

Resolution No. 19-04

of the

San Mateo County Harbor District

Computers, Electronic Communications, and Social Media Policy

WHEREAS, the Board of Commissioners of the San Mateo County Harbor District (the Board) has previously adopted Resolution 29-05, titled 'Computers and Electronic Communications' Policy No. 6.2.4; and

WHEREAS, the Board wishes to update the 'Computers and Electronic Communications' policy and to include in the policy a section regarding Social Media; and

NOW, THEREFORE BE IT RESOLVED that the San Mateo County Harbor District Board of Harbor Commissioners hereby adopts Policy No. 6.2.4 'Computers, Electronic Communications, and Social Media' Policy, attached to this Resolution.

PASSED, APPROVED AND ADOPTED by the Board of Harbor Commissioners of the San Mateo County Harbor District at a regular meeting held on the 20th day of February 2019 by the following vote:

For: Brennan, Chang Kiraly, Larenas, Reyerling

Against: None

Absent: Mattusch

Abstention: None

Attest



Debbie Gehret
Deputy Secretary

BOARD OF HARBOR COMMISSIONERS



Sabrina Brennan
President

San Mateo County Harbor District

Policy Title Computers, Electronic Communications, and Social Media	Number: 6.2.4	Date of Approval: 2/20/2019
Other Revisions: 9/21/2005 (Resolution 05-29)	Prepared By: Julie van Hoff	Approved by: Resolution 19-04
Purpose: To set the conditions for use of District electronic communications equipment, to notify employees that they have no privacy in the use of this equipment, and to set forth the District Social Media Policy.		

STATEMENT OF POLICY

This policy sets forth guidelines for appropriate and permissible use of technology to conduct business on behalf of the District. This policy applies to access to and usage of the Internet, the transmission and exchange of electronic mail (E-mail) and other electronic messages (such as text messages or instant messages), the use of computers, networks, servers, cell phones, landline phones, portable electronic devices (PEDS), voicemail, and any other forms of electronic communication. This policy applies whenever District Commissioners and staff are conducting business on behalf of the District, regardless of location or time. This includes the access to cell phones, landline phones, PEDS; and the use of text instant messages, social media, websites, and voicemails. This policy covers all District-issued equipment. Further, this policy serves to give Commissioners and staff notice that there is a lack of privacy in any of these systems at the District. Additionally, this policy contains the District's Social Media Policy.

Access and use of District owned computers, networks, servers, cell phones, landline phones, PEDS and District social media platforms is provided by the District to facilitate the performance of District work. The District provides electronic communications facilities and equipment in order to facilitate communications and enable Commissioners and staff to perform their duties more efficiently and productively. To achieve this objective, this policy requires all Commissioners and staff who access and utilize District electronic communications to follow the guideline set forth herein.

All electronic communications and use of associated equipment must be used in compliance with applicable statutes, regulations, and District policies including those that require a work environment free from discrimination and harassment. Commissioners and staff are expected to use common sense and judgment to avoid any communication that is disrespectful, offensive or illegal.

GUIDELINES AND CONDITIONS

A. Administration

1. Access to Internet sites, newsgroups, chat rooms, and other Internet-related services may be blocked to comply with this policy.
2. Staff's misuse of electronic communications or use in violation of any provisions set forth in this policy may subject a staff member to discipline, up to and including termination of employment.
3. Any Commissioner's misuse of electronic communications or use in violation of any provision set forth in this policy may subject the elected official to public censure.

B. Conditions

1. District Property. All communications, information and content created, sent, received, deleted, stored, or otherwise associated in any way with the District's systems are the property of the District. None of such content is the property of any Commissioner, staff member, or other user.
2. Business Use. The District's electronic communications systems are the property of the District. Messages are to be professional and courteous, composed in a business-like manner consistent

with the professional agency image Commissioners and staff are to maintain on behalf of the District.

3. Personal Use. Limited, occasional or incidental personal use of the District's electronic communications systems is permitted under the following conditions:
 - a. Personal use does not interfere with the productivity of the staff member or his or her co-workers;
 - b. Personal use does not disrupt or delay the performance of District business;
 - c. Personal use does not include any activity performed in connection with work for another employer or in connection with self-employment;
 - d. Personal use does not include any activity related to the campaign of any individual running for public office; and
 - e. Personal use does not include any activity otherwise in violation of this policy.
 - f. Staff is not authorized to access personal E-mail accounts on District equipment.
4. Improper Use of District-Owned or Sponsored Electronic Communications Systems. Commissioners and staff are expressly prohibited from abusing the District's electronic communications systems in any way, including, but not limited to the following:
 - a. Threatening or harassing other staff or any other persons;
 - b. Using obscene or abusive language;
 - c. Online gaming or gambling;
 - d. Creating, displaying, downloading, transmitting or storing offensive or derogatory photographs (including but not limited to pornography or sexually oriented materials), images, messages or cartoons regarding federal, state, and locally protected classes, or which in any way violates the District's policy on prohibiting employment discrimination and harassment;
 - e. Violating any laws including use of unauthorized or pirated software or data. Information systems may not be used for any illegal purposes such as violating intellectual property rights, or participating in chain letters and pyramid schemes, or breaking into or "hacking" into the computers or intercepting the transmissions of others outside the District;
 - f. Soliciting or proselytizing others for commercial ventures or for religious, charitable or political causes or political candidates. Included are "for sale" and "for rent" messages or any other personal notices;
 - g. Sending another person's confidential or private information, inappropriate personal messages, or sensitive information such as performance review or other personal information not subject to public disclosure;
 - h. Sending personal or general announcements not related to District business unless approved in advance by the General Manager or designee for posting in District-approved electronic areas such as a bulletin board or Intranet;
 - i. Creating congestion or other disturbances. Information systems may not be used in a manner that is likely or intended to cause unwarranted congestion or breakdown of any component of the system or other disturbances;
 - j. Excessive transmission. Messages and copies of messages are to be sent only to persons with an immediate business need-to-know;
 - k. Computer snooping or "hacking". Notwithstanding the District's right of access provided in section 4. below, no Commissioner or staff member is permitted to use information systems to access content created by others, except as authorized and reasonably necessary to perform the staff member's job. The District's information systems may not be used without appropriate authorization from the General Manager to monitor the electronic files or communications of others, nor to obtain unauthorized access to files or networks through

"hacking", using others' log-in information or passwords, or otherwise breaching security measures;

- i. Destroying or altering content: defined as the destruction or alteration of content of electronic communications with the intent to cause harm, injury or deception, or in a manner that is inconsistent with the District's Records Management and Retention Policy;
- m. Misleading others concerning source of communication: defined as using another's computer, user identification or password without prior authorization to mislead the recipient into believing that the message originated from another person or another's computer.
- n. Using District facilities to knowingly or intentionally propagate any computer virus or malware;
- o. Downloading software from the Internet for business or non-business purposes or without prior approval of the General Manager;
- p. Uploading software licensed to the District or data owned or licensed by the District without prior approval of the General Manager; and
- q. Interfering with District security systems, including any attempt to disable, defeat, or circumvent any District security facilities or systems.

C. Operations

1. **Public Records.** Electronic communications generally are public records and may be subject to public inspection and copying under the Public Records Act.
2. **Retention.** Refer to the District's Records Management and Retention Policy 2.1.4.
3. **Limits on Accessibility.** The information sources accessible via the Internet are worldwide and constantly growing in kind and number. It is not possible for an Internet access provider to fully manage the types of information accessible by its systems and users, especially with regard to content limitations. Nonetheless, the District reserves the right to restrict access to any data source if/when, in its sole discretion and after appropriate review, the District determines such a source to be problematic. Such restrictions do not constitute an implication of approval of other non-restricted sources.
4. **Other Limitations.** Some delivery methods and networks impose legal restrictions regarding the nature of messages allowed. Users are expected to comply with all such restrictions.

SOCIAL MEDIA POLICY

A. Purpose

This Social Media Policy ("Policy") sets forth guidelines for the appropriate and permissible creation, maintenance and use of all District social media platforms, accounts and content. The term "social media" refers to activities that integrate technology, social interaction and content creation. Social media enables users to create online communities to share information, ideas, messages, and other content by various means, including, but not limited to, Really Simple Syndication (RSS) and other web feeds, blogs, wikis, podcasts, and photo- and video-sharing. This Policy is designed to protect the San Mateo County Harbor District and its Commissioners and staff and is in no way intended to restrict the flow of useful and appropriate communications or to abridge Commissioners' and staff's exercise of rights to the extent such speech is protected under the First Amendment of the United States Constitution, the National Labor Relations Act or any other applicable statutes.

B. Compliance with Applicable Policies and Laws

The District's social media platforms, accounts and content shall comply with all appropriate District policies and procedures. The District's social media platforms, accounts and content shall also comply with District conflict-of-interest rules, applicable ethics rules and policies, the Public Records Act, the District's Records Management and Retention Policy, and other provisions of law.

C. Policy Statement

The District permits and encourages the creation and use of social media platforms, accounts and content to facilitate the productive use of the Internet for business purposes and to disseminate information about the District. To effectuate this objective, this Policy requires all Commissioners, staff, and hired representatives who create and/or use the District's social media platforms, accounts and content to follow the guidelines set forth herein.

D. Administration and Conditions

1. Administration of Social Media for District Business

- a. The General Manager or his/her designee(s) is solely authorized to create social media platforms for District business purposes.
- b. The District General Manager or his/her designee(s) is responsible for ensuring compliance with this Policy, as well as applicable federal, state, and local laws. The District may restrict or remove any content that is deemed to be in violation of this Policy or any applicable law, or contrary to the District's goals and/or interests, or unrelated to the subject of the original posting.
- c. Content on District social media sites is likely subject to the California Public Records Act. Any content maintained in a social media format that is related to District business, including a list of subscribers and posted communication, may be a public record. Wherever possible, such sites shall indicate that any content posted or submitted for posting, including comments, may be subject to public disclosure upon request. The District shall preserve records required to be maintained pursuant to a relevant records retention schedule for the required retention period on a District server in a format that preserves the integrity of the original record and is easily accessible.

2. Conditions of Use of District-Maintained Social Media

- a. The General Manager and his/her designees are solely authorized to speak on behalf of the District.
- b. The same standards, principles, and guidelines that apply to District staff in performance of their assigned duties also apply to staff's social media use. Staff may not engage in the use of Social Media platforms to publish, post, report on or discuss information or data about District programs or activities that are considered sensitive, confidential, preliminary, or not yet available to the public.
- c. Content posted by members of the public on any social media website maintained by the District is the opinion of the poster only, and does not necessarily reflect the positions, policies, or opinions of the District.
- d. All social media platforms, accounts and content created by the District must make known that they are maintained by the District and that they abide by the terms of this Policy to the extent possible.

3. Access and Links to District-Maintained Social Media

- a. All social media websites, to the extent possible, should contain a hyperlink to the District's Official website.
- b. This Policy should be made accessible to users visiting the District's social media platforms, either directly or through a hyperlink to the District's official website, to the extent possible.
- c. The District reserves the right to deny access to District social media platforms to any individual who violates this Policy or any applicable law at any time and without prior notice.

4. District Staff Use of Social Media

- a. Any creation, use, or monitoring of social media by staff of the District relating to District business or employment at the District is subject to all federal, state, local laws and District administrative policies and procedures, including without limitation, this Policy 6.2.4 in its entirety.
- b. Staff may use District information resources only for business purposes. Therefore, unless authorized to do so by the General Manager, staff may not use social media while at work, except on their own media devices during rest and meal periods.
- c. Commissioners, staff, Public Members of Committees, and other users are not authorized to use the District's trademarks or service marks (logos) in their postings to non-District owned or controlled social media platforms or accounts.
- d. The District disclaims any and all liabilities for losses or costs incurred as a result of content posted on or via social media platforms or accounts maintained by the District, or as a result of conduct deemed to be in violation of this Policy, or any applicable laws. The District does not necessarily endorse, and is not responsible for, any content that has been submitted by any other party. The District shall inform all visitors and users of its social media sites of this disclaimer by posting the same to the District's social media sites, when feasible.
- e. Prohibited Content. For District social media sites, certain types of content are prohibited and may be removed by General Manager or his/her designee(s), including, but not limited to the following:
 - i. Content and/or language a reasonable person would find offensive, including but not limited to profane, obscene, pornographic content and/or language, or not consistent with community standards;
 - ii. Content that promotes, fosters or perpetuates discrimination on the basis of any class protected under local, state or federal law;
 - iii. Comments that are not topically related to the District or the particular posting being commented upon;
 - iv. Defamatory or libelous content;
 - v. Sexual content or links to sexual content;
 - vi. Threats to any person or organization;
 - vii. Solicitation of commerce, including but not limited to advertising of any business or product/service for sale;
 - viii. Conduct in violation of any federal, state or local law;
 - ix. Encouragement of illegal activity;
 - x. Information that may tend to compromise the safety or security of the public or public systems;
 - xi. Content that violates a social media platform's policies or terms of use, as may be updated;
 - xii. Uploading or attaching files or links to files that contain viruses, corrupted files, or any other similar software or program that may damage the operation of the District's or another's computer;
 - xiii. Materials that falsify the origin or source of software or other material contained in a file that is uploaded;
 - xiv. Content that violates a legal ownership interest, such as a copyright or trademark, of any party; and/or
 - xv. Content that violates another person's right to privacy.
- f. Standard Guidelines. On any District social media site, the following will be posted, when feasible:

"This is an official page of the San Mateo County Harbor District (District). For more information about the District, please visit <http://www.smharbor.com>. This site is intended to serve as a mechanism for communication between the public and the District and as a forum to further the District's mission. Any comment submitted to this page and its list of followers may be considered a public record which is subject to disclosure pursuant to the California Public Records Act."

For any site that allows comments, the page shall also include a Comment Policy Box, when feasible, with the following disclaimer:

"Comments posted to this page will be monitored and inappropriate content will be removed. Under the District's Social Media Policy, the District will remove any prohibited content, including, but not limited to: (1) information that may compromise public safety, public security or efficient District operations; (2) conduct or encouragement of illegal activity; (3) sexual content or links to sexual content; (4) profane language or content; (5) threatening, violent, hateful, or malicious statements concerning individuals; (6) content that is false, factually inaccurate, or materially misleading; (7) content that violates a legal ownership interest of any other party, such as trademark or copyright infringement; (8) content that violates a social media platform's policies or terms of use, as may be updated; (9) comments or content not germane to the District; (10) solicitations of commerce, such as product advertisements; (11) content that promotes, fosters, or perpetuates discrimination on the basis of any class protected under local, state or federal law; (12) content that defames or threatens to defame the District, any third party, any individual or any group of individuals; (13) uploading or attaching files that contain viruses, corrupted files, or any other similar software or programs that may damage the operation of the District's or another's computer; (14) materials that falsify the origin or source of software or other material contained in a file that is uploaded; and (15) unauthorized disclosure of confidential, sensitive, or proprietary information. The District disclaims any and all responsibility and liability for any materials that are prohibited under the District's Social Media Policy, which cannot be removed in an expeditious and otherwise timely manner. The District does not necessarily endorse, and is not responsible for, any content that has been submitted by any other party."

PRIVACY NOTICE

District staff using the Internet, E-mail, voice-mail, and social media while performing District-related duties and/or using District technology are advised that the District will from time to time monitor systems activities through automated computer programs and other means. In that regard, the District may conduct reviews of the content of messages and files, and websites visited on the Internet, including random reviews when in the exercise of its business judgment, the District determines that it would be prudent to do so. As a result, District Commissioners and staff have no expectation of privacy in any District-provided computer equipment or electronic communications equipment.