that
142 have occurred within ~~the~~ the City of Salisbury.

143 6.18.3 Employees of ~~the~~ the City of Salisbury who utilize social networking sites, blogs, or other
144 mediums of electronic communication in their off-duty time shall maintain an appropriate level
145 of professionalism and conduct so as not to broadcast in a manner which is detrimental to the
146 mission and function of the City of Salisbury.

147 6.18.3.1 Employees shall not use references in ~~these~~ social networking sites or other
148 mediums of communication that in any way represents them as ~~an~~ employees of ~~the~~ the
149 City of Salisbury without prior approval. This shall include but not be limited to those
150 items identified in section 6.18.2.

151 6.18.3.2 Employees shall not use a social networking site or other medium of Internet
152 communication to post any materials of a sexually graphic nature which are detrimental
153 to the mission or function of the City of Salisbury, or make sexually graphic comments

154 | about ~~a co-worker~~ officials or employees of the City that may have the effect of creating
155 | an intimidating or embarrassing relationship ~~between co-workers~~ in the workplace.

156 | 6.18.3.3 Employees shall not use a social networking site or other medium of Internet
157 | communication to post any materials that promote violence or tools of violence.

158 | 6.18.3.4 Employees shall not engage in the following activities on social media: disclosing
159 | the City of Salisbury's confidential information; making legally defamatory comments
160 | about the City of Salisbury's elected officials or other employees; making discriminatory
161 | ~~references about another employee statements or other forms of speech that ridicule,~~
162 | malign, disparage, or otherwise express bias against any race, any religion, ethnic group,
163 | or any protected class of individuals that would violate City of Salisbury policy if made in
164 | the workplace.

165 | 6.18.4 Employees of ~~the~~ City of Salisbury are prohibited from using their title as well as any
166 | reference to ~~the~~ City of Salisbury in any personal correspondence, including emails, postings,
167 | blogs, and social networking sites such as Facebook, Twitter, and Myspace, unless the
168 | communication is of an official nature and is serving the mission of this agency.

169 | 7. Procedures

170 | Department heads, or their designees, are responsible for their employees' compliance with the
171 | provisions of this Policy and for promptly investigating non-compliance. Suspension of service to
172 | users may occur when deemed necessary to maintain the operation and integrity of ~~the~~ City of
173 | Salisbury network. User accounts and password access may be revoked without notice if a user
174 | violates the acceptable use policy. Disciplinary action up to and including termination of
175 | employment may be imposed depending on the severity of the violation. Criminal or civil action
176 | against users may be initiated when laws or City policies are violated.

177 | 8. Guidelines

178 | The following additional guidelines apply to uses of the Internet made available to employees by
179 | ~~the~~ City of Salisbury.

180 | 8.1. Checking for Viruses

181 | Any software obtained from outside ~~the~~ City of Salisbury shall be scanned prior to use
182 | for viruses and other malicious files or programs.

183 | 8.2 Contractors

184 | Contractors and other non-City of Salisbury users may be granted access to ~~the~~ City of
185 | Salisbury-provided Internet and/or computer services at the discretion of the
186 | department head and ~~the~~ City of Salisbury contract administrator. Acceptable use by
187 | such users is the responsibility of ~~the~~ City of Salisbury contract administrator, who will
188 | provide such users with this policy.

189 **8.3 Passwords**
190 Passwords associated with a City of Salisbury information system shall be used only on
191 that system. When setting up an online account with a different information system, City
192 of Salisbury users will choose a password that is different from ones used on the City of
193 Salisbury information systems. City of Salisbury users shall not use the same passwords
194 for both local and remote Internet-accessed systems. If the password used at the
195 Internet-accessed remote site were to be compromised, the different password used
196 locally would remain secure. Passwords should not be so obvious that others could easily
197 determine them. The City of Salisbury systems will force users to change their passwords
198 every ninety 90 days.

199 **8.4 Internet Capacity**
200 The Internet connection is a shared resource. While routine internet and file transfer
201 activities generally will not impact other users, large file transfers and intensive
202 multimedia activities will impact the service levels of other users. Users contemplating
203 file transfers of over four hundred megabytes (400MB) per transfer or interactive video
204 activities shall, to be considerate of other users, schedule these activities early or late in
205 the day or, if possible, after business hours.
206

207 **8.5 Conduct and Etiquette.**
208 Know and follow generally accepted Internet etiquette. Refrain from language or other
209 uses of the Internet and email that reflect poorly on the City of Salisbury.

210 **9 Use of Computer Software**

211 9.1 In compliance with federal copyright laws, the City of Salisbury will not participate in or
212 condone the illegal duplication of licensed microcomputer software. Such activity is strictly
213 prohibited on the City of Salisbury premises and/or computers. The City of Salisbury does not
214 own the copyright to any software or its related documentation and, unless authorized by the
215 software developer, does not have the right to reproduce it for use on more than one computer.

216 9.2 With regard to use on local area networks or on multiple machines, City of Salisbury
217 employees and other authorized users shall use the software only in accordance with the license
218 agreement.

219 9.3 City of Salisbury employees are required to promptly report any misuse of software or
220 related documentation within the City of Salisbury to their department heads or the
221 Department of Information Technology.

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