

REGIONAL COUNCIL OF GOYDER

	<i>ELECTRONIC COMMUNICATION FACILITIES POLICY AND PROCEDURE</i>	Department	F&A
		Version No:	2.1
		Adopted:	Nov 2005
		Reviewed:	Apr 22
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		Responsibility:	DOF

1. POLICY STATEMENT

Council staff and Elected Members must be efficient, economical and ethical in their use and management of Council resources. Electronic communication facilities, such as telephones, Internet and Email, are Council resources provided for the purpose of assisting staff and Elected Members in the proper discharge and performance of their legislative functions and duties. All Council staff and Elected Members have a responsibility to ensure their proper use.

This policy is fundamental to sound risk management. Council is required to regulate use of Internet and Email so that Council staff and Elected Members have a safe working environment and Council is protected from commercial harm and exposure to liability. To achieve that, electronic messages sent, received, forwarded or transmitted may from time to time be subject to monitoring or retrieval.

Users should be aware that, although there are access passwords and the like, there is general "insecurity" for communications via Internet and email. Electronic communications, even if expressed to be confidential, may have to be disclosed in court proceedings or in investigations by competition authorities and regulatory bodies or in response to a Freedom of Information application.

2. DEFINITIONS

Council Staff - Includes all persons employed by Council, volunteers, trainees, work experience placements, independent consultants and contractors and other authorised personnel offered access to Council's resources.

Electronic Messaging - Electronic Messaging is a generic term encompassing all forms of electronically mediated communication. This includes electronic mail for text messages, voice mail, electronic document exchange (Electronic FAX), electronic data interchange (EDI), and multimedia communications such as tele/video conferencing and videotext. It involves the electronic transmission of information as discrete electronic messages over computer-based data communication network or voice messages over a telephone network.

Electronic Communications Facilities - Includes, but is not restricted to, telephones (includes hard wired and mobiles), computers connected to any network or data circuit, Email (component of electronic messaging), facsimiles, Internet and Intranet, two-way radios, and satellite communications equipment.

Email - Is a service that enables people to exchange documents or messages in electronic form. It is a system in which people can send and receive messages through their computers, tables, ipads and mobile phones. Each person who has a designated mailbox that stores messages sent by other users may retrieve, read and forward or re-transmit messages from their mailbox.

Facsimile - Refers to a communication device that converts each picture element of black and white into an electric signal. These signals in turn generate a constantly changing electrical signal that is transmitted on a data circuit (or telephone line) to a receiving facsimile.

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Hack - To attempt by illegal or unauthorised means to gain entry into another's computer system or files.

Internet - A global research, information and communication network providing services such as file transfer and electronic mail.

Intranet - Is an internal (restricted) network that uses Internet technology, accessed over a personal computer.

Radio - Refers to wireless electromagnetic means of point to many point communications.

System Security - To protect the information on Council's network there are prescribed controls giving authorisation and access to files and Directors in the network. Each individual has a password which allows them access to information and programs within his or her authority. Network security is controlled by the Director of Finance and reviewed by the Chief Executive Officer.

Telephones - Includes (but is not limited to) hard-wired desk telephones and mobile telephones.

3. PURPOSE OF THIS POLICY

The purpose of this policy is to ensure the proper use of Council's electronic communication systems by all Council staff and Elected Members for their intended purposes without infringing legal requirements, Council policies or creating unnecessary business risk.

It aims to ensure Council staff and Council Members understand the way in which Council electronic communication facilities should be used.

Council makes its electronic communication systems available to Council staff and Council Members to enable efficient sharing and exchange of information in the pursuit of Council's goals and objectives.

4. SCOPE

This policy applies to all Council staff and Elected Members, volunteers, trainees, work experience placements, independent consultants and contractors and other authorised personnel offered access to the Council's resources.

All rules that apply to use and access of electronic communication facilities throughout this policy apply equally to facilities owned or operated by Council wherever the facilities are located.

The permitted use of Council's electronic communication facilities must be consistent with other relevant laws, policies and practices regulating:

- copyright breaches and patent materials legislation;
- anti-discrimination legislation;
- Elected Member Code of Conduct
- Employee Code of Conduct
- Privacy Act 1988
- Records Management Act 1997
- Spam Act 2003;
- Surveillances Devices Act 2016
- Defamation Act 2005
- Australian Road Rules

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- practices regulating discriminatory speech and the distribution of illicit and offensive materials, particularly those that are sexual or pornographic in nature.

5. PERSONAL USE

Electronic communication facilities are primarily provided for Council's business use and must be used in accordance with this Policy. For Council staff, reasonable personal use, including by family members, of the Council's electronic communication facilities is permissible. However, personal use is a privilege, which needs to be balanced in terms of operational needs. Personal use must be appropriate, lawful, efficient, proper and ethical and in accordance with any Council direction or policy.

Personal use:

- should be infrequent and brief;
- should not involve activities that might be questionable, controversial or offensive, including gambling, accessing chat lines/rooms, transmitting inappropriate jokes or sending junk programs/mail;
- does NOT extend to sending non-business related written material to any political organisation;
- must not disrupt Council electronic communication systems; and
- should not interfere with Council staff duties and responsibilities or detrimentally affect the duties and responsibilities of other Council staff.
- Elected Members are not permitted to use electronic communications facilities provided by the Council for a purpose unrelated to the performance or discharge of official functions and duties, unless the use is approved by Council and the Elected Member agrees to reimburse Council for any additional costs and expenses associated with the use.

Elected Members will only utilise Council systems for official correspondence created or received in the conduct of their role in Council, i.e. personal email accounts will not be used.

Misuse can damage Council's corporate and business image, and intellectual property generally, and could result in legal proceedings being brought against both Council and the user. Council staff and Elected Members reasonably suspected of abusing personal use requirements will be asked to explain such use.

6. PASSWORDS AND PASSWORD CONFIDENTIALITY

Council staff and Elected Members are not permitted to interfere with any password. It is prohibited for anyone to;

- share their password/s with others;
- hack into other systems;
- read or attempt to determine other people's passwords;
- breach computer or network security measures; or
- monitor electronic files or communications of others except by explicit direction from the Chief Executive Officer.

You are required to disclose your password/s to the Director of Finance for inclusion in the confidential register under the Director of Finance's control.

7. IDENTITY

No email or other electronic communication may be sent which conceals or attempts to conceal the identity of the sender.

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8. INAPPROPRIATE/UNLAWFUL USE

The use of Council's electronic communications system to make or send fraudulent, unlawful or abusive information, calls or messages is prohibited. Council staff or Elected Members who receive any threatening, intimidating or harassing telephone calls or electronic messages should immediately report the incident to the Chief Executive Officer.

Any Council staff member or Elected Member identified as the initiator of fraudulent, unlawful or abusive calls or messages may be subject to disciplinary action, including under the relevant Code of Conduct, and possible criminal prosecution.

The use of hand held mobile phones whilst driving is an offence under the Australian Road Rules and Council will not be responsible for the payment of any fines incurred as a result of the unlawful practice.

All Council staff and Elected Members should be aware that it is illegal to record telephone conversations, or verbal conversations without all involved or intended parties giving prior consent under the Surveillance Devices Act 2016.

Inappropriate use includes (but is not limited to);

- use of Council's electronic communications facilities to intentionally create, store, transmit, post, communicate or access any fraudulent or offensive information, data or material including pornographic or sexually explicit material, images, text or other offensive material;
- gambling activities;
- representing personal opinions as those of Council; and
- use contrary to any legislation or any Council policy.

Use of Council electronic communication facilities must NOT violate Federal or State legislation or common law. It is unlawful to transmit, communicate or access any material, which discriminates against, harasses or vilifies colleagues, Elected Members or members of the public on the grounds of:

- gender;
- pregnancy;
- age;
- race (nationality, descent or ethnic background);
- religious background;
- marital status;
- physical impairment;
- HIV status; or
- sexual preference or transgender.

9. USE OF INTERNET/WEB SITES

It is inappropriate to;

- intentionally download unauthorised software;
- download files containing picture images, live pictures or graphics for personal use;
- download computer games, music files or accessing web radio or TV stations; and
- visit inappropriate Web sites- i.e. on-line gambling, sexually explicit or pornographic web sites (as stated previously).

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10. USE OF EMAIL

Any opinions expressed in Email messages, where they are not business related, should be specifically noted as personal opinion and not those of Council.

In addition to inappropriate usage restrictions for electronic communication facilities mentioned above, Email is not to be used for (applicable to external and internal systems):

- non-business purposes – ie 'junk' mail;
- sending or distributing 'chain' letters, 'hoax' mail or for other mischievous purposes (spam). Only business related subscriptions are permitted;
- soliciting outside business ventures or for personal gain;
- distributing software which is inconsistent with any vendor's license agreement; and
- unauthorised accessing of data or attempt to breach any security measures on the system, attempting to intercept any data transmissions without authorisation.

Care should be taken in responding to internal Emails addressed to 'Everyone' as any responses sent by pressing the 'Reply to All' button will be addressed to ALL staff. As such, Council staff and Elected Members are advised to take care in writing emails. Individual replies should be directed to the sender using the 'Reply' button.

11. SECURITY AND CONFIDENTIALITY

Council staff and Elected Members should be alert to the fact that sensitive or personal information conveyed through electronic communication facilities cannot be guaranteed as completely private. The potential exists for sensitive information to be read, intercepted, misdirected, traced or recorded by unauthorised persons unless it has been encoded or encrypted. Such practices are normally illegal, but there can be no expectation of privacy.

Email systems should not be assumed to be secure. Council staff and Elected Members are advised to exercise care and discretion. Email messages are perceived to be instant in nature and instantly disposed of. They are retained by both the recipient and the sender until specifically disposed of and then only usually into what is called a trash file. There may also be an additional back up facility which retains the message for a period of time. It is often stored on a network file server where it can be copied onto a backup tape as routine data protection. That back up tape is a copy of the file even if it is eliminated from the sender and recipient's computers.

Passwords or personal identity number protection must be activated on all mobile electronic communication facilities such as mobile telephones, laptop computers, tablets and iPads that are vulnerable to theft.

Information regarding access to Council's computer and communication systems should be considered as confidential information and not be divulged without authorisation. Users are expected to treat electronic information with the same care as they would paper-based information, which is confidential. All such information should be kept secure and used only for the purpose intended. Information should not be disclosed to any unauthorised third party. It is the responsibility of the user to report any suspected security issues.

All Emails sent outside the Council must contain the following message as a footer *"This email is private and confidential. If you are not the intended recipient, please advise us by return email"*

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immediately, and delete the email and any attachments without using or disclosing the contents. You should scan this email and attachments for viruses. The Regional Council of Goyder accepts no liability for any direct or indirect damage or loss resulting from the use of any attachments to this email. The statements in this email are those of the sender only, unless specifically stated to be those of the Regional Council of Goyder by someone with authority to do so”.

The purpose of such a message is to impress on any unintended recipient notice of the confidential nature of the Email. It will sometimes be appropriate to make the same statement for internal messages.

12. VIRUS PROTECTION

Council staff and Elected Members are not to import non-text files or unknown messages into their system without having them scanned for viruses. Email attachments are common. Virus infection is most prevalent in non-work related emails.

The majority of viruses are enclosed in chain letter or joke attachments. Council staff and Elected Members are not to open, view or attempt to read attachments of any description (eg games, screen savers, documents, executable files, zip files, joke files or other mails), unless they have been scanned for viruses.

13. DEFAMATION

It is unlawful to be a party to or to participate in the trafficking of any defamatory message. To defame someone, defamatory material, including words or matter, must be published which is or is likely to cause the ordinary, reasonable member of the community to think less of the defamed person (the plaintiff) or to injure the plaintiff in his or her trade, credit or reputation.

For the purpose of defamation law, “publication” is very broad and includes any means whatsoever that we use to communicate with each other, including electronic messaging. A message containing defamatory material made electronically is, by its very distribution, “published”. A message containing defamatory material is also published if it is simply received electronically and forwarded on electronically. The Council is at risk of being sued for any defamatory material stored, reproduced or transmitted via any of its facilities.

14. COPYRIGHT

Not all information on the Internet is in the public domain or freely available for use without proper regard to rules of copyright. Much of the information is subject to copyright protection under Australian law, and by Australia's signature to international treaties, protected at international levels too. “Use” includes down loading, reproducing, transmitting or in any way duplicating all or part of any information (text, graphics, videos, cartoons, images or music) which is not in the public domain.

Council staff and Elected Members should not assume that they can reproduce, print, transmit or download all material to which they have access. Council staff and Elected Members have rights to use material consistently with the technology or the rights of the owner of the material. Material reproduced outside permitted uses or without the permission of the owner may be unlawful and may result in legal action against the staff member or Elected Member and Council.

15. MONITORING AND BREACHES

Council may monitor, copy, access and disclose any information or files that are stored, processed or transmitted using Council's electronic communication facilities. Such monitoring will be used for

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legitimate purposes only (such as legal discovery) and in accordance with any relevant legislation and/or guidelines.

Council's Director of Finance will undertake periodic monitoring, auditing and activities to ensure staff and Elected Members' compliance with the acceptable usage of electronic communication facilities in reference to this policy.

Council staff and Elected Members who violate any copyright or license agreements are acting outside the scope of their employment terms and roles respectively, and will be personally responsible for such infringements.

Council staff and Elected Members who do not comply with this policy may be subject to disciplinary action, including termination of employment for Council staff, and subject to criminal or civil proceedings. Council staff and Elected Members should report breaches of this policy to their Director or Council's Director of Finance.

16. RECORD KEEPING

Electronic communications which are sent and received in the conduct of Council business are official records of Council and are required to be maintained in good order and condition under the State Records Act 1997. Reference should be made to Council's Records Management Policy for the record keeping procedures to be used to properly to record electronic communications in Councils Synergy Soft Records Program.

17. RELEVANT DOCUMENTS

Council's Records Management Policy and Procedures
Council's Codes of Conduct for Elected Members and Council staff
Surveillances Devices Act 2016
State Records Act 1997
Freedom of Information Act 1991
Ombudsman Act 1972
Local Government Act 1999

18. RECORDS

All records should be kept confidential and be treated in accordance with Local Government GDS40.

19. REVIEW

This document shall be reviewed by Council at least once every four (4) years unless there is change to legislation or aspects in this policy that could affect the health and safety of workers.

20. REVIEW HISTORY

Document History	Version No	Issue Date:	Description of Change:
	1.	November 2004	Adopted.
	1.	17/12/13	Reviewed.
	1.1	19/8/14	Reviewed and Revised.
	1.2	19/4/16	Reviewed with changes.
	1.3	July 2017	Reviewed. Refer NCOR-82017-2486
	1.4	Sept 2017	Reviewed by Council 189/17
	1.5	Nov 2017	Adopted with changes ICOR-122017-397

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	2.0	Nov 2019	Reviewed with changes refer minu 254/19
	2.1	Apr 2022	Minute 044/22