

**COUNTY OF RIVERSIDE, CALIFORNIA**  
**BOARD OF SUPERVISORS POLICY**

<b><u>Subject:</u></b>	<b><u>Policy Number</u></b>	<b><u>Page</u></b>
<b>ELECTRONIC MEDIA AND USE POLICY</b>	<b>A-50</b>	<b>1 of 8</b>

**Purpose:**

The purpose of this policy is to establish guidelines for proper use of all forms of electronic media. As used in this policy, "*electronic media*" includes, but is not necessarily limited to, the following: e-mail (electronic-mail), photographs, text messages, Internet use, voice-mail, video teleconferencing, fax, storage media, bulletin boards, television, electronic subscription services, electronic documents, and any other forms of electronic communication. County officials and employees with access to electronic media are required to abide by this policy.

**Policy:**

1. No Expectation of Personal Privacy for Use of County Systems

Employee use of any county electronic media system is not private; and employees using these systems should not expect their communications to be private. Employees should not have an expectation of personal privacy when using any form electronic media.

Employees should also be aware that any electronic media communication might be considered a public record subject to disclosure under California law.

2. No Use of Private Accounts for County Business

Employee use of personal accounts to conduct county business is prohibited. This includes AOL, Google Mail, Yahoo, Facebook, Twitter, Instagram, and similar communications media. In the event that a County-related communication is sent to an employee's personal account, the communication shall be forwarded to an official county account. A "County-related communication" is one that relates in some substantive way to the conduct of the county's business rather than one that is primarily personal, containing no more than incidental mentions of county business.

3. Appropriate Use

County electronic media systems are made available to employees for the purpose of providing an effective method to communicate, increase productivity, perform research and obtain information that will assist in performing job related tasks.

Employees shall use good judgment at all times when using the Internet or other

**COUNTY OF RIVERSIDE, CALIFORNIA**  
**BOARD OF SUPERVISORS POLICY**

<u>Subject:</u>	<u>Policy Number</u>	<u>Page</u>
<b>ELECTRONIC MEDIA AND USE POLICY</b>	<b>A-50</b>	<b>2 of 8</b>

electronic media. Electronic media shall be used only to send courteous, professional and businesslike communications.

Certain electronic media (especially e-mail) may not be appropriate to transmit sensitive materials, which may be more appropriately communicated by written document or personal conversation.

Care must be exercised when staff communicates with elected or appointed members of legislative bodies (e.g., Board of Supervisors, Planning Commission, etc.) by email because of the ease of using the "Reply All" function may inadvertently result in a violation of the State's Open Meeting laws. The Brown Act prohibits any discussion or deliberation by a majority of the members outside of a noticed public meeting of a matter within the legislative body's subject-matter jurisdiction. Consequently, when staff sends an email to a majority of the members of a legislative body, staff shall send the email to themselves and blind-copy the members. The members will then receive the email but the use of the "Reply All" will only send a response to the sender and not to the other members of the legislative body. Similarly, the "Reply All" function shall not be used to respond to any email communication that includes a majority of the members of a legislative body as recipients of the email.

Employees should always remember that persons other than the sender and the recipient might read electronic media communications at a later date. Accordingly, electronic media communications (such as e-mail messages) should always be treated as written memos, which may remain on file in various locations.

Electronic media shall not be used in any manner in violation of the law or county rules, policies or procedures. Electronic media shall in no manner be used for any improper, illegal, offensive or harassing purpose.

Activities prohibited by this policy include, but are not necessarily limited to the following:

- a. Transmittal of any material or communication in violation of any federal, state or local law, ordinance or regulation;
- b. Transmittal of any material or communication, which includes potentially offensive material (such as; sexual, racial or ethnic comments, jokes or slurs);
- c. Misrepresentation under any circumstance of an employee's true identity;

**COUNTY OF RIVERSIDE, CALIFORNIA**  
**BOARD OF SUPERVISORS POLICY**

<b><u>Subject:</u></b>	<b><u>Policy Number</u></b>	<b><u>Page</u></b>
<b>ELECTRONIC MEDIA AND USE POLICY</b>	<b>A-50</b>	<b>3 of 8</b>

- d. Unauthorized access to any computer system;
- e. Any action intended to accomplish or assist in unauthorized access to computer systems;
- f. Unauthorized or improper downloading, accessing or transmittal of copyrighted information, documents or software;
- g. Transmittal of unauthorized broadcast communications or solicitations (such as; mass email transmittals). All broadcast or solicitation messages must be approved in advance by the Chief Information Officer, Riverside County Information Technology;
- h. Any action that causes the county to incur a fee for which there has not been prior approval;
- i. Use of security code or password other than as authorized; or
- j. Disclosing your username and password to anyone for any purpose.

4. Notice of County's Right and Ability to Store Communications

Employees are notified that electronic media communication may not be deleted from the system; and that the county may save such communications even though it appears they have been deleted. For example, e-mail users should be aware that when they have deleted a message from their mailbox it may not have been deleted from the e-mail system and that every e-mail message might be saved by the county.

All electronic media communications are considered at all times to be county records. The county has the capability to access, monitor, review, copy, or disclose any electronic media communications; and the county reserves the right to do so for any proper county purpose. The use of security measures (such as individual passwords) or deletion of electronic media communications (such as deletion of e-mail messages by users) does not affect the county's ability or right to access, review, copy, or disclose such communications under appropriate circumstances. Employees' use of electronic media is consent to such action by the county.

This policy shall not be interpreted to limit the county's access to electronic

**COUNTY OF RIVERSIDE, CALIFORNIA**  
**BOARD OF SUPERVISORS POLICY**

<b><u>Subject:</u></b>	<b><u>Policy Number</u></b>	<b><u>Page</u></b>
<b>ELECTRONIC MEDIA AND USE POLICY</b>	<b>A-50</b>	<b>4 of 8</b>

media communications under appropriate circumstances; and shall not in any way limit the county's control or ownership of its electronic media systems. However, this policy is in no way intended to permit unauthorized access to electronic media communications.

5. Software

Employees shall use software only in compliance with license agreements and copyright or other laws.

6. Email

Riverside County email systems contain different types of messages. It is up to each user to manage the retention of these messages based on the message type.

a. Email Retention

- 1) Transitory Messages – These are messages and attachments that are temporary and not required to be kept beyond their useful life. These emails should be deleted by the email user as soon as they have served their intended purpose.
- 2) Non-Transitory Messages - These messages and attachments are directly related to county business and/or projects and should be kept until the completion of their associated project and/or county business operations.
- 3) Automatic archival of email messages outside of the email systems (i.e. – PST file, 3<sup>rd</sup> party archiving software, etc.) is prohibited. Each department and its users must configure its email systems to prevent external auto-archiving of email messages.
- 4) The Deleted Items folder will be purged every night via an automated cleanup process invoked by each department's email administrator.

7. Instant Communications

Instant Messaging tools (a.k.a. – Skype, Jabber, etc.) are transitory systems and are not intended as mechanisms for storing records. These systems must be

**COUNTY OF RIVERSIDE, CALIFORNIA**  
**BOARD OF SUPERVISORS POLICY**

<u>Subject:</u>	<u>Policy Number</u>	<u>Page</u>
<b>ELECTRONIC MEDIA AND USE POLICY</b>	<b>A-50</b>	<b>5 of 8</b>

configured to never automatically store audio, video, or text after their sessions have ended.

8. Public Records

- a. Notwithstanding Section 6.a. of this policy titled Email Retention, any information transmitted by email that meets the definition of “public record” under the California Public Records Act may not be deleted or otherwise disposed of except in accordance with the Public Records Act and in compliance with the Board of Supervisors Policy A-43 County Records Management and Archives Policy. General guidelines as to whether or not an email message contains information that constitutes a public record are provided in Attachment 1.
- b. Employees must be aware that an email message which constitutes a public record (whether or not it is exempt from disclosure) may be subject to the County’s records retention schedules and/or statutory retention requirements. In that event, the email message may not be deleted without first being reduced to paper copy or stored in an electronic format in a location other than the department’s email systems.

9. Litigation Hold Procedure

- a. This email deletion policy and all supporting departmental policies and procedures are subject to litigation holds. A “litigation hold” is the process used to notify County departments about pending or reasonably anticipated litigation involving the County of Riverside and the department’s potential obligation to preserve relevant email information by suspending email deletion policies involving any potentially relevant information transmitted by email.
- b. The Office of Risk Management, or the Office of County Counsel, or the Human Resources Department are authorized to direct any County department to place a litigation hold whenever information transmitted by email is or may be relevant to pending or reasonably anticipated litigation involving the County of Riverside.
- c. When any County department is directed by the Office of Risk Management, or the Office of County Counsel, or the Human Resources Department to institute a litigation hold, the department must promptly contact and coordinate with personnel from Riverside County Information

**COUNTY OF RIVERSIDE, CALIFORNIA**  
**BOARD OF SUPERVISORS POLICY**

<u>Subject:</u>	<u>Policy Number</u>	<u>Page</u>
<b>ELECTRONIC MEDIA AND USE POLICY</b>	<b>A-50</b>	<b>6 of 8</b>

Technology or internal information technology staff responsible for managing the department's email systems to implement the litigation hold.

d. Each department must establish and implement the litigation hold procedure with the following general guidelines:

- 1) Each department must designate "Litigation Hold / Public Records Act" personnel to serve as a liaison with outside legal counsel, the Office of County Counsel, the Office of Risk Management, the Human Resources Department, information technology personnel, and litigation hold personnel from other County departments.
- 2) The departmental "Litigation Hold / Public Records Act" personnel are responsible for the following:
  - I. Helping legal counsel place a litigation hold on emails that are or may be relevant to pending or reasonably anticipated litigation involving the County of Riverside.
  - II. Providing sufficient information regarding the subject of the pending or reasonably anticipated litigation to allow departmental employees to conduct a reasonable search for potentially relevant email information.
  - III. Coordinating with informational technology personnel to place a litigation hold on potentially relevant email information.
  - IV. Coordinating with litigation hold personnel from other County departments, if any, involved in the pending or reasonably anticipated litigation.

10. Auditing

- a. Each department must conduct audits to ensure that email messages are retained during the email retention period; that email messages are actually purged from the department's online email systems, and backed up, in compliance with the email deletion schedule; and that the litigation hold procedure is effectively implemented.

**COUNTY OF RIVERSIDE, CALIFORNIA**  
**BOARD OF SUPERVISORS POLICY**

<b><u>Subject:</u></b>	<b><u>Policy Number</u></b>	<b><u>Page</u></b>
<b>ELECTRONIC MEDIA AND USE POLICY</b>	<b>A-50</b>	<b>7 of 8</b>

- b. The first audit must be performed within two (2) years of establishing the individual department's policies and procedures on email retention, deletion and litigation holds. Department heads may at their discretion conduct subsequent audits when appropriate.

11. Training and Education

Human Resources and County Counsel will be responsible for providing concurrent and ongoing training and education to all County employees regarding applicable policies and procedures for email communication, retention, deletion, litigation holds, and the California Public Records Act, including any applicable retention requirements.

Written Acknowledgment

Department heads shall have all employees acknowledge in writing that they have received and read this policy. Such written acknowledgment shall be retained in the department's files. (Nevertheless, the failure to provide such written acknowledgement shall not in any way limit the county's ability to enforce this policy.) An Example form is attached.

**Reference:**

Minute Order 3.8 of 10/22/1996  
Minute Order 3.36 of 06/29/1999  
Minute Order 3.7 of 11/07/2006  
Minute Order 3.65 of 06/02/2009  
Minute Order 3-2 of 11/05/2013  
Minute Order 3-6 of 12/08/2015  
Minute Order 3.8 of 10/23/2018

**COUNTY OF RIVERSIDE, CALIFORNIA  
BOARD OF SUPERVISORS POLICY**

<b><u>Subject:</u></b>	<b><u>Policy Number</u></b>	<b><u>Page</u></b>
<b>ELECTRONIC MEDIA AND USE POLICY</b>	<b>A-50</b>	<b>8 of 8</b>

**(FOLLOWING ARE: ATTACHMENTS 1 and 2)**



## ATTACHMENT 1

### GENERAL GUIDELINES ON PUBLIC RECORDS

- A. With respect to electronic media that is prepared, owned, used or retained by the County through its officials, employees, or certain agents or consultants, the content of the communication determines whether or not it is a public record.
  - 1. A communication is generally considered to be a public record if it relates in some substantive way to the conduct of the public business, regardless of physical form or characteristics.
  - 2. A communication is generally not considered to be a public record if it is primarily personal, containing no more than incidental mentions of county business.
  
- B. Some guidelines for making the determination as to whether or not a communication is a public record or exempt from disclosure include:
  - 1. Communications that are SPAM, or commercial solicitation, or are of a personal nature which have no relevance to the conduct of County business shall not be considered to be public records and do not need to be retained.
  - 2. Preliminary drafts, notes, or interagency memoranda or intra-agency memoranda that are not retained by the County in the ordinary course of business are exempt from disclosure if the public interest in withholding those records clearly outweighs the public interest in disclosure.
    - a. These may generally include email messages that are pre-decisional communications to the extent they contain advice, recommendations, opinions, and deliberation in the policy-making processes and are not customarily preserved or retained.
    - b. Insofar as the above-described email messages also contain purely factual information, such information is generally not considered exempt from disclosure.

**ATTACHMENT 2**

**ACKNOWLEDGEMENT OF  
COUNTY OF RIVERSIDE  
ELECTRONIC MEDIA AND USE POLICY**

I have received a copy of and am fully aware of the County of Riverside's electronic media and use policy; and I agree to abide by the terms of this policy. I also agree to remain apprised of future revisions to this policy and to abide by the terms of all such revisions.

Employee Name: \_\_\_\_\_

Employee Signature: \_\_\_\_\_

Date: \_\_\_\_\_

This form shall be retained in department files.