

SAMPLE E-MAIL POLICY

TOPIC

E-mail Management

PURPOSE

The purpose of this policy is to provide guidance to agency employees in managing information sent or received through E-mail transmissions and to ensure the proper use of the State's E-mail system.

SCOPE

All employees, volunteers, and student interns

DEFINITIONS

"E-mail" means a message transmitted electronically over a communications network. A system that enables users to compose, transmit, receive and manage electronic messages and images across networks and through gateways connecting to other local area networks.

"Electronic record" means a computer-generated item such as an E-mail message, a document file, an image file, etc.

"Non-record" means extra copies of documents kept solely for convenience of reference, stocks of publications, records not usually included within the scope of official records of an agency or government entity, and library material intended only for reference or exhibition. The following specific types of materials are non-records: materials neither made nor received in pursuance of statutory requirements or in connection with the functional responsibility of the officer or agency; extra copies of correspondence; preliminary drafts; blank forms, transmittal letters or forms that do not add information; sample letters and reading or informational files.

"Public records" means all books, papers, maps, photographs or other documentary materials, regardless of physical form or characteristics, made or received by any agency in pursuance of law or in connection with the transaction of public business.

POLICY STATEMENT

It is the policy of the (agency name) to provide employees E-mail resources and services to assist them in the performance of their work. All E-mail resources and services are to be managed in a lawful and effective manner. To assure this, the (agency name) has the right to monitor all aspects of the e-mail system to ensure compliance with this policy and applicable law. Employees should not have the expectation of privacy in anything they create, send or receive on the State e-mail system. Employees shall conduct themselves in a manner consistent with appropriate behavior standards as established in existing agency and State policies. All State of New Mexico policies relating to intellectual property protection, privacy, misuse of State equipment, sexual harassment, sexually hostile work environment, data security and confidentiality shall apply to the use of E-mail.

PUBLIC RECORDS

All E-mail transmissions made or received by a government entity in pursuance of law or in connection with the transaction of business are public records. Employees shall determine if E-mail transmissions, both "sent" and "received," are public records; separate "public records" from "non-records"; and store only that information that is a public record. Records shall be stored and retained based on the retention period for the particular records series established in records retention and disposition schedules and agency procedures.

Electronic documents, including E-mail, are subject to the provisions of the Public Records Act and the Inspection of Public Records Act.

Destruction of a public record before its retention period has been met is illegal and is a fourth degree felony pursuant to Section 30-26-1 NMSA 1978, *Tampering with Public Records*.

PASSWORDS

All passwords upon request must be made known to the head of the agency and the Chief Information Officer. The use of passwords to gain access to the E-mail system or to secure specific files does not provide employees with an expectation of privacy in the respective system or document.

ENCRYPTION

Employees may not encrypt any E-mails without obtaining written permission from their supervisor. If approved, the encryption key(s) must be made known to the agency's CIO and the head of the agency.

PRIVACY AND ACCESS

E-mail messages sent or received in conjunction with agency business may be releasable to the public under the Inspection of Public Records Act with several exceptions such as medical records, letters of reference, matters of opinion, attorney-client information, trade secrets, tactical response information and law enforcement investigative files. Employees are prohibited from disclosing, copying, distributing or forwarding E-mail messages exempted from public disclosure under state and federal laws.

EMPLOYEE TRANSFER TO ANOTHER STATE AGENCY

E-mail boxes in the State enterprise e-mail system accompany the employee when the employee moves from one state agency to another. Upon receiving an employee's written notice of transfer to another agency or letter of resignation the immediate supervisor in consultation with the employee and the RLO shall review the contents of the employee's e-mail box and transfer all e-mail classified as a public record into the agency's filing system.

PERSONAL USE

Personal E-mail shall not impede the conduct of State business. Employees shall not subscribe to mailing lists or mail services that fall outside of the employees scope of work.

QUESTIONABLE E-MAIL

The (name of agency) will provide employees with periodic Anti-Virus updates for personal computers. It is the employee's responsibility to update his or her assigned computer when notified. Employees shall not willfully and knowingly open E-mail messages that look questionable nor shall they open attachments unless the user is certain that the attachment is from a known sender, is expected and is pertinent to the employee's job. Questionable E-mails and attachments are to be deleted immediately and then "double deleted" by emptying the Trash bin.

UNACCEPTABLE USE OF E-MAIL

Employees shall not use E-mail resources and services for commercial purposes, including but not limited to, on-line trading and e-bay operations.

Employees shall not send or forward emails containing libelous, defamatory, offensive, racist or obscene remarks. If an employee receives an email of this nature, they must promptly notify their supervisor.

Employees shall not use E-mail to conduct prohibited political activities or business activities related to the holding of public office.

Employees shall not establish user profiles or forward, import or create e-mail accounts other than the profile and account established by the Information Technology Bureau of the Administrative Services Division.

Serious disciplinary action up to and including termination of employment may result from evidence of prohibited activity obtained through monitoring or inspection of electronic messages, files, or electronic storage devices. Illegal activity involving state IT resource usage may be referred to appropriate authorities for prosecution.

Approved:

[Signed] _____

_____ **Date**