

Personnel — Certified/Non-Certified

Rights, Responsibilities and Duties

Electronic Mail/Telecommunications

Electronic Mail (E-Mail)

Electronic mail is an electronic message that is transmitted between two or more computers or electronic terminals, whether or not the message is converted to hard copy format after receipt and whether or not the message is viewed upon transmission or stored for later retrieval. Electronic mail includes all electronic messages that are transmitted through a local, regional, or global computer network. The Board anticipates that the use of telecommunications will expedite the sharing of effective practices and lessons across the district and will help staff stay on the leading edge of practice by forming partnerships with others across the nation and around the world.

All district electronic mail systems are owned by the district and are intended for the purpose of conducting official district business only. The district may rely upon this medium to communicate information, and staff will be responsible for checking and reading messages under normal conditions daily. District electronic mail systems are not intended for personal use by employees of the district and employees should have no expectation of privacy when using the electronic mail systems. Messages may sometimes be diverted accidentally to a destination other than the one intended. All electronic accounts for conducting Weston professional business are subject to FOIA.

The following behaviors are examples not permitted on district networks:

1. Confidential information, i.e. student names or personnel issues.
2. Sharing one's e-mail account password or using others' access password.
3. Trespassing in others' folders, documents, or files.
4. Sending obscene, inappropriate or offensive materials such as racial, sexual, or religious messages or pictures.
5. Harassing, insulting or attacking others.
6. Engaging in practices that threaten the network (e.g., loading files that may introduce a virus).
7. Violating copyright laws.
8. Assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition.
9. Intentionally wasting limited resources.
10. Using the network for commercial or private business purposes.
11. Violating regulations prescribed by the network provider.
12. Other behaviors in violation of district policy or regulations.

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Any use perceived to be illegal, harassing, offensive, or in violation of other policies, could be the basis for disciplinary action including restriction of access to the system, up to and including termination of employment.

In order to keep district electronic mail systems secure, users may not leave the terminal signed on when unattended and may not leave their password available in an obvious place near the terminal or share their password with anyone except the electronic mail system administrator. The district reserves the right to bypass individual passwords at any time and to monitor the use of such systems by employees.

The district retains the right to review, store and disclose all information sent over the district electronic mail systems for any legally permissible reason, including but not limited to determining whether the information is a public record, whether it contains information discoverable in litigation and to access district information in the employee's absence. The district Network Manager (Coordinator of Technology) has access to all messages in order to ensure compliance with the Weston policy. All district employees should be aware that electronic mail messages can possibly be retrieved for a reasonable amount of time even if they have been deleted and that statements made in electronic mail communications can form the basis of various legal claims against the individual author of the district.

A message sent or received by e-mail in the conduct of public business as an employee of the Weston Public Schools is a public record. By definition of the Office of the Public Record Administration and State Archives, there are three categories of electronic mail with varying retention timelines:

- Transitory messages, i.e. non-record material such as junk mail, publications, notices, announcements, employee activities, routine business activities, casual and routine communications similar to telephone conversations. There is no retention requirement for these materials
- Public records with less than Permanent retention period. The record must be in hard copy or electronic format which can be retrieved and interpreted for the legal retention period. When there is a doubt about the retrievability of an electronic record over the life span of that record, the record should be printed out. Examples of a less than Permanent record are letters of recommendation, recommendations or reports to administrators or other employees, complaints, referrals, etc.

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- Public records with a Permanent or Permanent/Archival retention period. Retention may be in the form of a hard-copy printout or microfilm that meets microfilm standards issued in GL96-2. The information must be eye readable without interpretation. Examples of permanent records are annual department reports, minutes of department meetings, legal opinions, etc.

Issues concerning whether a record is subject to less than permanent or permanent retain period should be directed to the building administrator.

Voice-Mail (Telecommunications)

The voice-mail system is intended for the business and academic purposes of the Weston Public Schools. Employees are not to use unauthorized codes, passwords, or other means to gain access to voice-mail messages belonging to others. Employees shall not disclose their codes or passwords to others.

It is expected that you will treat all employees with respect and courtesy when sending all messages. Under normal conditions, you are expected to check for messages at least twice each day, once in the morning and once in the afternoon. Phone calls made in response to messages should normally be made within twenty-four (24) hours. Greetings on your voice-mail should be current. For example, if you leave a greeting advising the caller that you are away from school for one or more days, you should immediately remove it upon your return.

Neither voice-mail nor e-mail may be used to solicit for outside business ventures, social functions, personal matters, charities, membership in any organization, religious causes, or other matters not connected to the business and academic purposes of the Weston Public Schools. Confidential information should not be communicated using voice-mail. Use of the voice-mail system by an employee grants consent to the Weston Public Schools administration to monitor or review any current or archived messages, when necessary in the interests of the school system.

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Voice-mail messages may be deleted immediately upon receipt and follow-up action by the receiver. However, if you receive a threatening or intimidating message, you are required to save this message and report the incident to your immediate supervisor.

The Superintendent will ensure that all district employees have notice of this policy and that each district employee is given an acknowledgement form to sign stating that they have received and read the policy. The signed form will be maintained in the employee's personnel file and renewed annually.

Legal reference: Connecticut General Statutes
 Connecticut Office of Public Records
 The Freedom of Information Act

Policy adopted: January 22, 2002,

WESTON PUBLIC SCHOOLS
Weston, Connecticut

Connecticut State Library

Electronic And Voice Mail

A Management And Retention Guide For State And Municipal Government Agencies

General Letter 98-1 (Revision of GL 95-1)

Date: June 1, 1998

To: Administrative Heads Of State Agencies; State Agency Records Management Liaison Officers; Administrative Heads Of Municipalities; Town Clerks; All Other State Agency And Municipal Records Custodians And Records Management Personnel

From: Eunice G. DiBella, Public Records Administrator

Introduction

The Office of the Public Records Administrator and State Archives issues this statement under authority granted it by Sections 11-8, 11-8a and 7-109 of the Connecticut General Statutes.

Definition

E-mail is a means of sending messages between computers using a computer network or over a modem connected to a telephone line. This information consists primarily of messages, but may also include attachments such as calendars, directories, distribution lists, word-processing documents, spreadsheets, and other electronic documents. E-mail is stored in a digital format rather than on paper and is retrievable at a future date. Due to format, E-mail permits instant communication and transmittal of up-to-date information similar to the telephone. Unlike current telephone features, E-mail creates a record of the information that is being transmitted.

E-mail and Public Records

When deciding what to do with E-mail messages, it is important to remember the statutory definition of public records found in section 1-18a of the Connecticut General Statutes.

Any recorded data or information relating to the conduct of the public's business prepared, owned, used, or received by a public agency, whether such data or information be handwritten, typed, tape-recorded, printed, Photostatted, photographed or recorded by any method.

A message sent or received by E-mail in the conduct of public business is a public record.

Retention Guidelines

E-mail messages sent and received by public officials fall within three broad categories:

- * Transitory messages, including copies posted to several persons and casual and routine communications similar to telephone conversations.
- * Public records with a less than Permanent retention period; and
- * Public records with a Permanent or Permanent/Archival retention period.

Retention guidelines for each of these categories are as follows:

- * **Transitory messages-No retention requirement.** Public officials and employees receiving such communications may delete them immediately without obtaining the approval of the Office of the Public Records Administration and State Archives.
- * **Less than Permanent-Follow retention period for equivalent hard copy records as specified in an approved retention schedule.** The record must be in hard copy or electronic format which can be retrieved and interpreted for the legal retention period. When there is a doubt about the retrievability of an electronic record over the life span of that record, the record should be printed out. **Municipalities and state-agency**

officials may delete or destroy the records only after receiving signed approval from the Office of the Public Records Administrator.

* Permanent or Permanent/Archival-Retention may be in the form of a hard-copy printout or microfilm that meets microfilm standards issued in GL 96-2. The information must be eye readable without interpretation.

State and local government officials/supervisors and State Agency Records Management Liaison Officers are responsible for instructing their employees in determining which E-mail messages fall in each of the three categories, in using retention schedules and in securing approval for destruction. Depending upon the function of the public record being generated by E-mail, state agencies and municipalities may take steps to institute procedures for routinely printing E-mail records, including all transmission and receipt data in the system, and filing the printouts in the normal course of business.

Legal Considerations Disclosure of e-mail

Public officials and employees should keep in mind that E-mail messages sent as part of their workdays are not "private" but are discoverable communications and may be subject to FOI. Since messages may be retained at different locations or levels of the system, users must remember that their communication can be retrieved during formal discovery processes. Discretion, therefore, is an important consideration when using this or any other new technology to send, record and/or retain communications.

Confidentiality of e-mail

Electronically transmitted information travels through many networks, and many different computer connections. Unless encrypted, this information is not secure, and should not be considered private. Agencies are advised of the risk involved in using e-mail to deal with confidential issues.

Agencies must be aware of all applicable statutory or regulatory requirements that would prohibit the disclosure of certain information in any format. Of special concern is the confidentiality of individually identifiable health and personnel information. Agencies must be aware of this when transmitting this information by any method of communication, including e-mail, voice, or written communications.

Legal Signatures

Some records may require original signatures. Agencies must be aware of any state or federal laws that would effect the way a document is signed. As of the date of this general letter, there is only one statute in Connecticut that specifically covers electronic signatures. Section 19a-25a of the Connecticut General Statutes authorizes the use of electronic signature for medical records.

This does not mean that electronic signature may not be used to transact other types of business, but it is suggested that you consult with legal counsel first.

Voice Mail

Voice mail (including answering machines) can be considered a type of electronic mail communication. In this case, the message is recorded in an audible rather than a visible format.

Voice mail is transitory in nature, and may be deleted at will. There are times, however, where voice mail or answering machine messages may require a longer retention period. This would be in the case where the message may be potentially used as evidence in a trial, such as a bomb threat, or in some other illegal activity. Voice mail may also be subject to the discovery process in litigation.

Conclusion

E-mail is a rapidly evolving technology that has attracted the attention of the courts. This office will monitor this changing technology and will communicate with state and municipal agencies on implications for Connecticut's public records.