

San Mateo County Harbor District

Policy	Number: 6.2.4	Approved Date: 9/21/05	Revision Date:
Title: Computers, Electronic Communications, and Social Media	Prepared By: E. Wilkerson	Approved By: Resolution 29-05	Page: 1 of 11
Purpose: To set the conditions for use of District electronic communications equipment, to notify employees that they have no privacy in the use of this equipment, and to set forth District Social Media policy			

1. Statement of Policy

This policy sets forth guidelines for appropriate and permissible use of technology to conduct business on behalf of the District. This policy applies to access to and usage of the Internet and Intranet, the transmission and exchange of electronic mail (E-mail) and other electronic message (such as text messages or instant messages) the use of computers, networks, server, cell phones, landline phones, smart phones, personal digital assistants (PDA), tablet computers, digital readers, voicemail, and any other forms of electronic communication. This policy applies whenever District employees are conducting business on behalf of the District, regardless of location or time. The access to cell phone, landline phones smart phones, personal digital assistants (PDAs), text instant message, social media, websites, and voicemails for all District issued equipment and personal phones in which the District provides a phone allowance, or where the District provides access-. Further, this policy serves to give employee notice that there is a lack of privacy in any of these systems at the District. Additionally, this policy contains the District's Social Media policy.

2. Description of Procedures

Internet, including District websites, E-mail, facsimile (fax) voice-mail access and access to Social Media is provided by the District to facilitate the performance of District work. The District provides electronic communications facilities and equipment in order to facilitate communications and enable employees and elected officials to perform their duties more efficiently and productively. To achieve this objective, this policy requires all employees who access and utilize District electronic communications to follow the guideline set forth herein.

The Internet, E-mail, fax, voice-mail, and-social Media must be used in compliance with applicable statutes regulations, and District policy including those that require a work environment free from discrimination and harassment. Employees are expected to use common sense and judgment to avoid any communication that is disrespectful, offensive or illegal.

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GUIDELINES AND CONDITIONS

A. Administration

1. The District has software and systems in place, which can monitor and record usage of Internet, Intranet e-mail and all electronic communications. in order to maintain compliance with this policy. The District may access intercept, read review, copy listen to or disclose content of any electronic communication generated, received, or stored on the District's electronic communications systems at any time without notice. Employees and elected officials should have no expectation of privacy in usage of any District electronic communications equipment or facilities
2. Access to Internet sites, newsgroup chat rooms, and other Internet-related services may be blocked to comply with this policy.
3. Use of District electronic communication is considered employee job performance, and any misuse of electronic communications or use in violation of any provisions set forth in this policy may subject an employee to discipline up to and including termination of employment.
4. An elected official's misuse of electronic communications or use in violation of any provision set forth in this policy may subject the elected official to public censure.

B. Conditions

1. District Property

All communications, information and content created, sent, received, deleted, stored, or otherwise associated in any way with the District's systems are the property of the District. None of such content is the property of any employee or other user. The District is not responsible for any loss or damage incurred by an employee or elected official as a result of personal use of the District's electronic communications resources.

2. Business Use

The District's electronic communications systems are the property of the District. Staff Messages are to be professional and courteous, composed in a business-like manner consistent with the professional agency image employees and elected officials are to maintain on behalf of the District.

3. Personal Use

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Limited, occasional or incidental personal use of the District's electronic communications systems is permitted under the following conditions:

- a. Personal use does not interfere with the productivity of the employee or his or her co-workers;
- b. Personal use does not disrupt or delay the performance of District business;
- c. Personal use does not include any activity performed in connection with work for another employer or in connection with self-employment;
- d. Personal use does not include any activity related to the campaign of any individual running for public office; and
- e. Personal use does not include any activity otherwise in violation of this policy.

4. Improper Use

Employees and elected official are expressly prohibited from abusing the District's electronic communicationz systems in any way including but not limited to the following:

- a. Threatening or harassing other employees or any other persons.
- b. Using obscene or abusive language.
- c. Online gaming or gambling.
- d. Creating displaying downloading, transmitting or storing offensive or derogatory photo (including but not limited to pornography or sexual oriented materials), image messages or cartoons regarding sex, race religion color, national origin marital status age over 40, physical or mental disability, sexual orientation gender identity or expression, ancestry, a known genetic predisposition to a disease or disorder, veteran status or which in any way violates the District's policy on prohibiting employment discrimination and harassment prevention.
- e. Violating any laws including use of unauthorized or pirated software or data. Information systems may not be used for any illegal purposes such as violating intellectual property rights, or participating in chain letters and pyramid schemes, or breaking into or 'hacking' into the computers or intercepting the transmissions of other outside the District.
- f. Soliciting or proselytizing others for commercial ventures or for religious, charitable or political causes or candidates. Included are "for sale" and "for rent" messages or any other personal notices.
- g. Sending another person's confidential or private information, inappropriate personal messages, or sensitive information such as performance review or other personal information not subject to public disclosure.

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- h. Sending personal or general announcements not related to District business unless approved in advance by the General Manager or designee for posting in District approved electronic areas such as a bulletin board or Intranet.
 - i. Creating congestion or other disturbances. Information systems may not be used in a manner that is likely to or intended to cause unwarranted congestion breakdown of any component of the system or other disturbances.
 - j. Excessive transmission. Message and copies of messages are to be sent only to persons with an immediate business need-to-know.
 - k. Computer snooping or "hacking". Notwithstanding the District's right of access provided in section III.A.I. above, no employee or elected official is permitted to use information system to access content created by others except as authorized and reasonably necessary to perform the employee's job. The District's information systems may not be used without appropriate authorization from the General Manager to monitor the electronic files or communications of others, nor to obtain unauthorized access to files or networks through "hacking" using others' log-on or passwords, or otherwise breaching security measures.
 - l. Destroying or altering content: defined as the destruction or alteration of content of electronic communications with the intent to cause harm, injury or deception.
 - m. Misleading others concerning source of communication: defined as using another's computer, user identification or password without prior authorization to mislead the recipient into believing that the message originated from another person or another's computer.
 - n. Using District facilities to knowingly or intentionally propagate any computer virus, worm Trojan horse, trap door program code, or similar code or program.
 - o. Downloading software from the Internet for business or non-business purposes or without prior approval of the General Manager.
 - p. Uploading software licensed to the District or data owned or licensed by the District without prior approval of the General Manager.
 - q. Interfering with District security system, including any attempt to disable, defeats or circumvents any District security facilities or systems.
- C. Operations
1. Public Records. Electronic communications generally are public records and may be subject to public inspection and copying under the Public Records Act.
 2. Usage. Usage is limited to transitory communications, which are not required or intended to be kept for future references, unless Section C.5 below applies.
 3. Deletion. Electronic communications are to be read regularly, and all messages are to be promptly, or as appropriate, deleted from the mail server by both sender and recipient.

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Back-up tape for such message files stored in District network are for record retention and disaster and system failure recovery and will be deleted in due course of business. Inappropriate information must be immediately deleted to and emptied from "Trash".

4. Retention. E-mail communications should generally convey transitory information that has no lasting value to the District. E-mail should not be used to create important or lasting official records of the District. Where official records are required to satisfy a particular purpose or retention period, such as resolution, ordinances, internal policies, official correspondence, contracts, personnel documents, etc., a form other than e-mail should be used (such as hard copy or other permanent unalterable form of recording). To avoid wasting computer storage space, E-mail communications may be deleted from the system after sixty (60) days. Where an E-mail possesses more lasting significance, is the subject of a public records request, subpoena or production demand, or is relevant to pending or reasonably anticipated litigation, it must may be retained for longer durations in accordance with the District's record retention requirements.

5. The General Manager must provide written approval prior to destruction or deletion of such files. Duplicate E-mail communication may be destroyed at any time, provided that at least one version of that E-mail communication is retained somewhere for the applicable retention period. For instance, where an E-mail communication is received by multiple District personnel, only a single version of the e-mail need be retained and all other versions may be deleted.

The District, as provider of access to the District technology and communications system reserves the right to specify how District network resources will be used and administered to comply with this policy. It is important to realize that the message content sent from the District account reflects upon the District (positively or negatively) to those who receive the message. Employees may be subject to disciplinary actions for using these resources in a manner other than for their intended purposes.

The information sources accessible via the Internet are worldwide and constantly growing in kind and number. It is not possible for an Internet access provider to fully manage the types of information accessible by its systems and users, especially with regard to content limitations. Nonetheless, the District reserves the right to restrict access to any data source if/when, in its sole discretion and after appropriate review, the District determines such a

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source to be problematic. Such restrictions do not constitute an implication of approval of other non-restricted sources.

In addition, some delivery methods and networks impose legal restrictions regarding the nature of message allowed. Users are expected to comply with all such restrictions. Employees and other users of the Internet, E-mail and voice-mail can create criminal and civil liability for themselves and the District by using those services in an offensive, defamatory or illegal manner and in such event employees and other users may be subject to disciplinary action up to and including termination.

C.-SOCIAL MEDIA POLICY

1. PURPOSE

This Social Media Policy ("Policy") set forth guidelines for the appropriate and permissible creation, maintenance and use of all District social media websites, including but not limited to Facebook, Twitter, YouTube, MySpace, Yelp and LinkedIn. The term "social media" refers to activities that integrate technology, social interaction and content creation. Social media enables users to create online communities to share information, ideas, messages, and other content by various means, including, but not limited to, Really Simple Syndication (RSS) and other web feeds, blogs, wikis, podcasts and photo-and video-sharing. This Policy is designed to protect the San Mateo County Harbor District and its employees and is no way intended to restrict the flow of useful and appropriate communications or to abridge District employees' exercise of rights under the First Amendment of the Constitution, the National Labor Relations Act or any other applicable statutes.

2. COMPLIANCE WITH APPLICABLE POLICIES AND LAW

The District's social media sites shall comply with all appropriate District policies and procedures. The District's social media sites shall also comply with District conflict of interest rules and applicable ethics rules and policies.

3. POLICY STATEMENT

The District permits and encourages the creation and use of social media websites to facilitate the productive use of the Internet for business purposes and to disseminate information about the District. To effectuate this objective, this Policy requires all employees who create and/or use social media websites to follow the guidelines set forth herein.

- ADMINISTRATION AND CONDITIONS

a. ADMINISTRATION OF SOCIAL MEDIA FOR DISTRICT BUSINESS

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i. The District General Manager or his/her designee is solely authorized to create social media websites for District business purposes.

ii. The District General Manager or his/her designee(s) is responsible for ensuring compliance with this Policy, as well as applicable federal, state, and local laws. The District may restrict or remove any content that is deemed to be in violation of this Policy or the District's Electronics Communications Policy or any applicable law, or contrary to the District's goals and/or interest, or unrelated to the subject of the original posting. The District's General Manager has the authority to make non-material change to this Policy as the General Manager sees fit.

iii. Content on District social media sites is likely subject to the California Public Records Act. Any content maintained in a social media format that is related to District business, including a list of subscriber and posted communication, may be a public record. Wherever possible, such sites shall indicate that any content posted or submitted for posting, including comments, may be subject to public disclosure upon request. The District shall preserve records required to be maintained pursuant to a relevant record retention schedule for the required retention period on a District server in a format that preserves the integrity of the original record and is easily accessible.

b. CONDITIONS OF USE OF DISTRICT-MAINTAINED SOCIAL MEDIA

i. The District General Manager and his/her designee are solely authorized to speak on behalf of the District. Employees who respond in their capacity as District employees, to comments posted or received through District social media websites will make known their name and title.

ii. The same standard, principle, and guide lines that apply to District employees in performance of their assigned duties also apply to employee social media use. District employees who post comments or other content on social media websites maintained by the District, but who are not expressly authorized to speak on behalf of the District, must make known they speak only on behalf of themselves, and that the content contained in such posts do not necessarily reflect the positions, policies, or opinions of the District. Employees may not engage in the use of Social Media venues to publish, post, report on or discuss information or data about District programs or activities that are considered sensitive, confidential, preliminary, or not yet available to the public. Sensitive information, such as personally identifiable information, must be protected from use in blogging and social media venues.

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111. Content posted by members of the public on any social media website maintained by the District is the opinion of the poster only, and does not necessarily reflect the positions, policies, or opinions of the District.

iv.. All social media websites created by the District must make known that they are maintained by the District and that they abide by the terms of this Policy.

c. ACCESS AND LINKS TO DISTRICT-MAINTAINED SOCIAL MEDIA

i. All social media websites to the extent possible, should contain a hyperlink to the District's Official website.

ii. This Policy should be made accessible to users visiting the District's social media websites, either directly or through a hyperlink to the District's official website.

iii. The District reserves the right to deny access to District social media websites to any individual who violates this Policy or any applicable law at any time and without prior notice.

d. DISTRICT EMPLOYEE USE OF SOCIAL MEDIA

i. Any creation, use, or monitoring of social media by employees of the District relating to District business or employment at the District is subject to all federal, state, local laws and District administrative policies and procedures, including without limitation, the Electronic Communication Policy.

ii. Employees may use District information resources only for business purposes. Therefore, unless authorized to do so by the District General Manager, employees may not use social media while at work, except on their own media devices during rest and meal periods.

iii. Employees, Commissioners, and Public Members of Committees, who develop a personal website, write a personal blog or publish content to a website or Social Media venue regarding District activities should consider using a disclaimer such as: "This posting is my own and does not represent the San Mateo County Harbor District's position, strategies, or opinions. Any views expressed are my own only." Managers and supervisors should note that this standard disclaimer does not by itself exempt them from a special responsibility when blogging. By virtue of being in a supervisory or a managerial position, they must consider whether personal thoughts they publish may be misunderstood as expressing District positions.

iv. Employees, Commissioners, and Public Members of Committees are not authorized to use the District's trademarks or service marks (logos) in their postings.

v. District employee violation of this Policy may be reason for disciplinary action, up to and including termination of employment.

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vi. The District disclaims any and all liabilities for losses or costs incurred as a result of content posted on or via social media websites maintained by the District, or as a result of conduct deemed to be in violation of this Policy, or any applicable laws. The District does not necessarily endorse, and is not responsible for, any content that has been submitted by any other party. The District shall inform all visitors and users of its social media sites of this disclaimer by posting the same to the District's social media sites, when feasible.

e. Prohibited Content

For District social media sites, the following types of content are prohibited and may be removed by authorized District personnel:

- Content and/or language a reasonable person would find offensive, including but not limited to profane, obscene, pornographic content and/or language, or not consistent with community standards:
- Content that promotes, fosters or perpetuates discrimination on the basis of race, creed, color, national origin, age, religion, gender, gender expression, gender identity, disability, medical condition, genetic information, sexual orientation, marital status or any other class protected under local, state or federal law:
- Comments that are not topically related to the District or the particular posting being commented upon:
- Defamatory or libelous content:
- Sexual content or links to sexual content:
- Threats to any person or organization:
- Solicitation of commerce, including but not limited to advertising of any business or product/service for sale:
- Conduct in violation of any federal, state or local law:
- Encouragement of illegal activity:
- Information that may tend to compromise the safety or security of the public or public system:

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- Content that violates a social media platform's policies or terms of use, as may be updated;
- Uploading or attaching files that contain viruses, corrupted files, or any other similar software or program that may damage the operation of the District or another's computer;
- Materials that falsify the origin or source of software or other material contained in a file that is uploaded;
- Content that violates a legal ownership interest, such as a copyright or trademark, of any party; and/or
- Content that violates another person's right to privacy.

f. Standard Guidelines

Attached as Exhibit A to this Policy is a standard guideline that staff should tailor to any District social media site and post on the same, when feasible.

g. Privacy Notice

District employees using the Internet, E-mail, voice-mail, and social media while performing their work duties and/or using District technology are advised that the District will from time to time monitor systems activities through automated computer programs and other means. In that regard, the District may conduct reviews of the content of messages and files, and websites visited on the Internet, including random reviews when in the exercise of its business judgment, the District determines that it would be prudent to do so. As a result, District employees have no expectation of privacy in any District-provided computer equipment or electronic communications equipment. Employees are not authorized to access E-mail accounts other than those provided on the District Intranet (no AOL, Gmail, Earthlink, Yahoo, etc.).

EXHIBIT A: STANDARD GUIDELINE FOR POSTING ON SOCIAL MEDIA SITES

On any District social media site, the following should be posted, when feasible:

"This is an official (Facebook, Twitter, YouTube) page of the San Mateo County Harbor District (District). For more information about District, please visit [http:// www.smharbor.com/](http://www.smharbor.com/). This site is intended to serve as a mechanism for communication between the public and District about the (describe topics) and as a forum to further District's mission. Any comment submitted to this page and its list of fans may be considered a public record which is subject to disclosure pursuant to the California Public Records Act. [INSERT LINK TO POLICY IF FEASIBLE]"

For Facebook or any site that allows comment, the page shall also include a Comment Policy Box with the following disclaimer:

"Comments posted to this page will be monitored and inappropriate content will be removed. Under the District's Social Media Policy, the District will remove any prohibited content, including: (1) information that may compromise public safety, public security or efficient District operations; (2) conduct or encouragement of illegal activity; (3) sexual content or links to sexual content; (4) profane language or content; (5) threatening, violent, hateful, or malicious statements concerning individuals; (6) content that is false, factually inaccurate, or materially misleading; (7) content that violates a legal ownership interest of any other party, such as trademark or copyright infringement; (8) content that violates a social media platform's policies or terms of use, as may be updated; (9) comments or content not germane to the District; (10) solicitations of commerce, such as product advertisements; (11) content that promotes, fosters, or perpetuates discrimination on the basis of race, religion, color, sex, gender identity, gender expression, sexual orientation, national origin, ancestry, citizenship status, uniformed service member status, marital status, pregnancy, age, medical condition, physical or mental disability (whether perceived or actual), and genetic information; (12) content that defames or threatens to defame the District, any third party, any individual or any group of individuals; (13) uploading or attaching files that contain viruses, corrupted files, or any other similar software or program that may damage the operation of District or another's computer; (14) materials that falsify the origin, or source of software or other material contained in a file that is uploaded; and (15) unauthorized disclosure of confidential, sensitive, or proprietary information.

The District however, disclaims any and all responsibility and liability for any materials that are prohibited under the District's Social Media Policy, which cannot be removed in an expeditious and otherwise timely manner. The District does not necessarily endorse, and is not responsible for, any content that has been submitted by any other party. [INSERT LINK TO POLICY IF FEASIBLE]"