

CITY of AUSTIN Administrative Bulletin



Title **CITY ELECTRONIC COMMUNICATIONS**

Administrative **08-06**
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Revised ___ Annually X As Needed

Prepared by **Human Resources Department**

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Date

Manager's
Approval 

PURPOSE

I. Purpose

To establish a consistent policy for processing written communications using electronic communication devices.

POLICY

II. Policy

Existing and emerging electronic communications technologies have become an integral part of the ability of City employees to efficiently and effectively conduct City business. Such technology has the potential to enhance employee productivity and provide a higher level of service to the citizens of Austin. However, with such technology in the work environment, the City must ensure it continues to meet its legal obligations with respect to public information and records retention. To that end, the following protocol will be followed:

- City employees must use City accounts to transmit written communications involving City business whenever feasible.
- If circumstances require employees to use personal communication device accounts to communicate regarding City business, the communications, which include but not limited to e-mail messages, text messages, images and attachments, should be forwarded to City accounts, unless there is no administrative value in retaining the communication.

- To determine whether a written communication involves City business and must be forwarded, City employees should consult the applicable records retention schedule and forward only those communications that fall into a category of retention that is greater than the Administrative Value (“AV”) designation.
- Once a communication has been forwarded to a City account, the communication should be maintained according to the applicable records retention schedule. Any application needed to facilitate this transfer of information back to a city account is the responsibility of the employee and their service provider.
- Department Directors should ensure that this administrative policy is communicated to all department employees and have latitude to decide how that communication should occur (department meeting, training, supervisor meetings, etc).

DEFINITIONS

III. Definitions

Administrative Value (AV): The Administrative Value retention period is generally associated with routine or administrative business documents. The retention period is tied to the usefulness of the records for the conduct of current or future administrative business.

City Account: Any account issued to an employee by the city whose access to or use of electronic mail and/or computer use is funded by the City or is available through equipment owned or leased by the City.

Personal Account: Any account used by an employee for communication that is not issued by the City.

Personal Devices: Any device used by the employee for communication that is not issued by the city.

ROLES AND RESPONSIBILITIES

IV. Roles and Responsibilities

CORRESPONDING PROCEDURES AND POLICIES

“Records Retention Schedule”: A city department or division’s record control schedule adopted pursuant to Local Gov’t Code § 203.041 and Section 2-11-09 of the City of Austin Records Management Code

FORMS

V. Forms

None

RESOLUTION NO.

WHEREAS, the administration of government in a manner that is open and accessible to the public is a highly valued principle of the Austin City Council; and

WHEREAS, the Austin City Council believes that conducting the City's business in an open and transparent manner is essential to the public interest; and

WHEREAS, the current law regarding many open government issues has been complicated by changing technologies and means of communication, as evidenced by the divergent positions taken by the Texas Attorney General and the Texas courts on issues such as the treatment of information on private electronic devices; and

WHEREAS, although the law regarding personal electronic devices is unsettled in Texas, the Austin City Council desires to bring clarity to city operations by establishing a policy that ensures the public's access to government; **NOW, THEREFORE,**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

The City Council establishes the following policy regarding the conduct of city business through written communication on personal communication devices:

1. City accounts shall be used to conduct city business.
2. If circumstances require a City official or employee subject to this resolution to conduct city business on a non-city account, the official or employee shall promptly forward the associated electronic communications to a city account. Once forwarded to a city account, the communication will be public information as set out in the Texas Public Information Act.
3. This policy applies to the Mayor and all members of the City Council, and all city employees directly appointed by the City Council, including the City Manager, the City Clerk, the City Auditor, the Chief Judge of the Municipal Court, and the Municipal Court Clerk. This policy does not waive any exception under the Texas Public Information Act.

BE IT FURTHER RESOLVED:

That the City Manager is directed to develop a policy regarding the conduct of city business on personal communication devices by all other city employees and report progress back to the City Council within 30 days.

BE IT FURTHER RESOLVED:

That the City Clerk is directed to develop a policy regarding the conduct of city business on personal communication devices by members of city boards and commissions with sovereign authority, and report progress to the City Council within 30 days.

BE IT FURTHER RESOLVED

That the City Manager and the City Clerk are directed to work with the Communications and Technology Management Department to estimate implementation costs of all policies

developed pursuant to this resolution.

This policy applies to all communications occurring immediately after the adoption of this resolution.

ADOPTED: _____, 2011 ATTEST: _____
 Shirley A. Gentry
 City Clerk

Agreement for Use of the City's E-mail System by Board Members

I understand that an e-mail address is provided to me for my use as a board member. In consideration for the use of the City server and the City e-mail address provided to me for my use of the address and the server, I acknowledge and agree that:

1. The address and the attendant access to the City e-mail server is solely for my use as a City board member and not for any personal, business, campaign, or political purposes whatsoever.
2. I agree not to send any messages except for a purpose related to my board membership.
3. I agree not to use the server to support, oppose, or express an opinion on any candidate for electoral office or on any ballot proposition submitted to the voters for a vote.
4. While I cannot completely control what messages are sent to the address, I agree not to use the address to solicit or subscribe to news feeds, distribution lists and other automated e-mail distributions; and I agree to unsubscribe to unsolicited messages of this nature. I also agree to ask a person sending a message to my City e-mail account that does not relate to board business to use a personal account.
5. I understand and, by my use of the e-mail address and server, I agree that I have no expectation of privacy in the content of any email sent or received by me on this server.
6. I understand that the messages sent and received on the server are subject to the Texas Public Information Act and may have to be searched to find information responsive to a Public Information request, and may have to be produced by the City for public inspection.
7. Should I receive a communication related to my service as a board member on a non-City account, I agree to promptly forward the communication to the City account and, to the greatest extent feasible, advise the sender to use the City account for all future correspondence related to my service as a board member.

8. I agree to cooperate fully with the City in looking for information on the server that may be responsive to a request for information under the Public Information Act.
9. I agree and understand that content on the server is subject to retention under the Texas Local Government Records Act, and that I cannot delete City related content from the server.
10. I agree to send any messages related to my service as a City board member received by me on a personal email account, or by means of any other electronic messaging technology, to my City e-mail account, and to ask the person sending the message to send future messages relating to City board business to my City e-mail address.
11. I release and indemnify the City from any liability to me, or created by me, by my use of the City server.