

**EMNAMBI THI /LADYSMITH MUNICIPALITY
ELECTRONIC COMMUNICATIONS POLICY**

1. PURPOSE

- 1.1 To establish guidelines for the provision of electronic communication equipment and a procedure for the efficient, effective and ethical use of such equipment, software and data;
- 1.2 To encourage usage that enhances overall productivity and to confirm that electronic communications used in the conduct of the business of the Emmbithi/Ladysmith Municipality (the Municipality) are public records;
- 1.3 To prohibit inappropriate use of electronic communication equipment owned by the Municipality.

2. APPLICATION OF POLICY

- 2.1 This policy shall be applicable to all Councilors or staff members who use electronic communication equipment owned by the Municipality for the execution of their official duties.
- 2.2 **All clauses referring specifically to “employees” as well as Clause 11 relating to Cellular Phones shall not be applicable to Councilors.**

3. GENERAL POLICY STATEMENT

The provision of Municipal electronic communication equipment, software and access to the Internet and e-mail facilities are intended to increase productivity in the conduct of official duties within the Municipality. All users of electronic communication equipment shall comply with the Electronic Communications and Transactions Act 2002 and Electronic Communications Act 2005 as it relates to electronic communications. Inappropriate use of information systems or

electronic communication equipment, as defined in this policy, is prohibited.

4. DEFINITIONS

- 4.1 "Electronic communication" is defined as an electronic exchange of information with a citizen, another employee, the internet, and/or the public at large.
- 4.2 "E-mail" means electronic communication that may be sent to another user within the Municipal's information system or to a user outside the Municipal's system via the internet.
- 4.3 "Electronic Communication Equipment" shall mean all electronic equipment, software and/or data used in the performance of official duties and shall include computers, telephones, cell phones, fax machines, printers, scanners, photo copiers and all ancillary equipment associated with the use of computers and any computer network .
- 4.4 "Internet" refers to the World Wide Web.

5. PROVISION OF ELECTRONIC COMMUNICATION EQUIPMENT

5.1 Laptop Computers for Councilors

- 5.1.1 In an effort to enhance prompt and secure methods of communication, all Councilors shall be provided with Laptop Computers and Cell Phone Connectivity, to enable the Administration to send agendas, circulars and general written communication to councilors via e-mail.
- 5.1.2 Councilors shall be responsible for the safeguarding and safekeeping of such Laptop Computers and shall take all steps necessary to ensure that this equipment is not subjected to theft or abuse.
- 5.1.3 Laptop Computers provided to Councilors shall remain the property of the Municipality and shall be returned in a serviceable condition to the Manager Corporate Services should a Councilor vacate office or cease to be a Councilor for whatever reason.

- 5.1.4 The Municipality shall be responsible for the payment of any charges relating to the purchase, rental and insurance of Laptop Computers and Cell Phone Connectivity and it shall not be regarded as an additional benefit to Councilors.
- 5.1.5 It will be the sole responsibility of each Councilor to ensure that all documents sent via e-mail, is downloaded and used during meetings or for the purpose it was intended. No printed agendas or other matter will be provided to Councilors unless it is deemed necessary and approved by the Municipal Manager.
- 5.1.6 Councilors shall be responsible to ensure that Laptop Computers remain in a serviceable condition and shall report any defects or program problems to the Manager Corporate Services immediately.
- 5.1.7 Councilors will be adequately trained in the operational use of computers and shall ensure that they remain proficient.

5.2 Desktop and Laptop Computers for staff members

- 5.2.1 All Executive Managers, Managers and key staff members identified by the Municipal Manager, shall be provided with Laptop Computers and Cell Phone Connectivity, to enable Managers and staff members to receive agendas, circulars and general written communication via e-mail.
- 5.2.2 Managers and staff members shall be responsible for the safeguarding and safekeeping of such Laptop Computers and shall take all steps necessary to ensure that this equipment is not subjected to theft or abuse.
- 5.2.3 Laptop Computers provided to Managers and staff members shall remain the property of the Municipality and shall be returned in a serviceable condition to the Manager Corporate Services should a Manager or staff member leave the service of Council.
- 5.2.4 The Municipality shall be responsible for the payment of any charges relating to the purchase, rental and insurance of Laptop Computers and Cell Phone Connectivity and it shall not be regarded as an additional benefit to Managers or staff members.

- 5.2.5 It will be the sole responsibility of each Manager or staff member to ensure that all documents sent via e-mail, is downloaded and used appropriately. No printed agendas or other matter will be provided to Managers or staff members unless it is deemed necessary and approved by the Municipal Manager. This does not include general correspondence received in the normal course of business.
- 5.2.6 Managers and staff members shall be responsible to ensure that computers and equipment remain in a serviceable condition and shall report any defects or program problems to the Information Technology Section's Helpdesk immediately.
- 5.2.7 It will be the responsibility of Managers of Departments to determine whether other staff members of his/her department should be provided with either Laptop Computers or Desktop Computers.
- 5.2.8 Properly motivated requests for all electronic communication equipment shall be forwarded to the Management Committee for approval.

6. LIMITATION ON PERSONAL USE OF EQUIPMENT

The Municipality's electronic equipment and information systems are intended for professional business use in the performance of official duties by users. Limited personal use may be permitted, with prior approval, according to the following guiding principles:

- 6.1 It is incidental, occasional and of short duration;
- 6.2 It is done in the employee's personal time. Personal time means off-duty, or an unpaid lunch break.
- 6.3 It does not interfere with any employee's job activities.
- 6.4 It does not result in an incremental expense to the Municipality. Examples of "incremental expense" include long-distance telephone, cellular phone or fax charges;

- 6.5 The employee has his/her supervisor's prior approval for said personal use, which approval shall only be given if consistent with the requirements of this policy;
- 6.6 It does not solicit for or promote commercial ventures, religious or political causes, outside organizations or other non-job related solicitations;
- 6.7 It does not violate the other "prohibited uses" or other specific limitations outlined in this policy.

7. PROHIBITED USE OF EQUIPMENT

The creation, transmission, download or storage of any document, data or message which reasonably can be construed as relating to or promoting the following, is prohibited:

- 7.1 Discrimination or harassment based on race, color, age, gender, creed, marital status, national origin, disability or sexual orientation;
- 7.2 An expression relating to personal, political or religious beliefs;
- 7.3 An expression of rumors or gossip about any individual or group of individuals;
- 7.4 Any language and subject matter that is objectionable, offensive, obscene, threatening or otherwise inappropriate as described in the Municipality's Sexual Harassment Policy.
- 7.5 Any communication to solicit for or promote commercial ventures, religious or political causes, outside organizations or other non-job related solicitations;
- 7.6 Any information that violates copyright laws;
- 7.7 Computer Games and Screen Savers.

8. ELECTRONIC COMMUNICATIONS VIA E-MAIL

- 8.1 The Municipality encourages the use of e-mail as a method of increasing productivity, thereby improving the overall capabilities of the Municipality to serve its citizens.
- 8.2 With few exceptions, everything in Local Government relating to the conduct of Local Government or the performance of Local Governmental functions, whether written, recorded, taped, or electronically stored is subject to public inspection.
- 8.3 The Electronic Communications and Transaction Act 2002 and Electronic Communications Act 2005 apply to electronic mail. The following guidelines should be followed for records retention of e-mail:
- (i) Informal messages with no retention value and that do not relate to the functional responsibility of the recipient or sender, such as meeting notices, reminders, telephone messages and informal notes, should be deleted once their administrative purpose is served.
 - (ii) E-mail messages used in connection with the transaction of Local Governmental business constitute a public record. Such records are subject to public inspection and copying. Users should store a copy of the record for filing purposes according to the Municipality's Records Retention Procedure.
 - (iii) E-mail should not be used when seeking legal advice or to discuss matters of pending litigation or other "confidential" Municipal business. In general, e-mail is discoverable in litigation, and even deleted e-mail is not necessarily removed from the system.
 - (iv) Municipal e-mail addresses will not be used for personal use, since employees' conventional e-mail address includes the Municipality's "return address."
 - (v) Limited personal internal use of e-mail may be permitted if it complies with the provisions of this policy and does not violate prohibitions in terms of this policy.

- (vi) General announcements via internal e-mail should be avoided and the use of an electronic "bulletin board" or the Municipal Employee Newsletter is preferred.

9. INTERNET USAGE

- 9.1. It is the policy of the Municipality to maximize the cost-effective use of its computer systems as a means to improve efficiency and productivity. All users are responsible for using the Internet resources in an effective, ethical and lawful manner, and in accordance with this policy.
- 9.2. Employees may be authorized by their departmental manager to have Internet access to enhance their ability to perform the duties of their position.
- 9.2. Limited personal use of an allocated Internet connection may be approved by an employee's departmental manager provided the terms and conditions of use stipulated in this policy is not violated. Personal use is limited to browsing legal sites and does not include Newsgroups or Chat Rooms.
- 9.3. No purchases may be made on behalf of the Municipality via the Internet.
- 9.4. The use of Municipal equipment or Municipal Internet connection to violate the integrity of another system (hacking) is prohibited.

10. SYSTEM SECURITY

10.1 Acquisition of computer equipment.

All acquisitions of electronic communication equipment will be coordinated through the Information Technology Section. This includes the demonstration of hardware and software used for evaluation purposes as well as products acquired for ongoing use.

10.2 Conscientious care.

All users are responsible to care for the electronic communication equipment and system components that they are assigned or using. Employees are responsible for promptly reporting any equipment, software and data damage and/or destruction of which they become aware to the Information Technology Section's Help Desk immediately.

10.3 Downloading/installing software (including upgrades and screensavers).

The Municipal computer system is designed to work in a network environment. Installation of unauthorized software can result in damaging the integrity of the system. Users are prohibited from downloading or installing unauthorized or unlicensed software on any Municipal-owned computer.

10.4 Downloading files from the Internet.

Users are individually and directly responsible for checking files for viruses using the latest version of the recommended virus-checking program. Downloading or uploading files is restricted to Municipal business.

10.5 Unauthorized access.

Users are prohibited from using "loopholes" or knowledge of a special password to damage computer systems, obtain extra resources, or to gain access to systems for which proper authorization has not been given. Users are responsible for keeping their password confidential and not sharing it with other users.

10.6 Use of aliases.

Use of aliases while using the Internet or internal e-mail is prohibited. Anonymous messages and anonymous newsgroup postings are prohibited.

10.7 Unlicensed or copied software.

Unlicensed or copied software is prohibited on any Municipal computer. No person may authorize the use of unlicensed or copied software on any Municipal computer.

11 CELLULAR PHONES

11.1 Provision of Cellular Phones to Managers and identified staff members

- 11.1.1 Cellular Phones will be provided automatically to all Executive Managers and Managers of Departments for the purpose of official use.
- 11.1.2 Cellular phones will also be provided to key staff members identified by the Municipal Manager for the purpose of official use.
- 11.1.3 Should a Manager be of the opinion that a staff member of his/her department should be provided with a cell phone for official use, he/she shall submit a properly motivated report to the Management Committee Meeting for approval by the Municipal Manager.
- 11.1.4 Cellular phones shall only be motivated for staff members who are not office bound, and staff members who spend the majority of the working day in an office shall not be considered.

11.2 Limitations on use of Cellular Phones

- 11.2.1 Cellular phones should primarily be used for receiving business calls and making business calls when not located in the office.
- 11.2.2 Cellular telephones should not be used for personal use, except for necessary work-related situations such as unanticipated overtime or family emergencies.
- 11.2.3 Non-work-related, local and long-distance personal cellular telephone charges should be reported to the Municipality and reimbursed at the per minute rate the Municipal pays for minutes billable to the phone in

excess of the "free time". This reimbursement shall apply to all personal calls within or outside the "free time" range."

- 11.2.4 However, an employee's departmental manager may authorize an employee to use his/her Municipal issued cellular phone to make personal calls. The department manager shall make this decision based on the employee's job responsibilities. The employee who receives this permission shall reimburse the Municipality at the rate indicated in the paragraph above.

11.3 Cellular Phone Upgrades

All staff members shall be personally made aware of the fact that the Cell Phone Contract as well as the Cell Phone remains the property of the Municipality, and they have no claim whatsoever to receive an upgraded cell phone automatically.

12 TELEPHONE, FAX, PRINTERS AND PHOTOCOPY MACHINES

12.1 Telephones

Municipal employees should minimize accepting and placing personal calls during business hours. Personal calls should be made during an employee's break or lunch hour. Personal calls should be charged against the employee's personal telephone code. If an employee makes a personal call on a Municipal account, the employee will reimburse the Municipality for that expense.

12.2 Facsimile Machines

Employees may not use Municipal fax machines for personal use to send facsimile messages, or to receive facsimile messages. If an employee makes a personal fax on a Municipal account, the employee will reimburse the Municipality for that expense. If an employee receives a solicited personal fax on a Municipal machine, the employee will reimburse the Municipality at the rate established by the service provider.

12.3 Printers

Employees may not use Municipal printers for personal use without prior approval of the departmental manager.

12.4 Photocopy Machines

Employees may use Municipal photocopy machines for personal use by paying a photocopy charge established by the Municipality.

12.5 Other equipment

Except as provided in this policy, employees will not use Municipal equipment for personal use. In no event shall a Municipal employee take Municipal property to his or her home without prior consent of the employee's departmental manager.

13. MONITORING, ENFORCEMENT AND PENALTIES

- 13.1. All hardware, software, programs, applications, templates, data and data files residing on Municipal information systems or storage media, whether municipal business or personal, are the property of the Emnambithi/Ladysmith Municipality. The Municipality retains the right to access, copy and change, alter, modify, destroy, delete or erase this property without prior notice to users.
- 13.2. The Municipality retains the right to monitor and audit the use of e-mail and Internet use. The right to use these technologies does not include the right to privacy.
- 13.3. Deleted documents, messages and data may be retrieved from a variety of points in the network. Employees should assume that electronic evidence discovery might recover deleted or unsaved data.
- 13.4. The use of a personal Internet account on Municipal equipment, and the use of a Municipal Internet account on personal equipment by employees, are subject to prior supervisor approval and the provisions of this policy. Said employees should be aware that their personal

e-mail and electronic files could be monitored by the Municipality, and could be reviewed as part of a Public Records request.

- 13.5. All employees using Municipal electronic communication equipment are required to read and sign this policy. In addition to any other penalty, fine or cost reimbursement required by any provision of this policy, violation of this policy may result in disciplinary action.

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