

ELECTED MEMBERS' USE OF EMAIL

PURPOSE

The purpose of this policy is to provide Elected Members with a framework for proper use of electronic mail (email) in the conduct of Council business. The policy applies to Elected Members when they use Council's corporate email system or other email systems.

Elected Members who create, receive or forward email to or from other Elected Members, Council staff, or to members of the community in the conduct of Council business are required to comply with this policy.

DEFINITIONS

Council Business - May include the provision of services, delivery of programs, development of policies, making of decisions, performance of Council functions and other similar types of transactions.

This would not usually include records when Elected Members are acting as Council representatives on external bodies. If an elected member (or Council employee) is appointed to a board or committee of a community association or organisation, they do so in the capacity as a member of that association. Furthermore, they must act in the best interests of that community association and not at the direction of the Council or in the best interests of the Council¹.

Transitory/Ephemeral Record - A record is transitory or ephemeral in nature if it is of little or no continuing value to the Council and only needs to be kept for a limited or short period of time, such as a few hours or a few days. The General Disposal Schedule 20 indicates that transitory/ephemeral records include:

- Short term items such as phone messages, notes, compliment slips, office notices and circulars;
- Rough working papers created in the preparation of official records;
- Drafts not intended for further use or reference, excluding official version drafts of agreements, submissions and legal documents;
- Duplicate copies of material retained for reference purposes only.

Official Record - A record made or received by the Council in the conduct of its business, but does not include:

- a record made by an agency as a draft only and not for further use or reference; or
- a record received into or made for the collection of a library, museum or art gallery and not otherwise associated with the business of the agency.

POLICY STATEMENT

Elected Members are encouraged to use email as a means of communication for Council business whether they use Council's corporate email system or any other email system.

¹ *Council Member Appointments to External Boards – Circular 4.3, 21 January 2004*

Upon written request to the Manager Information Technology, Administration will provide Elected Members with a password protected City of Mitcham email address in the form: <name>@mitchamcouncil.sa.gov.au.

Administration will provide Elected Members with access to their City of Mitcham email address via a computer in the Elected Members' office. Alternatively, the corporate email system can be accessed by Elected Members from outside the corporate network (eg from home) via an Internet browser.

Elected Members shall ensure that emails that constitute official records are forwarded to the Records Department to be captured into Council's records management system. These can be sent in hard copy to the Records Department or can be emailed to records@mitchamcouncil.sa.gov.au. Emails that are transitory, ephemeral, or personal in nature may be destroyed in accordance with Normal Administrative Practice².

Care should be taken when sending messages or information via email because those messages may be intercepted, forwarded or otherwise transmitted to someone other than the intended recipient(s), or may be the subject of disclosure in accordance with any relevant legislation. Email systems should not be assumed to be secure.

Use Of Email

It is considered ACCEPTABLE to use email:

- To conduct Council business.
- To communicate authoritative information to Council's customers.
- To market electronically the Council, its services and programs to the wider Community.

It is considered UNACCEPTABLE to send or forward email that:

Contains provocative, offensive, abusive, sexist, racist or pornographic content.

Promotes discrimination of any kind including on the basis of gender, race, religion, political beliefs, disability, etc.

Contains threats of violence or other unwelcome or harassing behaviour.

Contains personal opinions that may be considered defamatory or derogatory about other Elected Members and/or staff of the City of Mitcham and/or members of the community.

May breach the Council's Code of Conduct for Elected Members.

Contains commercially sensitive information.

Promotes illegal activities.

Contains material or information that requires appropriate authorisation before transmission.

Breaches any legislation, including the *Copyright Act 1968 (Cth)*, *Occupational Health, Safety & Welfare Act 1986*, or any Council policy.

Impersonates anybody else or uses pseudonyms, falsely represents themselves, others, the Council or any of its policies, services or practices, or otherwise commits forgery or fraud.

² City of Mitcham Elected Members Records Management Policy

Email Disclosure

The following disclaimer must be attached as a footnote to all outgoing emails that are concerned with Council business:

The contents of this email may be confidential or subject to copyright, legal professional privilege or public interest immunity. This email is intended only for the original addressee(s). If you are not the intended recipient, any use, disclosure or copying of this email is unauthorised. If you have received this email in error, please telephone (08) 8372 8888 or advise the sender by return email and delete the email from your system. Virus scanning is recommended and is the responsibility of the recipient. The City of Mitcham advises that, in order to comply with Council policy or its obligations under the *Freedom of Information Act 1991* and the *State Records Act 1997*, email messages may be monitored and/or accessed by authorised staff.

Password Security

Elected Members must not:

- Share their corporate email password with another person.
- Read or attempt to read another person's password.
- Breach or attempt to breach computer or network security measures.

Monitoring of Email

Council may monitor, copy, access and disclose any information or files that are stored, processed or transmitted using Council's email system. Such monitoring will be used for legitimate purposes only (such as legal discovery) and in accordance with any relevant legislation and/or guidelines.

Council's Manager Information Technology, under instruction from the Chief Executive Officer, may be required to monitor, audit or inspect Elected Members' email stored on Council's email system to ensure compliance with this policy.

The Chief Executive Officer must inform Elected Members that their emails are to be monitored, audited or inspected and the reason for such scrutiny before the event.

Requests for Information

Elected Members are to direct email requests for information to the Chief Executive Officer or the relevant Director.

Requests for Service

Ideally, Elected Members with access to the Internet should submit requests for service or action via Council's eServices website:
(<https://eServices.mitchamcouncil.sa.gov.au>).

Alternatively, requests for service can be sent via email to:
mitcham@mitchamcouncil.sa.gov.au .

Compliance With This Policy

A breach of this policy could constitute infringement of particular Acts, such as, but not limited to, the *Occupational Health, Safety and Welfare Act 1986*, *Equal Opportunity Act 1984*, *Sex Discrimination Act 1984 (Cth)*, *Disability Discrimination Act 1992 (Cth)*, *Local Government Act 1999* and the *Criminal Law Consolidation Act 1935*. A breach of this policy might also breach provisions of the Code of Conduct for Elected Members.

POLICY REVIEW

This Policy will be subject to review every four (4) years or sooner at the discretion of the relevant General Manager.

The CEO has delegated authority to endorse any amendments to the Policy that do not vary the intent of the policy.

RESPONSIBLE OFFICER/DEPARTMENT

Manager Information Technology

ADDITIONAL CROSS REFERENCES

Elected Members Records Management Policy
Elected Members Code of Conduct

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1	Manager Information Technology	New Policy	26 September 2006
2	Governance Officer	Refer to Full Council Resolution 12 November 2019 Item 9.4	12 November 2019

