

# Policy      Status: Approved

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## **Document:**

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## **OBJECTIVE**

To provide internal procedures to be followed by Councillors and Council staff relating to the use of email and fax services including the creation, access, transmission, retention and management of email and fax services provided by Council.

The objectives are:

- (i) To make all Council personnel aware of Council's email, fax and Internet policies;
- (ii) To ensure that Council's computer system is used in the most efficient manner;
- (iii) To ensure that all of Council's business emails and faxes are preserved as required by the NSW State Records Act 1998 and its amendments.

# **POLICY**

## **1. Scope**

This policy covers all incoming and outgoing email and fax messages received or transmitted via Council's computer network. The use of email and faxes to Council employees is not a right but is subject to and conditional upon compliance with this policy. Email and fax messages and their attachments are taken to be corporate records if they serve to document Council's business. Corporate records include, but are not limited to, the following:

- Working papers detailing developments of reports and documents;
- Final versions of reports;
- Policy documents and statements;
- Formal minutes of Council committees;
- Formal communications between Council officers;
- Formal communications between Council officers and external agencies, organisations or individuals;
- Email and faxes.

## **2. Purpose**

The purpose of this policy is to ensure the proper use of Cessnock City Council's email and fax system and applies to all Councillors, Council employees, contractors, consultants, temporary and casual staff, and other authorised personnel of Cessnock City Council.

Council makes electronic mail available to its staff so that they may efficiently share and exchange information in the pursuit of Council's goals and objectives.

## **3. Legislative Requirements**

Email and fax (external/internal) forms part of the official business communication of Cessnock City Council. Email and faxes are governed by the same legislative requirements as other business documents and records of Council, ie State Records Act 1998, Freedom of Information Act, Privacy & Personal Information Protection Act 1998, NSW Public Sector Code of Conduct.

## **4. Legal Obligations**

Emails and faxes sent or received contain information about business activities and therefore can function as evidence of business transactions in a court of law. They are subject to legal processes such as discovery and subpoena. The records may also be required by Royal Commissions, auditors and other people/bodies to whom they may be subject.

Electronic messaging systems are communication devices like the telephone, fax or post, and as such cannot be isolated from Council's Electronic Communications Management System (ECMS).

## **5. Email and Faxes as Official Records**

Email and fax messages are official records of Council's business. Legislation requires Council to be accountable for that business. Transactions that provide evidence of business activities and are required for ongoing business should be documented in the ECMS to provide an official record.

Email and fax messages that document what happened, decisions made, advice given, who was involved, when it happened, order of events and decisions should be saved and profiled with the correct document type, completed metadata and attachments, and stored in the appropriate libraries & binders in the ECMS.

## **6. Email and Fax Policy Statement**

All email accounts are the property of Cessnock City Council and are provided to Councillors and employees to be used primarily for legitimate business purposes, unless the Councillors/employees have prior approval from the General Manager. The standard internal email system is Lotus Notes. Internet (external) e-mail is accessible through Council's E-mail Server and adheres to the following naming standard: Firstname.LastName@cessnock.nsw.gov.au. Internet e-mail accounts are installed on a needs

basis and are not automatically installed for all staff. An authority from a Director to create a new e-mail account is forwarded through the CRMS to the Information Technology Section for both internal and external email connections. Staff granted email access are responsible for ensuring all relevant emails and faxes created are recorded in the ECMS. All email accounts including the data and messages contained within or transmitted via them are the property of Council and are primarily intended for business use only. Councillors and all employees are advised that they do not have any personal or proprietary rights over such email accounts.

Council cannot guarantee the privacy or confidentiality of any email or fax messages sent internally or via the Internet. Council reserves the right, at any time and without the consent of the user, to inspect, monitor, examine, copy, store, forward, delete and disclose the contents of email and fax messages, especially in relation to subpoenas and legal disclosures. Information Technology and Information Services staff with the specific authorisation of the General Manager are the only staff authorised to undertake such procedures under strict disclosure conditions.

The State Records Act 1998 identifies the Australian Standard for Records Management AS/ISO 15489 as the applicable code of best practice. This code has been adopted to meet the needs and protect the interests of Council, its clients and others affected by its actions and decisions made as official records.

## **7. Information Protection, Privacy and Confidentiality**

1. Council employees should not use the e-mail and fax system to transmit any classified, staff in confidence, commercial in confidence, restricted or sensitive material. Sensitive or personal information transmitted by email or fax cannot be guaranteed as completely private, the potential exists for sensitive information to be read by or misdirected to unauthorised persons unless it has been encoded or encrypted.
2. Email systems should not be assumed to be secure. Any email information deemed important should be stored as a document on the ECMS. Old email documents will be purged from Council's Email Server. Documents purged will not be retrievable.
3. Councillors and Council employees must safeguard Council information. Information belonging to others such as Council customers and suppliers must be safeguarded from unauthorised or accidental disclosure, modification, damage or destruction. Use of customer and supplier information is to be consistent with Council's policy and procedures relating to the Privacy and Personal Information Protection Act and Council's Code of Conduct.
4. Councillors and Council employees should notify Information Technology staff of any unusual systems behaviour immediately as this might indicate security or virus related problems.
5. Email records must remain accessible while they are required to meet business and accountability requirements.
6. To remain accessible over time they must be migrated across changes in software and hardware platforms. When migrating records the Information Technology section will ensure that the original content, structure and context of the message is retained. Email records incorporated into the ECMS must be protected from alteration or manipulation.
7. Access to email is limited to Councillors and Council employees who have been authorised to do so. Council employees are issued with a user ID and password to protect email against unauthorised access.
8. Virus infection of email systems is becoming more prevalent, viruses are being sent over the Internet on a daily basis. The virus scanner installed on the network should not be totally relied on as no scanning software can give 100% guaranteed protection.
9. Unless file attachments (especially sent over the Internet) can be positively identified they should be totally deleted and NOT opened as they may contain viruses. The Information Technology section must be notified if questionable attachments are received and/or the recipient is unsure of what to do.

## **8. Management of Email and Faxes**

1. In order to function effectively as an official record, email and fax messages need to retain their content, structure and the business context in which they occurred. Structure refers to the layout of the message and links to attachments in that message. Context refers to the information documenting the source and destination of the message and other information usually in the header.
2. Email and fax messages like other business records have different values, some are needed for ongoing business and others have only short-term value. The value of an email message is determined by whether it relates to a business transaction/activity or contains information only or private messages.
3. An electronic document (email and fax) becomes an electronic record when it takes part in a business transaction. Records that document business activity are vital for supporting informed decision making and ensuring accountability.
4. Business transactions should be captured into the ECMS. These electronic documents need to be retained in accordance with approved retention periods as listed in the Local General Records Disposal Authority (GDA 10).
5. Both the originator and the recipient of electronic documents need to determine whether they are considered to be a business transaction that should be captured as an official record. Some email and fax messages are not regarded as records because they have not participated in a business transaction or been created to document such a transaction, consequently they are not required to function as evidence of business. These email messages that do not have a business context are generally of short-term value, ie they are information only or personal messages and do not require capturing and registration into the ECMS. Under normal administrative practice provisions of the State Records Act 1998 (Part 3 – 22 (1)) these electronic documents of short-term value can be destroyed without prior approval.
6. The permitted use of Council's email and fax system must be consistent with other relevant laws, policies and practices regulating:
  - Copyright breaches and patent materials legislation;
  - Council's Code of Conduct;
  - Sexual Harassment policies;
  - Anti Discrimination legislation.

See '10. Inappropriate Usage of Email' section for further clarification.

## **9. General Procedures for Use of Email and Fax**

1. Reasonable personal use of Council's email and fax system should be consistent with such use of the telephone. Private use is a privilege, which needs to be balanced in terms of operational needs, its use must be appropriate, lawful, efficient, proper and ethical. Clearly identify Council business with the appropriate references.
2. Any opinions expressed in e-mail and fax messages, where they are not business related, should be specifically noted as personal opinion and not those of the Council.
3. Do not put anything in email or fax that would not be put in any other type of Council document. Include clear and concise information to avoid misinterpretation. It should be noted that email and fax documents can be used as evidence in court.
4. Council is judged by the quality of written communication; spelling and grammar is important (use the spell check provided in Lotus Notes and Microsoft Word/Excel). Council policies and formats should be adhered to, eg use only Council approved templates.
5. For incoming external emails and faxes, it is the Information Services section's responsibility to access the email and faxes from their journals and to profile and save into the ECMS.

6. For outgoing emails and faxes, the sender is required to ensure the documents are profiled and saved in the ECMS.
7. As a general guide when sending an email or fax the author shouldn't write or convey anything about a person or company they would not want that person or company's legal representative to read.
8. Keep electronic copies of e-mail for ongoing business reasons only, once the business transaction is complete it should be stored in the ECMS.
9. It is the sender's responsibility to save and profile electronic documents that are sent internally to staff for information or externally to Council customers, eg Staff memos, reports or other notes that are not already available in the ECMS.
10. Delete or archive all short term or information only/personal email messages regularly (at least monthly), the bigger the email database the slower the access to the system, this includes 'Notes' inbox and 'Sent Items' box.
11. Email messages, which need to be retained for reference purposes, should be saved in your personal folder in the ECMS. It should be destroyed when reference ceases.
12. Under certain circumstances it is possible to retrieve deleted or lost e-mails but this procedure should not be relied upon as an archiving strategy and should only be used in an emergency. IT staff will need to be contacted via CRMS if this is necessary.

## **10. Housekeeping**

Every Council employee should ensure that his/her e-mails are reviewed at a minimum, twice daily.

1. It is the responsibility of the user to manage documents in their mail folders in order to conserve memory space on the mail server. It is recommended that folders be sentenced per parts 8, 9, 10 of General Procedures for Use of Email and Fax and other sections of this policy.
2. For periods of leave, use the "Out of Office" facility on the Lotus Notes System.
3. Assign mail and calendar reader access to your supervisor and or officers that are performing your various roles whilst you are on leave.

If you are unsure of the procedures for the use of items 1, 2 or 3, please discuss your concerns with Council's Information Services and Technologies sections.

## **11. Inappropriate Usage of Email and Fax**

The following are examples of inappropriate usage of email and fax facilities:

Using email accounts for non-business purposes, ie 'junk' mail.

Sending or distributing 'chain' letters, 'hoax' mail etc.

Modifying or not using the standard Lotus Notes or Word templates.

Using email or fax to solicit outside business ventures or actions in violation of Council policy.

Using email to distribute software which is inconsistent with any vendor's licence agreement.

Using email to request, access, transmit or convey fraudulent, illegal, offensive, threatening, abusive or harassing materials which violates Council's Code of Conduct, and Privacy and Personal Information Protection Act etc.

Using language that may be offensive to another user, eg profanity and obscenities.

Use of email to harass, abuse, intimidate or interfere with the ability of others to conduct Council

business.

Unauthorised accessing of data or attempt to breach any security measures on the system, attempting to intercept any data transmissions without authorisation.

Sending email and fax messages of a defamatory nature, e-mail and faxes can be used as evidence in a court of law, Council can be held liable for published defamatory material.

Use of email or fax to disclose or transmit any classified, staff in confidence, commercial in confidence, restricted or sensitive material. The distribution of information via email (excluding business or personal messages, eg birthday, baby birth or social club details) such as Trade Union or Community Group material must be authorised by the General Manager prior to distribution.

## **12. Violations and Auditing of this Policy**

Council employees who violate any copyright or license agreements are acting outside the scope of their employment terms and conditions may be held personally responsible for such infringements.

Council employees may be subject to limitations on their use of email as determined by the General Manager.

Council's Information Services & Technology staff will undertake periodic monitoring and auditing of activities to ensure staff compliance with the acceptable usage of email and fax in reference to this policy.

Use of the email system indicates consent to such activities.

Council employees who violate this policy may be subject to disciplinary action.

Violating this policy may also contravene the law or relevant legislation and may subject the employee, Councillor and/or Council to criminal or civil actions.

This policy is issued under the authority of the General Manager and will be reviewed and amended as required in consultation with Directors, Managers and Staff of Council.

## **13. Relevant Policies**

Council's Records Management Policy documents the recordkeeping practices and policy of Cessnock City Council. Users should refer to this policy in relation to Council's recordkeeping requirements.

Council's Code of Conduct.

Council's policy on Equal Employment Opportunities.

Council's Policy on Sexual Harassment.

Copies of these policies are available on the Policy & Procedures module on the ECMS.

## **14. Definitions**

### **14.1 Accountability**

The principle that individuals, organisations and the community are required to account to others for their actions. Councillors and staff are accountable to appropriate regulatory authorities, ratepayers and community members, to meet statutory obligations, audit requirements, relevant standards and codes of practice, and community expectations.

### **14.2 Business Activity**

Umbrella term covering all the functions, processes, activities and transactions of an organisation and its employees (AS 4390 Part 1 – Clause 4.6).

Records that document business activity are vital for supporting informed decision making, corporate memory and ensuring accountability.

Email containing evidence of business transactions such as:

- A directive or approval for a particular course of action;
- Formal communications between internal officers or external agencies;
- Final versions of reports;
- Policy documents and statements;
- Formal minutes of Council Committees.

Which are not already captured in Council's ECMS.

This material is distinct from:

- Information only messages;
- Duplicates or working copies/memos;
- Private messages or personal comments between officers.

Which would not provide evidence or be required for accountability purposes.

### **14.3 *Customer Request Management System (CRMS)***

A module of the ECMS. This manages all actionable activities, requests and complaints within Council.

### **14.4 *Electronic Document Management System(EDMS)***

A module of the ECMS. This manages all documents, plans and records that form part of Council's business activities.

### **14.5 *Electronic Document***

Email and faxes are examples.

### **14.6 *Disposal***

A range of processes associated with implementing appraisal decisions. These include the retention, deletion or destruction of records in or from recordkeeping systems. They may also include the migration or transmission of records between recordkeeping systems and the transfer of custody or ownership of records. All disposals are to be conducted in accordance with General Disposal Authorities of the State Records Act 1998.

### **14.7 *Documents***

Structured units of recorded information, published or unpublished in electronic form and managed as discrete units in Council's ECMS.

### **14.8 *Document Profile***

The information that is encoded into the summary of a saved document in the EDM.

### **14.9 *Electronic Business Paper (EBP)***

A module of the ECMS. This module manages the reports, agendas, minutes and actions of Council meetings.

### **14.10 *Electronic Communications Management System (ECMS)***

This is a suite of modules made up of Electronic Mail and Calendaring, CRMS, EDM, P&P, EBP. This manages all of Council's Electronic Information and Records.

#### **14.11 *Electronic Mail (Email)***

A module of the ECMS. Email is a computer-based message sent over a communications network to one or more recipients. It may be transmitted with attachments such as electronic files containing text, graphics, images, digitised voice and video or computer programs.

#### **14.12 *Electronic Messaging***

This includes electronic mail for text messages, voice mail, electronic document exchange (Electronic FAX), electronic data interchange (EDI), and multi media 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.

#### **14.13 *Electronic Records***

Records communicated and maintained by means of electronic equipment.

#### **14.14 *Evidence***

Information that tends to prove a fact. Not limited to the legal sense of the term.

#### **14.15 *General Disposal Authority 10 (GDA 10)***

The authority to sentence and dispose of records under State Records Act 1998.

#### **14.16 *Metadata***

Data about data. Metadata describes how and when and by whom a particular set of data was collected and how the data is formatted. Metadata is essential for understanding information stored in document management systems and data warehouses.

#### **14.17 *ODMA(Open Document Management API)***

ODMA allows desktop applications to interface with electronic document management systems. This is the Metadata used to search for documents.

#### **14.18 *Policy & Procedures (P&P)***

A module of the ECMS. This manages all Council's documented policies procedures, practice notes and codes.

#### **14.19 *Recordkeeping***

Making and maintaining complete, accurate and reliable evidence of business transactions in the form of recorded information.

#### **14.20 *Recordkeeping Systems***

Information systems which capture, maintain and provide access to records over time.

#### **14.21 *Record***

Means any document or other source of information compiled, recorded or stored in written form or on film, or by electronic process, or in any other manner or by any other means.

#### **14.22 *Records***

Recorded information in any form, including data in computer systems, created or received and maintained by an organisation or person in the transaction of business or the conduct of affairs and kept as evidence

of such activity.

#### **14.23 *Records Disposal Authority***

A systematic functional listing of records created by an organisation which plans the life of those records from their creation to their disposal, eg GDA 10.

#### **14.24 *Records Management***

The discipline and organisational function of managing records to meet operational business needs, accountability requirements and community expectations.

#### **14.25 *Registration***

The act of giving a record a unique identity in a recordkeeping system.

#### **14.26 *Sentencing***

The minimum timeframe that a designated a class of record must be kept by Council under GDA 10.