



**Town of Westford, MA
Information Technology
Electronic Mail Policy
Draft 5/21/2008**

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1. Purpose of Policy

In addition to anything contained in this policy, the use of Email must also comply with the Information Technology Acceptable Use Policy.

This policy is intended to provide guidelines for the proper use of electronic mail (Email) by town employees, elected and appointed members of town boards and committees and other town officials. Email correspondence provides a convenient and effective way to communicate with town employees, board and committee members, the public, vendors and other governmental agencies. These guidelines apply to members of boards and committees who use personal Email accounts to communicate with town employees and with other town board/committee members. While town employees normally use town equipment and town Email accounts to communicate by Email, on occasion they may use personal Email accounts for town business, in either case these guidelines apply. These guidelines apply to the exchange of Emails related to town business and record keeping related to such Emails. All Email sent and received at a Town-issued address, or any address when in an official capacity, should be considered a public record subject to legal discovery and record retention policies. Email is subject to the requirements of the Public Records Law (Mass. Gen. Laws c. 66) and the Federal Freedom of Information Act.

2. Use of Email

Email may be used by town boards, committees, employees, departments, and local officials to exchange information on town matters. Incidental personal use of Email is permitted but subject to monitoring.

2.1 Email communication amongst board members

The Open Meeting Law applies to Email communication between members of the same board and care must be taken when using Email to ensure compliance with this law. All votes on town matters must be taken at an open meeting, with a quorum of committee/board members present. Participants in an Email exchange should limit their discussion to personal opinion or comment and no attempt should be made by an individual in an Email exchange to influence a potential vote of a town department, board and/or committee or to build consensus toward such vote. Board members may not engage in a deliberation, which involve a quorum of members. Matters of substance pending before a board should not be discussed in an Email by a board member to a quorum of members regardless of whether the Email is sent simultaneously or serially. Certain types of "housekeeping" matters may be communicated via-Email, such as the distribution of materials, correspondence, agendas and reports.

2.2 General Email Communication Among Town Employees/Officials

All Email amongst boards, committees, employees, departments, and local officials is public information. As of May 2, 2008, Westford has a practice of archiving all Email sent and received by users on the Town Email system for a period of 7 years. This Email can be retrieved even if deleted by the user or if the user account is deleted.

2.3 Email – Town Property

An Email account and a computer are provided to selected town employees for use in their work and are to be used for town business only. Such Email and any related online services are the property of the Town of Westford and as such may be inspected at any time per the guidelines of the Freedom of Information Act. Occasional use of Email for personal communications is acceptable as long as the intent does not violate the provisions of Section 5.0 below (Freedom of Information Act).

2.4 Agenda Creation

Meeting agendas may be discussed by Email to confirm scheduling, availability and/or to disclose topical information relevant to an agenda item.

Agendas may be distributed by Email when requested by members of the public, committee or board members and may be abbreviated versions that identify the appointments on the meeting schedule and should be considered drafts.

2.5 Retaining Email Messages

Email messages which are sent or received on an Email account or on equipment that is the property of the Town of Westford are considered public records. Users are considered the custodians of their messages and should maintain messages according to relevant public record law.

Communication by town volunteers and town employees on personal equipment that they provide is their private property and is respected as such. Individuals that provide their own equipment or Email account are expected to use good judgment in balancing the costs to maintain public records on computer files with the relevant public record law. No Town related Emails should be destroyed until a copy has been filed with the Town Custodian of Public Records.

Requests for copies of information from an Email account or a computer system that is the personal property of an individual may be provided at the discretion of that individual.

2.6 Freedom of Information Act/ Public Records Law

The keeper of the records, of each town board/committee/department, or other designated town employee, who is provided a computer system, must provide the public document for inspection to any person who so requests. The keeper must respond to requests made, and provide copies of the document, upon receipt of payment in advance per Section 5.2. It is helpful if the requester knows the titles of the documents and the specific information needed, but the keeper is obliged to assist in specifying the documents needed. The keeper has 10 days in which to respond to a request; a delay beyond this time is assumed to be a refusal.

All relevant information will be provided per the Public Records Law and Freedom on Information Act, per the following guidelines:

- Requests may be verbal or in writing. To avoid confusion, requests are best handled when they are in writing.
- Information will be provided at a cost to cover the collection (man hours to complete the assembly of materials requested) of all Email plus a charge of .50¢ per page reproduced or copied. Payments are to be made in advance and material will not be released until payment is received.

3. Content

Electronic mail should never be used for any illegal activity, including but not limited to, the transmission of copyrighted or trade secret material, the transmission of obscene, defamatory, or threatening material, or the propagation of any type of criminal activity. Electronic mail should also never be used to create offensive or disruptive messages or images. Among those things which are considered offensive are any messages or images which contain sexual implications, racial slurs, gender-specific comments, or any other comment that offensively addresses someone's age, sexual orientation, religious or political beliefs, national origin or disability.

4. Confidentiality

Email (particularly Internet Email) should be viewed as an unsecured mode of communication. Care and caution should be used when transmitting confidential documents. It is strongly recommended that all documents deemed confidential be encrypted in order to protect the integrity of the communication. Employees should never assume that Email messages are personal or confidential. Contact the Technology Department for questions about encrypted files.

5. Privacy

Not all Email records are public documents. For example, Emails containing employee personnel file data or medical history of an employee are examples of information that should never be released without proper consent. Other types of Emails and/or attachments such as litigation documents, settlement agreements, etc. may be considered confidential and private until such time that the matter is resolved and becomes a matter of public record. Such Emails are not subject to release under the Freedom of Information Act.

6. Authenticity

Due to the inherent nature of Email, it is not secure and can be altered or changed by any person sending or receiving information. As such it is not to be interpreted as accurate and reliable unless it is signed and dated by the individual sending the Email as a correct representation of the information provided by them on the date specified.

7. Unsolicited Email

Unsolicited Email received from the Internet should not be opened. The user should delete the message immediately. Never open an attachment, especially if you do not know the source. Opening unknown attachments could initiate a virus.