


GOVERNANCE POLICIES  Information Technology - Provision And Use Of Equipment (Elected Members)	Policy Number:	GP-29
	Version Number:	2

POLICY STATEMENT:

The City of Marion will provide members of the elected body with facilities and support (pursuant to Section 78 of the Local Government Act 1999) in the form of Information Technology Services and Equipment which is intended to:

- facilitate electronic communications with key stakeholders;
- enable effective and efficient communication between staff of the City of Marion, other Elected Members and members of the community;
- achieve informed decision-making;
- enable Elected Members to perform their role effectively and efficiently; and
- increase productivity in the provision of services to the City of Marion community.

In providing these Information Technology Services and Equipment, Elected Members have a responsibility to ensure that they are aware of their obligations to use those services and equipment appropriately. Elected Members are therefore required to use the Information Technology Services and Equipment in accordance with relevant policies of the City of Marion. These services and equipment are not permitted to be used for non-Council business activities unless approved by the Council, in accordance with Section 78(3) of the Local Government Act 1999.

The appropriate use of Information Technology Services and Equipment will ensure that the demands on resources and the costs associated with providing the services and equipment are minimised and potential disruption to the business of the City of Marion is averted.

The City of Marion is required to regulate the use of Internet and Email so that it is protected from commercial harm and its Elected Members and employees enjoy a safe working environment. Internet and Email services are also subject to the same standards and Codes of Conduct that are applicable to all other resources and facilities that are provided, so as to protect Elected Members and employees of the City of Marion from illegal, unethical and inappropriate use of the Internet and Email services. To achieve these requirements, the City of Marion must regulate messages sent, received and transmitted. Further, as electronic communications may be "*official records*" under the State Records Act 1997, all Email messages sent and retrieved may from time to time be subject to monitoring or retrieval by staff of the City of Marion.

The City of Marion may be required to disclose Email messages, even if expressed to be confidential, in court proceedings, in investigations by regulatory bodies or for the purposes of the Freedom of Information Act 1991.

DEFINITIONS:

Information Technology Services and Equipment - services and equipment provided to Elected Members for use in their role as an Elected Member including a personal computer and associated software, printer, facsimile machine, answering machine, telephone, Email and Internet access.

Email - a service that enables people to exchange documents or messages in electronic form where messages are sent and received using computer technology. Each person has a designated mailbox that stores messages sent by other users. You may retrieve, read and forward or re-transmit messages from your mailbox.

Internet - a global research, information and communication network providing services such as file transfer and electronic mail.

Hack - To attempt by illegal or unauthorised means to gain entry into another's computer system or

files.

Security system - The City of Marion has prescribed controls giving authorisation and access to files and directories in the network to protect the information on the network. Each Elected Member has a password that allows them access to information and programs within their authority. Network security is controlled by the Manager Information Management and Technology and reviewed by the Chief Executive Officer.

PRINCIPLES:

Section 78 of the Local Government Act 1999 states that a council may provide facilities and other forms of support to Elected Members to assist them in the performance or discharge of official functions and duties. The provision of such facilities and support is always at the discretion of the Council subject to compliance with the following:

- (a) the Council must specifically resolve that the provision of facilities or services is necessary or expedient to the performance or discharge of official functions or duties;
- (b) facilities and services must be available to all Elected Members on a uniform basis (other than facilities and services specifically provided for the benefit of the principal member); and
- (c) any property provided to an Elected Member remains the property of the City of Marion.

As resolved by the Council on 25 June 2002, Elected Members will be provided with Information Technology Services and Equipment to be located at their place of residence for the duration of their term of office. These Information Technology Services and Equipment, determined by the Manager Governance, comprise:

- a personal computer and associated software;
- a printer;
- a facsimile machine / answering machine;
- electronic communications services, including Email and Internet access (via Council's Internet Service Provider)
- telecommunications facilities

Technical and maintenance support is also provided.

The Information Technology Services and Equipment will be standardised by Council's Information Technology Department to ensure consistency, in model and maintenance, to enable communication between Elected Members and Administration, and for the provision of Council documentation/information.

Provision of Information Technology Services and Equipment

Information Technology Services and Equipment provided to an Elected Member remains the property of the City of Marion and, as such, are to be returned to staff of the City of Marion at the completion of the term of office of an Elected Member or upon request.

Information Technology Services and Equipment are provided for the purpose of improving productivity related to Council business and not for non Council business activities.

Email and Internet Access

Email and Internet services are provided to Elected Members to enable improved productivity in communication with Council staff, other Elected Members and other key stakeholders.

Elected Members are permitted to use the Internet and Email services for legitimate Council business.

Elected Members, are permitted to use Internet and Email services for private purposes where such use is open, accountable and transparent. Private use of Internet and Email services must always be appropriate and lawful and not interfere with the Elected Members' capacity or ability to perform his or her Council functions and duties. Elected Members may choose to set up a separate Email account

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WARNING

If using a printed copy of this document, be aware that whilst it was correct at the time of printing, it may have since been amended.

for private purposes, eg hotmail.

Elected Members are not permitted to use Internet and/or Email services to:

- send or forward Emails, including jokes, anecdotes, song lyrics or animated and graphic images, that:
 - contain pornographic materials or any other provocative, offensive, abusive, sexist or racist material of any kind;
 - promote discrimination on the basis of race, gender, disability, age, marital status, sexuality, religion and/or, political beliefs;
 - contain threats of violence or unwelcome statements that could reasonably be perceived as bullying or harassment;
 - discuss or promote illegal activities, including harassment on the grounds of race, gender or sexuality;
 - breach the Council's Code of Conduct for Elected Members;
 - contain personal opinions about statements or conduct of other Elected Members and/or staff of the City of Marion that may be derogatory or defamatory.

- Elected Members are not permitted to send or forward written materials by Email or over the Internet that:
 - are for the purposes of personal financial gain;
 - is commercially sensitive information;
 - disperses corporate data to the City of Marion's customers or clients without prior authorisation;
 - breaches legislation, particularly Occupational Health, Safety & Welfare Act 1986, Equal Opportunity Act 1984 (South Australia), Sex Discrimination Act 1984 (Commonwealth), Disability Discrimination Act 1992 (Commonwealth), Racial Discrimination Act 1975, including the Racial Hatred Act (Commonwealth) and any Council Policy or the Code of Conduct for Elected Members;
 - is protected under copyright laws.

- Elected Members are not permitted to forward:
 - frivolous Emails to a number of recipients;
 - chain letters to other recipients.

- Elected Members are not permitted to:
 - access Internet sites containing pornographic, provocative, offensive or objectionable content of any kind;
 - access Internet gambling sites;
 - establish and/or utilise spamming Email accounts from the City of Marion;
 - view, download, save, receive (without deleting immediately), or send material as set out above, or any such related materials;
 - "hack" into other Information Technology systems belonging to individuals or other organisations;
 - read or attempt to determine other people's logins;
 - attempt to "crack" passwords;
 - breach computer or network security measures, including attempting to gain unauthorised access to the mailboxes of other Elected Members or staff of the City of Marion and if access is gained, to forward or remove any materials from those mailboxes;
 - monitor electronic files or communications of others; or
 - interfere with any password.

- ***Email Address Book:***

Emails from Elected Members requesting information or action by a member of staff are to be directed to the relevant Director and/or Manager for follow up of the request. If an Elected Member requires information to be provided to all staff of the City of Marion, the Elected Member must contact the relevant Director and request that the item be listed on "Hot News" (eg community event information).

- ***Copyright:***

Not all information on the Internet is in the public domain or freely available for use without proper regard to rules of Copyright. Much of the information is subject to Copyright Protection under Australian law, and by Australia being a signatory to related international treaties.

"Use" in Copyright terms includes downloading, reproducing, transmitting or in any way duplicating all or part of any information (text, graphics, videos, cartoons, images or music) which is not in the public domain. That is, simply because material is available via the Internet does not necessarily mean it is in the public domain.

- ***Privacy:***

The Council is not bound by the Privacy Act 1988 (Commonwealth), which incorporates both the National Privacy Principles and the Information Privacy Principles, nor the Information Privacy Principles Instruction (Cabinet Administrative Instruction No 1 of 1989).

However, the Council recognises the importance of protecting the privacy of Elected Members and their personal information and is therefore committed to ensuring that privacy is protected. To this end, the Council will endeavour to protect the personal information it collects, stores, discloses and uses in accordance with the standards set by the National Privacy Principles and any Privacy Policy developed and adopted by the Council.

- ***Virus Scanning:***

Non-text files or unknown messages should not be imported without first being scanned for viruses. Elected Members must not open, view or attempt to read attachments of any description (eg games, screen savers, documents, executable files, zip files, joke files or other mails) unless they have been scanned for viruses. To do so will breach network security measures.

- ***Sending Emails:***

Elected Members must exercise care and discretion when sending Emails. Highly confidential messages or information should not be sent via the Internet or Email as messages may be sent, forwarded or transmitted to someone other than the intended recipient. Controlled or limited distribution of messages cannot be guaranteed.

Copies of Emails sent on Council business must be kept in an electronic directory as these Emails may be required for reference in the future. Additionally, those emails should be electronically forwarded to the Manager Governance to be placed on Council's document management system for record keeping purposes. Hard copies also should be made of Emails that need to be retained.

Elected Members should ensure that confirmation of receipt of an Email is obtained for important messages. Telephonic or faxed communication is advised where the Email system does not provide for electronic confirmation of the recipient's receipt of a message.

- ***Infringement of this Policy***

Any infringement or alleged infringement of this policy will be investigated in accordance with the City of Marion's Code of Conduct for Elected Members. Where the investigation finds that an infringement of the policy has occurred (unless the alleged infringement warrants referral to the Police) Council may choose to:

- take no further action;
- censure the Elected Member;
- withdraw the use of Lotus Notes and/or the Internet for a specified period of time;
- withdraw the use of Lotus Notes and/or the Internet until the end of the Elected Member's term of office;
- withdraw one or more components of the Information Technological Services and Equipment, including software/applications, from the Elected Member for a specified time or for the remainder of his or her term of office.

Violations of this policy may constitute a breach of the Code of Conduct, an offence against the principles and the spirit and intent of the Occupational Health, Safety and Welfare Act 1986, Equal Opportunity Act 1984 (South Australia), Sex Discrimination Act 1984 (Commonwealth), Disability Discrimination Act (Commonwealth) or Racial discrimination Act (Commonwealth). Misuse of

confidential and other information obtained in the course of undertaking duties as an Elected Member may constitute a breach of the Local Government Act 1999 and the Criminal Law Consolidation Act 1936. Other legislative provisions may also be breached where a violation of this policy has been identified.

- ***Email Disclaimer:***

The following disclaimer must be attached as a footnote to all outgoing Emails sent by Elected Members:

"The contents of this email are intended only for the named recipient and may be confidential. If you have received this communication in error, please contact us then delete the email and any attachments. You must not copy, distribute or disclose this message or any part of it to anyone.

No representation is made that the disk/email is free of viruses or other defects. Virus scanning is recommended and is the responsibility of the recipient. The contents of this message may express views and opinions not necessarily shared by the City of Marion.

The City of Marion is committed to providing our customers with excellent service. If we can assist you in any way please either telephone (08) 8375 6600 or visit our web site <http://www.marion.sa.gov.au>."

REFERENCES:

Corporate Plan:

KRA 1 - Provide Leadership

Procedure References :

Code of Conduct for Elected Members

Other Related References :

Local Government Act 1999, Section 78

Previous Versions :

Nil.