

**Trailer Estates Park & Recreation District
Policies & Procedures**

ELECTRONIC MAIL POLICY

1. Scope

This policy provides guidelines for the management and usage of electronic mail (e-mail) messages as public records within Trailer Estates Park & Recreation District (T.E.). This policy applies to the entire T.E. workforce (Trustees, employees and members of Standing Committees) with access to T.E.'s e-mail system including contract agents of T.E. in the conduct of their official duties as prescribed by law.

This policy does not provide specific procedures for system backups or "archiving" of inactive e-mail. Employees should refer to internal T. E. operating procedures for this information.

2. Purposes

The purposes of this policy are to:

- a. Ensure that Trailer Estate's employees, trustees & standing committee members comply with Florida's Public Records Law, Chapter 119, Florida Statutes, when using the Park's e-mail system;
- b. Ensure that Trailer Estate's employees, trustees & standing committee members properly manage and retain e-mail as public records in accordance with applicable records management statutes and rules; and
- c. Ensure proper usage of T.E.'s e-mail system and that users understand the types of e-mail usage that are considered inappropriate and a violation of this policy.

3. Authority

- a. Chapters 119, 257, and 282, Florida Statutes;
- b. Rules 1B-24 and 60DD, Florida Administrative Code.

4. Definition of E-Mail

E-mail is the electronic transfer of information, typically in the form of electronic messages, memoranda, and attached documents, from a sending party to one or more receiving parties by means of an intermediate telecommunications system.

5. E-Mail as a Public Record

- a. E-mail which is created or received by an employee, trustee or standing committee member in connection with the transaction of official business of T.E. is considered a public record and is subject to inspection and/or copying in accordance with Chapter 119, Florida Statutes, and is subject to applicable state retention laws and regulations, unless expressly exempted by law.
- b. E-mails created or received for personal use are not generally considered public records and do not fall within the definition of public records by virtue of their placement on a government-owned computer system. However, if T. E. discovers misuse of the e-mail system, personal e-mails that are identified as being in violation of T.E.'s policy may become public record as part of an investigation.
- c. The Florida Statutes contain numerous specific exemptions to the access and inspection requirements of the Public Records Law. Employees are responsible for ensuring that electronic public records which are exempt from access or inspection by statute are properly safeguarded.

6. Use of E-Mail System

- a. T.E.'s e-mail system is to be used to conduct official T.E. business and is not to be used for any other purpose unless expressly approved by authorized T.E. officials. E-mail may be used to communicate with T.E. staff and with other public and private entities to conduct official T.E. business.
- b. Incidental, personal use of the e-mail system is permitted; however, the personal use must be brief, must not interfere with the employee's work or the work of others, must not subject T.E. to any additional cost, and must not be prohibited by this policy or any federal, state or local law, statute, ordinance, rule or regulation.

7. Prohibited Uses of E-Mail

Trailer Estate's e-mail system shall not be used for any unauthorized purpose including, but not limited to:

- a. Sending solicitations including, but not limited to, advertising the sale of goods or services or other commercial activities, which have not been approved by T.E.

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- b. Sending copies of documents in violation of copyright laws or licensing agreements.
- c. Sending information or material prohibited or restricted by government security laws or regulations.
- d. Sending information or material which may reflect unfavorably on T.E. or adversely affect T. E. ability to carry out its mission.
- e. Sending information or material which may be perceived as representing T.E.'s official position on any matter when authority to disseminate such information has not been expressly granted. *BY WHOM*
- f. Sending confidential or proprietary information or data to persons not authorized to receive such information, either within or outside Trailer Estates.
- g. Sending messages or requesting information or material that is *fraudulent, harassing, obscene, offensive, discriminatory, lewd, sexually suggestive, sexually explicit, pornographic, intimidating, defamatory, derogatory, violent or which contains profanity or vulgarity*, regardless of intent. Among those which are considered offensive include, but are not limited to, messages containing jokes, slurs, epithets, pictures, caricatures, or other material demonstrating animosity, hatred, disdain or contempt for a person or group of people because of race, color, age national origin, gender, religious or political beliefs, marital status, disability, sexual orientation or any other classification protected by law.
- h. Sending messages or requesting information reflecting or containing chain letters or any illegal activity, including, but not limited to gambling.
- i. Sending or requesting information or material that proselytizes or promotes a religious or political view, cause, position or action.

8. No Right of Privacy

Trailer Estate's employees, trustees or standing committee members have no right of personal privacy in any material created, stored in, received, or sent over T.E.'s e-mail system. T. E. reserves and may exercise the right, at any time and without prior notice or permission, to intercept, monitor, access, search, retrieve, record, copy, inspect, review, block, delete and/or disclose any material created, stored in, received, or sent over T.E.'s e-mail system for the purpose of protecting the system from unauthorized or improper use or criminal activity.

9. Retention Requirements for E-Mail

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a. All public records must have an approved retention schedule in place before they can be destroyed or otherwise disposed of. Retention periods are determined by the content, nature and purpose of records, and are set based on their legal, fiscal, administrative and historical values, regardless of their form. Therefore, there is not single retention schedule that would apply across the board to all e-mails. E-mail, like other records, irrespective of its form, can have a variety of purposes and relate to a variety of program functions and activities. The retention period of any particular e-mail message will generally be the same as the retention for records in any other form that document the same program function or activity.

b. T.E. employees, trustees and standing committee members are required to relate each e-mail that is created or received by them through T.E.'s e-mail system to the activity it documents, as well as to other records documenting that activity, and apply the appropriate retention period based on that activity or function. Approved retention schedules for State Government Agencies can be found at http://dlis.dos.state.fl.us/recordsmgmt/gen_record_schedules.cfm.

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c. It is the responsibility of each employee, trustee and standing committee member to ensure that e-mail and other public records in their custody are given to the Official Keeper of the Records at the T.E. Office so that can be maintained for the required retention period(s). Although T.E. routinely backs up its servers, each back-up is maintained only briefly for disaster recover purposes and therefore cannot be regarded as a tool for meeting public records retention requirements.

10. Transitory Messages

~~Many, though not all, e-mails fall under the retention schedule for~~
"TRANSITORY MESSAGES" (General Records Schedule GSI-S for the State Government Agencies, Item #146). ~~Transitory Messages~~ are messages that do not set policy, establish guidelines or procedures, certify a transaction or become a receipt. For instance, an e-mail message notifying employees of an upcoming meeting would only have value until the meeting has been attended or the employee receiving the message has marked the date and time in the calendar. The informal nature of transitory messages might be compared to a telephone conversation or conversation in an office hallway. The retention requirements for Transitory Messages is "Retain until obsolete, superseded or administrative value is lost." Therefore, e-mails that fall into this category can be disposed of at any time once they are not longer needed.

11. Managing E-mail

Sorting e-mail into appropriate personal folders is a helpful way to manage these records and to ensure that appropriate retention requirements are identified and met. That is, just as file cabinets are set up to house different sets of files and employees know where to file paper records in those files, e-mail files and folders can be set up with the appropriate retention period designated for each of those files and folders. If no retention schedule existsw for records relateing to a particular activity, then one must be established and that retention schedule would then apply to all documentation of that activity, regardless of form (paper, film, electronic, etc).

12. Violations

Violations of this policy may result in disciplinary action, up to and including termination of employment or removal from the board or standing committee.

APPROVED BY: