

## CITY OF NOVI

### TECHNOLOGY USE AND ELECTRONIC RECORDS POLICY

#### A. Purpose.

The purpose of this Technology Use and Electronic Records Policy is to establish guidelines and policies for use of the computer, Internet, and e-mail systems owned by the City of Novi, as well as for the preservation of the public records created and received using these systems.

This Policy is developed in recognition of the current work environment, where a large portion of communications between public employees transacting public business on behalf of the City is done through electronic means. Although there are many benefits to working in an electronic forum, there are also many challenges, including the ability to easily modify electronic documents and concerns about the security of public records. Adherence to this Policy will provide consistency, efficiency, and openness to the public and help lessen any potential negative impacts to the City as it increases its reliance on electronic methods of conducting City business.

#### B. Definitions.

Electronic mail (e-mail): A means of exchanging electronic messages and documents using telecommunications links. A complete e-mail message not only includes the contents of the communication, but also the transactional information, aka metadata (dates and times that messages were sent, received, opened, deleted, etc., as well as aliases and names of members of groups), and any attachments. Transactional information can be found and printed or saved from the e-mail system

Electronic records: Electronic records include e-mail messages, word documents, electronic spreadsheets, digital images, and databases. Electronic records are kept in computer networks, Geographic Information System (GIS) databases, digital image storage systems, etc.

Records Retention and Disposal Schedule: The listings of records or records series that are maintained by the City of Novi in the course of conducting its official business that identify how long the records must be kept, when they may be destroyed, and when certain records can be sent to the Archives of Michigan for permanent preservation. In accordance with Michigan law ([www.michigan.gov/hal](http://www.michigan.gov/hal)), records cannot be destroyed unless their disposal is authorized by the approved State Retention and Disposal Schedule. The City of Novi's Records Retention and Disposal Schedule was adopted November 7, 2008 by the Michigan Historical Center and the State Administrative Board.

Public Record or Record: Recorded information that is prepared, owned, used, in the possession of, or retained by the City in the performance of an official function, as more fully defined and interpreted under the Freedom of Information Act ("FOIA"), being MCL 15.231.

Transitory record: Records relating to activities of the City or its employees or elected or appointed officials that have temporary value and do not need to be retained once their

intended purpose has been fulfilled. A transitory record is that which does not set policy, establish guidelines or procedures, certify a transaction, or become a receipt.

Non-records: Recorded information in the possession of the City that is not needed to document the performance of an official function, such as drafts, duplicates, convenience copies, publications, and other materials that do not document agency activities.

Personal records: Records that document strictly non-governmental business or activities.

## **C. Electronic Communications and Internet Use.**

### **1. Purpose.**

The purpose of this Technology Use and Electronic Records Policy is to assist the City of Novi employees in their day-to-day conduct of business activities. This Policy sets forth the City's policies regarding the use of e-mail, Internet, telephones, voicemail, fax machines, external electronic bulletin boards, wire services, and other telephonic communication equipment. All authorized users are expected to be familiar with and comply with this policy. Violation of this policy can lead to system privileges being revoked and/or disciplinary action, including, but not limited to, termination of employment.

The City of Novi encourages the use of these media and associated services, as they can make communication more efficient and effective, and because they can provide valuable information about vendors, customers, technology, and new products and services. However, all employees and others connected with the City should remember that electronic media and services provided by the City are public property and their purpose is to facilitate and support City business. All users of these systems have a duty to use these resources in a professional and lawful manner.

The computer network and e-mail systems are the property of City of Novi. All electronic communication and other information transmitted by, received from, or stored in these systems are the property of the City.

### **2. Prohibited Uses.**

- a. Electronic media shall not be used for knowingly transmitting, retrieving, or storing any communication that:
  - i. Is in violation of state or federal law;
  - ii. Shares technology in a way that violates federal copyright laws;
  - iii. Circumvents the Open Meetings Act;
  - iv. Misrepresents the user's identity, except where authorized as part of a law enforcement operation, task or purpose.
  - v. Results in a hostile workplace environment;
  - vi. Contains an offensive, disruptive or malicious message;
  - vii. Is discriminatory or harassing;
  - viii. Is defamatory or threatening;
  - ix. Is for political or religious purposes;

- x. Is for purposes of lobbying or solicitation;
- xi. Creates or forwards chain letters;
- xii. Violates license governing the use of software; and/or
- xiii. Creates any liability for City of Novi.

b. The Internet and/or World Wide Web shall not be used for the following purposes:

- i. Browsing or use of restricted content sites;
- ii. Commercial purposes other than the business of the City;
- iii. Participating in gambling, betting pools or investment clubs;
- iv. Downloading non-business related data, and/or
- v. Downloading non-approved applications programs.

### 3. Personal Use.

The computers, electronic media, and associated services provided by the City of Novi are primarily for business use to assist employees in the performance of their jobs. Limited, occasional, or incidental use of electronic media (sending or receiving) for personal, non-business purposes is understandable and acceptable, and all such use should be done in a manner that does not negatively affect the systems' use for their business purposes. However, employees are expected to demonstrate a sense of responsibility and not abuse this privilege.

### 4. E-Mail.

a. Only City of Novi employees who have an e-mail account and password are permitted to use these systems. However, passwords do not imply confidentiality, nor do they grant the user an expectation of privacy. All users of the system must receive a copy of this Policy, and acknowledge receipt of same in writing. Copies of such signed acknowledgment will be kept in the employee's personnel file. Upon separation of an employee from City employment, that user's e-mail account will be terminated.

b. Electronic Records may be subject to the Michigan Freedom of Information Act and discovery in litigation to the same extent as and with the same exemptions as those applicable to paper documents. The City reserves the right to inspect any e-mail found in its system for its business activities, and to disclose the contents of any e-mail to appropriate personnel.

c. Employees should also consider that e-mail messages can be read by persons other than the addressee and that the message may be later disclosed to outside parties or a court in connection with litigation. Therefore, employees are required to maintain the highest standards of good grammar, courtesy, and professionalism when creating and transmitting electronic records.

d. For purposes of record retention, Electronic Records related to an email account are subject to the same retention/disposal schedule applicable to City paper files and documents of like type.

e. The City's Information Technology Department shall be responsible for establishing, maintaining, and monitoring all City-provided e-mail accounts. Requests for new accounts must be approved by the I.T. Department.

f. It is the responsibility of **each employee** to organize, extract, and purge e-mail at their workstation in accordance with the applicable record retention schedule within a six month timeframe. E-mail older than six months will be purged automatically from each users e-mail account.

g. The Information Technology Department shall establish the maximum e-mail account size for each employee. It is the responsibility of each employee to manage their e-mail account within these storage limitations.

5. Internet/World Wide Web.

a. Use of the Internet shall be for the purpose of, or in support of education; research; state, local or national government affairs; economic development; City-related charitable activities; public service; personal communications; and individual professional development.

b. Employees should not have any expectation of privacy regarding web sites accessed through the computer system. Computer systems may leave "tracks" at web sites visited. Therefore, any incidental use of the Internet for personal use must be conducted with the highest level of professionalism. Personal use should be limited and not interfere with work responsibilities or work time.

c. It is unacceptable to interfere with, or disrupt another network's users, or service equipment. Such interference or disruption includes, but is not limited to:

- i. Exceeding normal user privileges.
- ii. Creating accounts or using any account without authorization.
- iii. Probing or tampering with any security feature or file.
- iv. Exploiting any security vulnerability.
- v. Distribution of unsolicited advertising.
- vi. Transmitting excessive amounts of non-business related e-mail.
- vii. Propagation of computer worms or viruses.
- viii. Transmission of any type or quantity that causes disruption of service to others.
- ix. Using the network to make unauthorized entry, or other acceptable use, to other computational, information, or communications devices or resources.
- x. Sending, receiving, transferring, storing, or using sniffers, spoofers, hacking scripts, etc.

d. Employees who share their passwords with others and/or leave their computers unattended with an open web browser may be held responsible for any resulting unauthorized usage.

6. Software.

The City prohibits the unauthorized use of City software. The City expects its employees to conduct themselves responsibly in this regard. Employees will refrain from making or using unauthorized copies of software programs. Employees may not install or run outside software. Software requests must be approved, purchased, and installed by Information Technology Department staff.

7. Reporting Violations.

Use of the computer system to engage in any communications that are in violation of any City policy, including, but not limited to, the acquisition, possession, or transmission of defamatory, obscene, offensive, or harassing material, is strictly prohibited. If you are harassed or discriminated against through the use of the City computer system, you must immediately report this to the Chief Information Officer. Any employee who violates this Policy may be subject to discipline as set forth in this Policy.

**D. Electronic Records Retention.**

1. Purpose.

In order for the City of Novi to function administratively, undergo periodic audits, provide for its legal requirements, and document its heritage, it must manage its records properly. Therefore, the City of Novi requires its employees to retain and destroy Electronic Records that are created, sent and received in the course of conducting official business in accordance with the City's approved Records Retention and Disposal Schedule.

Anything, on any medium that is created for any governmental purpose, as defined herein, is subject to disclosure as a public record. Consequently, all Electronic Records created, sent, and/or received for a government purpose are public records and are subject to the Records Retention and Disposal Schedule. Electronic mail systems can transmit a wide variety of information; therefore, the length of time that an Electronic Record has to be retained varies according to the content of the Electronic Record. In short, the content and not the medium determine how long the Electronic Record has to be retained.

All employees of the City of Novi, including part-time and temporary workers, and all others who have been granted access to, or who use or administer, the electronic mail resources of the City, or who transact public business via e-mail on behalf of the City are covered by this Policy and must comply with associated guidelines and procedures.

2. Retention Requirements.

All public records, including e-mails and other documents created, received, or maintained in an electronic format, are required by law to be retained and disposed of in accordance with the City's duly adopted Records Retention and Disposal Schedule. Each employee of the City of Novi is responsible for familiarizing themselves with the retention and disposal schedule for the public records with which they deal on a daily basis, and maintaining those public records in accordance with the Records Retention and Disposal Schedule and this Policy.

Transitory records have limited administrative value and should be retained only until they no longer serve a purpose. For example, e-mails sent for the purpose of scheduling a meeting are no longer needed once the meeting has been held, and should be deleted immediately thereafter.

Non-records should be retained and disposed of in accordance with Schedule No. 1 of the City's Records Retention and Disposal Schedule.

Personal e-mails and SPAM are not to be retained on City-owned computers and should be deleted immediately. Failure to delete these e-mails not only takes up valuable storage space on the City's computer system, but also, in certain circumstances, may result in such records being produced in response to a FOIA request, litigation discovery request, or subpoena.

4. Employee Responsibilities.

a. Each employee is responsible for managing all the Electronic Records they create, send, and receive; managing those e-mails means that each employee must sort, file, retrieve, and archive or delete the e-mail in accordance with this policy.

i. Sorting involves promptly deleting Electronic Records as allowed by this policy. Sorting also involves routinely filing Electronic Records that must be retained for the applicable retention period.

ii. Filing Electronic Records for short term storage involves moving the Electronic Records into appropriate folders created within the computer system. For Electronic Records that must be retained for longer timeframes, it may also mean printing and filing hard copies of Electronic Records in a paper file or converting the e-mail into another software format for long-term electronic filing.

iii. Retrieving means that, upon request, employees must promptly retrieve Electronic Records for which they are exclusively responsible (that is, sent or received from outside the City). Electronic Records that are retrieved must include the transmission properties of the e-mail (i.e. metadata). Upon receipt of a FOIA or litigation discovery request, the employee responsible for the requested Electronic Record must find and retrieve it in a timely matter.

iv. Archiving or deleting filed Electronic Records must be done in accordance with the City's Record Retention and Disposal Schedule. Archiving means the long-term storage of an Electronic Record according to the applicable retention schedule. As always, the transmission properties of the Electronic Record are considered part of the Electronic and must be archived.

(A) The content of the Electronic Record determines the applicable retention schedule.

- (B) Electronic records should be deleted or archived as soon as possible in accordance with this Policy. However, records relevant to pending or reasonably anticipated litigation or responsive to a FOIA request must be preserved even if the record retention schedule allows for its destruction.
- (C) The Information Technology Department will maintain an enterprise-wide e-mail archive. E-mail older than two years will be automatically deleted from the archive.

b. Senders and recipients of Electronic Documents shall evaluate each document to determine if they need to keep it as documentation of their role in a business process and in accordance with this Policy and the approved Records Retention and Disposal Schedule.

c. Senders are generally considered to be the person of record for an Electronic Record, and as such are responsible for maintaining the original as the official record for the City. However, if recipients of the message take action as a result of the message, they should also retain it as a record as long as it serves a useful purpose. Employees who receive Electronic Record as a “cc” or “bcc” do not need to retain those communications or documents.

d. Employees should retain only the final message in a communication thread or string that documents the contents of all previous communications. This is preferable to retaining each individual message, which contain duplicate content. E-mail threads or strings should be retained in accordance with the subject matter of the discussion rather than based on the subject line of the e-mails. Drafts of Electronic Records generally do not need to be retained once the final version has been sent or approved, unless otherwise required by the City.

e. Employees shall become familiar with the Records Retention and Disposal Schedule applicable to their department and/or work area.

f. Employees shall retain Electronic Records that have not fulfilled the legally-mandated retention period.

g. Employees shall organize their Electronic Records so they can be readily located and used.

h. Employees shall dispose of transitory, non-record, and personal e-mail messages from the e-mail system as soon as possible, and in accordance with this Policy.

i. Employees shall provide access to their e-mail to the FOIA Coordinator or Chief Information Officer upon request.

j. Recognizing that e-mail messages that are sent and received using the City of Novi’s e-mail system are not private, employees are encouraged

to manually delete personal appointments (such as sick leave or annual leave) from the e-mail system after the event takes place. Employees should have no expectation of privacy when using City-owned computers.

- k. Employees shall not delete Electronic Records that constitute a public record under this policy and Michigan law except in accordance with the City's approved Records Retention and Disposal Schedule.
- l. Employees shall make every effort to ensure that electronic records deemed "confidential" or that are exempt from disclosure by law are protected. Questions about an Electronic Record and its status as confidential or exempt should be directed to the City Attorney. An Electronic Record that is intentionally or accidentally forwarded to a party outside the City can lose its confidential/exempt status.

4. City of Novi's Responsibilities

- a. The City shall ensure that its Records Retention and Disposal Schedule is in conformance with the laws governing record retention.
- b. The City shall ensure that employees with computer privileges have the means and opportunity to make themselves aware of and implement this Policy.
- c. The City shall ensure that Electronic Records are preserved in an electronic format and will be maintained in a manner that ensures their authenticity, reliability, and integrity. They must be maintained with sufficient data about the creation, routing, and receipt of the Electronic Records, as well as other objects such as text files, embedded documents, images, or hyperlink references. The City shall ensure that all Electronic Records are maintained in a usable manner throughout the required retention period.
- d. The City shall ensure that when Electronic Records with long-term retention requirements are migrated, they are moved to a storage medium and format that protects the content, metadata, attachments, hyperlink references, and proof of delivery receipt, where applicable.
- e. Respective department heads shall notify the Information Technology Department when an employee has left the employment of the City of Novi so that their network account and related information can be closed in the appropriate manner.
- f. It is the responsibility of the individual department heads to insure that Electronic Records of exiting employees are retained in accordance with approved Retention and Disposal Schedules.
- g. The FOIA Coordinator shall notify the Information Technology Department when an agency becomes involved in litigation or receives a FOIA request.

5. FOIA Coordinator Responsibilities.

a. The FOIA Coordinator shall verify that responses to FOIA requests received from the various departments include all responsive Electronic Records.

b. The FOIA Coordinator shall notify affected employees that a FOIA request involving Electronic Records was received to prevent the destruction of responsive Electronic Records

c. The FOIA Coordinator may, in appropriate instances, notify the Chief Information Officer that a FOIA request involving Electronic Records was received to prevent the destruction of relevant messages.

RECEIPT AND UNDERSTANDING OF POLICY

I have read and understand the City of Novi Technology Use and Electronic Records Policy.

By signing below, I acknowledge receipt a copy of the policy, and hereby agree to abide by its provisions.

\_\_\_\_\_  
Signature of Employee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name (Printed)

\_\_\_\_\_  
Department

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