

CIRCUIT CLERK/COUNTY OF McHENRY

ELECTRONIC ACCEPTABLE USE POLICY

For the purpose of this policy, the term 'employee' applies to all full time, part time, temporary and seasonal staff employed by the Circuit Clerk/County of McHenry. The term 'other agents' applies to all Elected Officials, contractors, freelancers, or any other agent with an affiliation with the County of McHenry. This policy applies to all Circuit Clerk/County of McHenry employees and other agents who utilize County of McHenry owned or leased computers, network(s) and/or electronic communication systems. Employment at, or affiliation with the County of McHenry does not automatically guarantee the granting of computer and/or County of McHenry network access privileges. Any and all work performed on County of McHenry computers, network(s), and/or electronic communication systems by any and all employees or other agents is covered by this policy. Work can include (but is not limited to) e-mail correspondence, web browsing, utilizing intranet or internet resources, and any other applications used over the internet. Anytime the word shall or should is used in this policy, it is considered mandatory and not directory language.

Purpose - This policy is intended to serve as a guide on the proper use of the Circuit Clerk/County of McHenry electronic communication systems. This policy covers the use of all forms of electronic communications including but not limited to e-mail, voice mail, fax machines, external electronic bulletin boards, the Intranet, and the Internet, and applies to all Circuit Clerk/County of McHenry employees and other agents. Furthermore, this policy will address records management concerns raised by technology; the need to distinguish records from non-records and the continued preservation of needed e-mail records alongside the prompt erasure of those which have outlived their organizational utility via approved records retention and disposition schedules. Every employee and other agents are expected to read, understand and follow the provisions of this policy and will be held responsible for knowing its contents. Use of the Circuit Clerk/County of McHenry computers, network(s), and/or electronic communication systems constitutes acceptance of this policy and its requirements.

Use of Electronic Communications – The Circuit Clerk/County of McHenry's computers, network(s) and/or electronic communication systems, including e-mail and the Internet, are intended for business use only. Incidental and occasional use of these systems for non-work purposes may be permitted at the discretion of the Circuit Clerk. Before using these systems for business or personal use, employees must understand that any information that is created, sent, received, accessed or stored in these systems will be the property of the Circuit Clerk/County of McHenry and will not be private. If employees or other agents are permitted to use the Circuit Clerk/County of McHenry computers, network or electronic communication systems for non-work purposes, such use shall not violate any section of this policy or interfere with the employee's or other agents work performance.

Employees should use the same care and discretion when writing e-mail and other electronic communications as they would for any formal written communication. Any messages or information that is sent by employees or other agents to other individuals via electronic communication systems such as the Internet or e-mail are statements identifiable and attributable to the Circuit Clerk/County of McHenry. Consequently, all electronic communications sent by employees, whether business or personal, must be professional and comply with this policy and the Circuit Clerk Personnel Policies. For classification purposes, e-mail should be viewed as a medium supporting the creation of records and not as a record type.

Prohibited Communications - Under no circumstances may employees use the Circuit Clerk/County of McHenry's electronic communication systems for creating, possessing, uploading, downloading, accessing, transmitting or distributing material that is offensive, illegal, sexually explicit, discriminatory, defamatory or interferes with the productivity of co-workers. Employees or other agents may not use these systems for illegal activities; jokes, political causes; football pools or other sorts of gambling; the creation or distribution of chain letters; list servers for non-work purposes; or for solicitations or advertisements for non-work purposes. Employees or other agents may not engage in any use that violates copyright or trademark laws.

Employees and other agents are also prohibited from posting information, opinions, or comments to Internet discussion groups (for example: news groups, chat, list servers or electronic bulletin boards) without prior authorization from the Circuit Clerk. Under no circumstances may employees or other agents represent their own views as those of Circuit Clerk/County of McHenry.

Employees or other agents should not use e-mail or other electronic communications to disclose confidential or sensitive information. Personal information such as the home addresses, phone numbers and social security numbers of County employees should never be disclosed on the Internet.

No Presumption of Privacy - Although employees and other agents may use passwords to access some electronic communication systems, these communications should not be considered private. Employees and other agents should always assume that any communications, whether business-related or personal, created, sent, received or stored on the Circuit Clerk/County of McHenry's computers, network(s), or electronic communication systems may be read or heard by someone other than the intended recipient.

Employees and other agents should also recognize that e-mail messages deleted from the County of McHenry e-mail system might still be retrieved from the computer's back-up system when requested by authorized personnel. Consequently, messages that were previously deleted may be recreated, printed out, or forwarded to someone else without the employee's knowledge.

Employees and other agents 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 FOIA. Since messages may be retained at different locations or levels of the system, employees and other agents must remember that their communication may be retrieved during formal discovery processes. Discretion, therefore, is an important consideration when using this or any other technology to send, record and/or retain communications.

The Circuit Clerk/County's Right to Monitor Use - The Circuit Clerk/County of McHenry reserves the right to monitor, intercept, access, and disclose all information created, sent, received, or stored on its computers, network(s), and/or electronic communication systems at any time, with or without notice. The contents of computers, voice mail, e-mail and other electronic communications may be inspected when there are allegations that there have been violations of law, breaches of confidentiality or security, violations of this Electronic Communications Policy or the Circuit Clerk Personnel Policies. These inspections will also be conducted when it is necessary to locate substantive information that is not more readily available by less intrusive means.

Before providing access to stored electronic communications such as e-mail messages, written authorization will be required from the Circuit Clerk.

Internet use will be monitored in the same manner as other electronic communications. However, in addition, the Circuit Clerk/County of McHenry will regularly monitor and maintain a log of employees' Internet access including the type of sites accessed, the name of the server and the time of day that access occurs. The Circuit Clerk will have access to this log upon request. **Information obtained through monitoring may be used as a basis for employee discipline or termination.**

Prohibited Activities – Employees and other agents should not, without the Circuit Clerk's authorization, upload, download, or otherwise transmit copyrighted, trademarked, or patented material; trade secrets; or confidential, private or proprietary information or materials. Employees or other agents should not upload, download, or otherwise transmit any illegal information or materials. Employees and other agents should not use the Circuit Clerk's/County of McHenry's computers, network(s), and/or electronic communication systems to gain unauthorized access to remote computers, other systems, or to damage, alter, or disrupt such computers or systems in any way. Nor should employees or other agents, without authorization from the Circuit Clerk, use someone else's code or password or disclose anyone's code or password including their own. It is a violation of this policy for employees or other agents to intentionally intercept, eavesdrop, record, or alter another person's Internet and e-mail messages. Employees or other agents should not enable unauthorized individuals to have access to or use the Circuit Clerk's/County of McHenry's electronic communication systems, or otherwise permit any use that would jeopardize the security of the Circuit Clerk's/County of McHenry's computers, network(s) and/or electronic communication systems.

Employees and other agents must use their real names when sending e-mail messages or other electronic communications and should not misrepresent, obscure or in any way attempt to subvert the information necessary to identify the real person responsible for the electronic communication. Sending an e-mail message under a fictitious or false name is a violation of this policy. Likewise, using another user's account or login ID constitutes a violation of this policy.

Licensing Fees – Employees and other agents should not install software for which the Circuit Clerk/County of McHenry has not paid the appropriate licensing fee. Additional licensing fees may be incurred every time software is installed for a new user. Consequently, before software is installed on their computer, employees and other agents have a duty to ensure that all appropriate licensing fees have been paid. Employees and other agents should notify the Circuit

Clerk if they discover unlicensed software in their department. Employees and other agents should not copy software for distribution to any third party or for home use unless such copying is permitted by the software's license agreement. The installation of software for trial periods authorized by the vendor would not be a violation of this policy.

Encryption - Employees and other agents may not password protect or otherwise privately code their files without prior authorization from the Circuit Clerk. Use of encryption software must be specifically approved by the Circuit Clerk prior to using such software for the storage, receipt and transmission of data. If encryption software is used, the employee must give the password to the Circuit Clerk and/or Chief Deputy.

Viruses and Tampering -The intentional introduction of viruses, or attempts to breach system security or other malicious tampering with any of the Circuit Clerk/County of McHenry's computers, network(s), and/or electronic communication systems is expressly prohibited. Employees must immediately report any viruses, tampering, or other system breaches to the Circuit Clerk and Information Technology.

Disclaimer of Liability for Use of the Internet - The Circuit Clerk/County of McHenry is not responsible for material viewed or downloaded by employees and other agents from the Internet. The Internet provides access to a significant amount of information, some of which contains offensive, sexually explicit and inappropriate material. It is difficult to avoid contact with this material; therefore, employees and other agents using the Internet do so at their own risk.

Duty Not to Waste Electronic Communications Resources – Employees and other agents must not deliberately perform actions that waste electronic communication resources or unfairly monopolize resources to the exclusion of other employees or other agents. This includes, but is not limited to, subscribing to list servers, mailing lists or web sites not directly related to the employee's job responsibilities; spending extensive non-productive time on the Internet; and doing large non-work related file downloads, or mass mailings. Electronic communication resources are limited and employees and other agents have a duty to conserve these resources.

E-mail Addresses - The Circuit Clerk/County of McHenry owns all e-mail addresses provided to its' employees and other agents, including any names and/or references associated with the County e-mail system. While employed by the Circuit Clerk, employees may enjoy the privilege of receiving limited personal e-mail at their County provided employee e-mail address. However, separation from the Circuit Clerk waives all rights to this e-mail address or any personal e-mail sent to said address after the separation. Further, the Circuit Clerk/County of McHenry reserves the right to keep an employee or other agent's e-mail address active for a reasonable period of time following the separation to ensure that important business communications reach the Circuit Clerk.

Record Retention - The Illinois Local Records Act (50 ILCS 205/1 *et seq.*) governs the retention and disposition of County public records, regardless of physical form. Most often, e-mail messages are informal, temporary communications that do not qualify as "public records"; however, the content of some messages may constitute a more formal, public record and must be retained according to established retention schedules. Therefore, employees have the same responsibilities for e-mail messages as they do for any other public record and must distinguish between official, public records and informal, non-record information. Guidelines for distinguishing a public record from a non-record follow below. Employees should also consult with the Records Manager or the State's Attorney for additional guidance in determining what records are subject to retention.

Until appropriate records management software and an electronic records management policy are implemented by the Circuit Clerk/County of McHenry, all public record e-mail must be retained in hard copy format and must include transmission and receipt data. If the user prints out an official public record and retains the record in hard copy according to the Circuit Clerk's approved record management policy and retention policy, the electronic copy may be deleted immediately.

Guidelines: What is a "Public Record?"

Public Record: Any book, paper, map, photograph, digitized electronic material, or other documentary material, regardless of physical form or characteristics, made, produced, executed or received by any agency or officer pursuant to law or in connection with the transaction of public business and preserved or appropriate for preservation by such agency or officer, or any successor thereof, as evidence of the organization, function, policies, decisions, procedures, or other activities thereof, or because of the informational data contained therein. (*Illinois Local Records Act, 50 ILCS 205/3*)

Note: This definition is used to establish a retention policy for records and non-records and does not override confidentiality provisions of other statutes or acts.

Public Records Characteristics

- Created or received in connection with the transaction of public business
- Results from some action or transaction that clearly relates to the official work of Circuit Clerk, County government, departments or agencies
- Provides substantive evidence of an official Circuit Clerk/County function, program, policy or procedure
- Provides substantive evidence or documentation of the formulation of official decisions or actions
- Record Value:
 - Administrative value - useful to originator in the conduct of official business; documents substantive departmental/agency activities and assists the department/agency in performing its primary function
 - Fiscal value - pertains directly to a Circuit Clerk/County financial transaction; records of fiscal value are usually required for audit purposes
 - Legal/Evidential value - provides legal proof of business transactions; demonstrates compliance with statutory or regulatory requirements
 - Historical value - unique or especially significant; records that should be retained for posterity and not necessarily for business purposes

Record Retention Procedures for E-Mail

All non-record e-mails should be deleted from GroupWise as soon as they have fulfilled their purpose. If an e-mail message is determined to be a public record, it should be printed and retained in paper form in the appropriate file (i.e., general correspondence file). **Note:** In accordance with the Secretary of State's suggested e-mail retention policy, all e-mail messages will be automatically deleted from the server thirty (30) days after they have been opened. This policy will take effect with the installation of record retention software by the Information Technology Department. Therefore, the responsibility for printing and saving the official "record copy" of a public record is as follows:

<u>Message Type</u>	<u>Person Responsible for Record Copy</u>
Sent and Received within the County	Originator/Sender
Received from outside the County	First named recipient

However, automatic deletion of electronic records will be suspended and steps taken to preserve these records once litigation or a formal investigation is commenced.

Use of Credit Cards on the Internet - Before making purchases on the Internet, employees who are authorized to use Circuit Clerk credit cards must ensure that they are using a secured site.

Computer Security - The computer resources and the data stored therein are critical to the ability of Circuit Clerk/County of McHenry to perform its business. These computer resources and data are subject to compromise and illicit modification if proper computer security techniques are not employed. The Circuit Clerk/County of McHenry, therefore, employs a security password system to enable controlled entry into the County's computer system. Disclosing individual computer systems passwords to others is strictly prohibited. Passwords must be a minimum of five characters in length, and should contain both numbers and letters. Passwords must be changed every ninety- (90) days. Computers left unattended should either be powered off, logged off of the network, or password protected with a screen saver.

Computer Software Ownership - All software that is utilized on personal computers owned by Circuit Clerk/County of McHenry is owned or leased by the Circuit Clerk and/or County of McHenry. No employee or other agent owned software should be installed on Circuit Clerk/County of McHenry owned hardware. Circuit Clerk/County of McHenry owned software should not be installed on non-county owned hardware. Further, the transferring or disclosure of proprietary software information is strictly prohibited.

Violations - Since use of Circuit Clerk/County of McHenry computers, network(s), and/or electronic communication systems is identifiable and attributable to the Circuit Clerk and County of McHenry, violations of this policy may subject employees to disciplinary action as described within the Circuit Clerk Personnel Policy. Additionally, violations of this policy by other agents may subject the other agents to action(s) by the Circuit Clerk.

Policy Changes - The Circuit Clerk/County of McHenry reserves the right to change this policy at any time without notice. Nothing in this policy is intended or should be construed as an agreement and/or a contract, express or implied.

Definitions applicable to this policy:

1. **Electronic Mail (e-mail):** Electronic mail may include non-interactive communication of text, data, image or voice messages between a sender and designated recipient(s) by systems utilizing telecommunications links. It may also include correspondence transmitted and stored electronically using software facilities called mail, facsimile, or messaging systems; or voice messages transmitted and stored for later retrieval from a computer system.
 2. **Internet:** A worldwide network of networks, connecting informational networks communicating through a common communications language, or “protocol.”
 3. **Intranet:** An in-house web site that serves the employees of the enterprise. Although Intranet pages may link to the Internet, an Intranet is not a site accessed by the general public.
 4. **Encryption Software:** Proprietary software that changes information from its native state to an unrecognizable coded state which can only be returned to its native state with special software.
 5. **List Servers:** An e-mail discussion group.
 6. **World Wide Web:** An Internet client-server distributed information and retrieval system based upon hypertext transfer protocol (http) that transfers hypertext documents that can contain text, graphics, audio, video, and other multimedia file types across a varied array of computer systems.
 7. **File Transfer Protocol (FTP):** A program that allows you to transfer data between different computers on a network or between networks.
 8. **USENET:** A collection of computer discussion groups that are read all over the world.
 9. **Newsgroups:** The computer discussion groups of USENET.
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I acknowledge that I have received and read a copy of the Circuit Clerk/County of McHenry Electronic Acceptable Use Policy and I agree to comply with all stated policies. I also hereby consent and acknowledge that the Circuit Clerk/County of McHenry may monitor, review and/or copy any information, both personal and business-related, on the County's or Circuit Clerk's information system, whether stored in transit, at anytime, and may, without further notice, disclose such information which would be applicable to an investigation to the elected official that the employee or other agent performs work within. I understand and acknowledge that I am expected to comply with this policy and failure to do so may result in termination of other agent's remote access. I also understand that I do not have a right to privacy in any information created, sent, received, accessed, or stored on the Circuit Clerk or County of McHenry electronic communication systems. I further understand that the Circuit Clerk/County reserves the right to amend or revise this Policy at any time.

Remote Subscriber/Other Agent Signature

Date

Remote Subscriber/Other Agent Name (Printed)

CIRCUIT CLERK

Department

Circuit Clerk's Signature