



TOWN OF HOPKINTON

HUMAN RESOURCES DEPARTMENT

TOWN HALL
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Town of Hopkinton, MA Email Policy

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1. Purpose of Policy

This policy is intended to provide guidelines for the proper use of electronic mail (Email) by Town employees, elected and appointed members of Town boards and committees and other Town officials.

Email correspondence provides a convenient and effective way to communicate with Town employees, board and committee members, the public, vendors and other governmental agencies. While Town employees normally use Town equipment and Town Email accounts to communicate by Email, they may use personal Email accounts for town business on occasion. In either case, these guidelines apply.

Most Email sent and received by a Town employee or official using Town equipment and Town Email accounts is considered to be a public record under the *Public Records Law (M.G.L. c.66)*. The *Public Records Law* also applies to Emails sent or received using private equipment and private Email accounts if such Emails pertain to Town business.

In addition to the guidelines contained in this policy, the use of Email must also comply with the Information Technology Acceptable Use Policy.

2. Use of Email

Town boards, committees, employees, departments and local officials may use Email to exchange information on Town matters. An Email account is provided to all Town employees and officials for use in their work and should be used for Town business. Computer and communication equipment are also provided to selected Town employees and officials for use in their work and should be used for Town business. All Town Email accounts, related online services and equipment are the property of the Town of Hopkinton and may be inspected at any time. Occasional use of Town Email accounts and equipment for personal communications is not prohibited, but may be subject to monitoring or limitation.

Personal Emails sent using Town Email accounts or equipment may also be subject to public inspection pursuant to the *Public Records Law (M.G.L. c.66, §10)*. See Section 2.2 below. Therefore, while such personal use is not prohibited, Town employees and officials are wise to consider alternative means of personal communication.

2.1 General Email Communication among Town Employees/Officials

All Email sent or received by boards, committees, employees, departments, and local officials should be presumed to be public records that must be available for public inspection unless the *Public Records Law* has specifically exempted them from disclosure. For exemptions, see Section 2.3 below. For the purpose of the *Public Records Law*, it does not matter whether the Email was generated or received on a Town computer or whether a public or personal Email account was used.

2.2 Retaining Email Messages

Users are considered the custodians of their messages and should preserve all messages for the time periods and according to the procedures specified in the Municipal Records Retention Manual Found on the Secretary of State's website:

http://www.sec.state.ma.us/arc/arcpdf/MA_Municipal_Records_Retention_Manuel.pdf

Your obligation to retain these records does not depend on whether they are exempt from public disclosure. See Section 2.3 below.

As of October 3, 2011, Hopkinton has a practice of archiving all Emails sent and received by users on the Town Email system for the time required in the State schedules. These Emails can be retrieved even if deleted by the user or if the user account is deleted. This means that Emails sent or received by a Town official or employee will be retained even if the content of the Email is personal in nature and unrelated to Town business. Thereafter, unless the content of a personal Email meets one of the applicable exemptions (see Section 2.3 below), it is subject to public disclosure.

Communication unrelated to Town matters by Town employees and officials on personal equipment that they provide is their private property and is respected as such. However, all Town-related Emails sent or received through a personal email account or on personal equipment should be forwarded to a Town Email account so that a copy of the Email is retained by the Town Email system.

2.3 Emails Exempt from Disclosure

Some Emails are outside the legal definition of "public records," and are therefore exempt from public disclosure. A complete list of exemptions can be found on the Secretary of State's website:

<http://www.sec.state.ma.us/pre/prepdf/pubreclaw.pdf>

2.4 Email Communication among Board Members

The *Open Meeting Law* (*M.G.L. c.30A, §§18-25*) applies to Email communication among members of the same board, and care must be taken when using Email to ensure compliance with this law. All votes on Town matters must be taken at an open meeting, with a quorum of committee/board members present. No member may use an Email exchange to influence a potential vote of a Town committee/board or to build consensus toward such vote. Members also may not engage in any deliberation involving a quorum of members. Matters of substance

pending before a committee/board should therefore not be discussed in an Email, regardless of whether the Email is sent to other members simultaneously or serially. Certain types of “housekeeping” matters may be communicated via-Email, such as the distribution of materials, correspondence, agendas and reports.

Meeting agendas may be discussed by Email to confirm scheduling, availability and/or to disclose topical information relevant to an agenda item. Agendas may be distributed to committee/board members by Email.

3. Content

Email should never be used for any illegal activity, including but not limited to, the transmission of copyrighted or trade secret material, the transmission of obscene, defamatory, or threatening material, or the propagation of any type of criminal activity. Town Email should also never be used to create offensive or disruptive messages or images. Among those things that are considered offensive are any messages or images that contain sexual implications, racial slurs, gender-specific comments, or any other comment that offensively addresses someone’s age, sexual orientation, religious or political beliefs, national origin or disability.

4. Email Security

Email should be viewed as an unsecured mode of communication. Care and caution should therefore be used when transmitting sensitive documents. It is strongly recommended that all sensitive documents be encrypted in order to protect the integrity of the communication. Contact the Technology Department for questions about encrypted files.

5. Confidentiality

Town employees and officials should never assume that Email messages are personal or confidential. However, not all Email records are public documents. For example, Emails containing employee personnel file data or medical history of an employee are examples of information that should never be released without proper consent. Certain communications with Town Counsel or other attorneys representing the Town may also be considered confidential, unless they have been released to the public. Other types of Emails and/or attachments such as litigation documents, settlement agreements, etc. may be considered confidential until such time that the matter is resolved and becomes a matter of public record. Such Emails are not subject to release under the *Public Records Law*.

6. Authenticity

Due to the inherent nature of Email, it is not secure and can be altered or changed by any person sending or receiving information. As such, it is not to be interpreted as accurate and reliable unless it is signed and dated by the individual sending the Email as a correct representation of the transmitted information on the date specified.

7. Unsolicited Email

Unsolicited Email received from an unfamiliar sender (“SPAM”) should not be opened. Any SPAM that gets through the Town’s SPAM filters can and should be deleted. Never open an attachment if you do not know its source. Opening unknown attachments can initiate a virus.