

Pine Technical College Policy and Procedure

Policy Number: 700	Date: 03/20/00	Revision Date:
Division/Department: Information Systems	Author: Ken Ries	
Subject: Statewide Electronic Communications and Technology Ethics		

Authorities: Minnesota Statutes 1996, section 43A.38, subdivision 4

Purpose: The purpose of this policy is to ensure that the employees of the Pine Technical College understand the allowable usage of computer technology purchased with state funds. This policy is provided to allow implementation of the *STATEWIDE ELECTRONIC COMMUNICATION AND TECHNOLOGY ETHICS* within the framework of the Pine Technical policy process.

Policy: Minnesota Statutes declare that the computer equipment and software purchased with state funds are restricted in usage.

Minnesota Statutes 1996, section 43A.38, subdivision 4:

Subd. 4. Use of state property.

(a) An employee shall not use or allow the use of state time, supplies or state-owned or leased property and equipment for the employee's private interests or any other use not in the interest of the state, except as provided by law.

(b) An employee may use state time, property, or equipment to communicate electronically with other persons including, but not limited to, elected officials, the employer, or an exclusive bargaining representative under chapter 179A, provided this use, including the value of the time spent, results in no incremental cost to the state or results in an incremental cost that is so small as to make accounting for it unreasonable or administratively impracticable.

(c) The commissioners of administration and employee relations shall issue a statewide policy on the use of electronic mail and other forms of electronic communications by executive branch state employees. The policy is not subject to the provisions of chapter 14 or 179A. Appointing authorities in the legislative and judicial branches shall issue policies on these issues for their employees. The policies shall permit state employees to make reasonable use of state time, property, and equipment for personal communications and shall address issues of privacy, content of communications, and the definition of reasonable use as well as other issues the commissioners and appointing authorities identify as necessary and relevant.

The Commissioners of Administration and Employee Relations issued a statewide policy, as directed in part (c) of the statute above. This policy, "Statewide Electronic Communication and Technology Ethics", was issued on November 15, 1997. It is reprinted here for the convenience of the reader.

STATEWIDE ELECTRONIC COMMUNICATION AND TECHNOLOGY ETHICS

Effective November 15, 1997

Policy: The State of Minnesota provides a variety of electronic tools such as telephones, computers, facsimile machines, pagers, electronic mail (e-mail) systems, Internet access and a browser for employees whose job performance would be enhanced by the technology. The State faces the challenge of making maximum use of the benefits of such tools, meeting legal requirements for access to information, and providing adequate protection for proprietary information. This policy memorandum governs access to and the appropriate use of this technology during time periods before and after work and during break periods by State employees in the executive branch.

Employee access to and use of electronic tools such as e-mail and the Internet is intended for business-related purposes. Limited and reasonable use of these tools for occasional employee personal purpose that does not result in any additional costs of loss of time or resources for their intended business purpose is permitted.

Department Head Responsibility: Appointing authorities are encouraged to use this policy as a framework for issuing their own departmental policies. Modifications may be made to accommodate individual departmental needs so long as they do not enlarge or diminish what the statutes allow.

Employee Responsibility: Executive branch employees are responsible for appropriate use of e-mail and Internet access. They are expected to adhere to the highest ethical standards when conducting State business and to follow the Code of Ethics and related State statutes applicable to executive branch employees. For example:

Minn. Stat. §43A.38, Subd. 4 provides: "Use of state property.

(a) An employee shall not use or allow the use of state time, supplies, or state owned or leased property and equipment for the employee's private interest or any other use not in the interest of the state, except as provided by law.

(b) An employee may use state time, property, or equipment to communicate electronically with other persons including, but not limited to, elected officials, the employer, or an exclusive bargaining representative under chapter 179A, provided this use, including the value of time spent, results in no incremental cost to the state or results in an incremental cost that is so small as to make accounting for it unreasonable or administratively impracticable."

Minn. Stat. §43A.39, Subd. 2 provides: "Noncompliance. Any employee who intentionally fails to comply with the provisions of Chapter 43A shall be subject to disciplinary action and action pursuant to Chapter 609."

Managers and supervisors are responsible for ensuring the appropriate use of all electronic tools, including e-mail and Internet access through training, supervising, coaching and taking disciplinary action, when necessary.

Each agency is responsible for establishing internal policies regarding password management, encryption, data practices, monitoring access, records retention, and the like, and for communicating those policies to staff. Each agency will ensure that the responsible authorities within their agencies know who can access what, using what technology, and under what conditions.

Appropriate Use: State employees need to use good judgment in Internet access and e-mail use. They are expected to ensure that e-mail messages are appropriate in both the types of e-mail messages created and the tone and content of those messages. Employee use of e-mail and the Internet must be able to withstand public scrutiny without embarrassment to the agency or the State of Minnesota.

Examples of *inappropriate* use include, but are not limited to:

- Illegal activities
- Wagering, betting, or selling
- Harassment and illegal discrimination
- Fund-raising for any purpose unless agency sanctioned
- Commercial activities, e.g., personal for-profit business activities
- Promotion of political or religious positions or activities
- Receipt, storage or transmission of offensive, racist, sexist, obscene or pornographic information
- Downloading software (including games, wallpaper, and screen savers) from the Internet unless agency-sanctioned.
- Non-State employee use

The traditional communication rules of reasonableness, respect, courtesy, common sense, and legal requirements also apply to electronic communication. For example, actions that are considered illegal such as gambling and harassment are not up to the discretion of individual agencies or individual managers or supervisors: these actions break the law whether the behavior is conducted on e-mail or by another means of communication, and they may subject the employee to disciplinary action up to and including discharge.

Employees should be aware that they may receive inappropriate and unsolicited e-mail messages. Any such messages should be reported immediately to the employee's supervisor and any other designated official within the employee's agency.

While employees may make personal use of State technology such as e-mail and Internet access, the amount of use during working hours is expected to be limited to incidental use or emergency situations. Excessive time spent on such personal activities during working hours will subject the employee to disciplinary action.

Union Use: In the interest of maintaining effective labor-management relationships and efficient use of State time and resources, State e-mail systems may be used by employee representatives of the union for certain union activities. Approved uses include posting of meeting notices, investigation and administration of grievances, contract interpretation questions, union election results, and notification of arbitration and unit determination decisions.

State owned property or services including the e-mail system may not be used for political activities, fund-raising, campaigning for union office, union organizing activities, or solicitation of employees for union membership.

Union use of electronic communication technology is subject to the same conditions as employee use of such technology, as set forth in this Policy Memorandum. This includes the conditions set forth in the paragraph below entitled, "Monitoring."

Monitoring: Electronic communication devices such as telephones, facsimile machines, pagers, State e-mail systems and Internet access are State property. Like other State resources, they are intended to be used for State business and other agency-sanctioned activities. The State reserves the right to monitor all use of e-mail and Internet resources at the time of use, during routine post-use audits, and during investigations.

Data that agencies maintain electronically are government data and, as such, are subject to classification and access under the Minnesota Government Data Practices Act, Minnesota Statutes, Chapter 13. Employees should understand that electronic data are not completely secure. For example, e-mail messages can be altered by a recipient and re-transmitted as if from the original sender, or data can be illegally accessed. They should also understand that e-mail messages and Internet transactions, including those they delete or erase from their own files, may be backed up or recorded and stored centrally for system security and investigative purposes. They may be retrieved and viewed by someone else with proper authority at a later date. It is the user's responsibility to use care in communicating information not meant for public viewing.

Because the e-mail and Internet systems are not secure, employees should not send any data classified as not public (private or confidential data on individuals or nonpublic or protected nonpublic data not on individuals) over the e-mail or Internet systems unless the data are encrypted or encoded.

Record Retention Schedules: Record retention schedules are the same regardless of the medium used to create or store the record. See Minn. Stat. §138.17. As a result, some e-mail messages may be official records of the agency and must be retained in accordance with the agency's record retention schedule appropriate for the type, nature and content of the record. Improper disposal may subject the employee and the agency to legal sanctions and other administrative or legal consequences.

Dissemination:

All employees of the Pine Technical College

Reviewed by Leadership Team:	Date: 03/20/00
Reviewed by Faculty Senate:	Date: N/A
Reviewed by:	Date:
Approved:	Date: 03/20/00