

STATE OF VERMONT
Agency of Human Services (AHS)

POLICY MANUAL	ORIGINAL POLICY ADOPTED DATE: REVISED DATE:	ORIGINAL POLICY NUMBER 05.01
	EFFECTIVE DATE: April 14, 2006	Category Communication

TITLE: **Email Use Policy**

PURPOSE:

The purpose of this policy is to inform users of AHS email systems regarding acceptable and unacceptable use.

BACKGROUND:

Email is a critical mechanism for business communications at AHS.

The intent of this policy is to avoid unnecessary risk to AHS, users, and the individuals and families whom we serve; to improve productivity through efficient use of resources; to comply with applicable policies and law; and to minimize disruptions to services and activities.

DEFINITIONS:

Email: Email is mail that is electronically transmitted by computer. Email is a method of composing, sending, and receiving messages over electronic communication systems. For the purposes of this policy, this definition does not include instant messaging or other forms of electronic communication.

AHS email system: Any email system owned, operated, and supported by AHS, and any email service purchased by AHS for a user (e.g., the Department of Information and Innovation's central email service).

User: Anyone who has an email account in any AHS email system. The term "user" includes all employees of AHS (classified, exempt, appointed, and temporary) and others who have been given AHS email accounts (e.g., contractors, students, volunteers, and associates).

Public record: As defined by 1 V.S.A. § 317(b) "public records" are "all papers, documents, machine readable materials, computer databases, or any other written or recorded matters regardless of their physical form or characteristics, that are produced or acquired in the course of agency business." Therefore, all email composed, sent, or read, using AHS equipment or electronic systems should be presumed to be a public record.

Some records may be exempt from public disclosure. (See #6, Related Documents/Statutory References below).

SCOPE:

This policy applies to all AHS email systems and to all users of AHS email systems.

AHS departments may create their own more restrictive email policy. Any departmental email policy must be reviewed and approved by the office of the AHS Chief Information Officer to ensure that it is compliant with the State policy cited below and this policy.

POLICY:

Ownership

All AHS email accounts and all email sent or received by users through AHS email systems are the property of the State of Vermont. AHS may monitor or investigate any use of its email systems and email accounts with or without a user's knowledge. AHS may monitor any email traffic passing through its email systems.

Account Activation/Termination

Email access at AHS is controlled through individual accounts and passwords. Each new user of an AHS email system is required to read this Email Use Policy prior to receiving an email account.

Email access will be terminated when the user terminates employment or association with AHS unless otherwise arranged. AHS is not obligated to store or forward the contents of individuals' email inbox/outbox after their employment has ceased.

Acceptable Use

Users may use AHS email systems for carrying out their work responsibilities and for those other permissible uses described in the State of Vermont Policy 11.7, Electronic Communications and Internet Use (See #1. Related Documents/Statutory References below).

Permitted uses of AHS email systems are job-related and include:

- Communicating with fellow employees, business partners, and clients within the context of an employee's assigned responsibilities,
- Acquiring or sharing information necessary or related to the performance of an individual's assigned responsibilities, and
- Learning and adhering to AHS requirements for constructing and distributing email as put forth in this policy.

Incidental and occasional personal use of any AHS email system is permitted subject to the restrictions contained in this policy and in the State of Vermont Policy 11.7, Electronic Communications and Internet Use.

Note: For expectations regarding day-to-day use of email refer to the General

Expectations of Email Users (See #8, Related Documents/Statutory References).

Unacceptable Use

Users shall not use email for any use that is not job-related or included in the Acceptable Use section of this policy.

Examples of unacceptable use are:

1. Statutory and Regulatory Restrictions

- a. Use of email in any way that violates AHS policies, rules, or administrative orders, including but not limited to AHS Rule 96-23 - Access to Information and AHS HIPAA Privacy Standards and Guidelines relating to confidentiality of information about individuals. (See #2 & #3, Related Documents/Statutory References below)
- b. Use of email for purposes that are illegal or otherwise prohibited. For example, it is illegal to send or receive child pornography. Other prohibited uses include copyright infringement, obscenity, libel, slander, fraud, defamation, plagiarism, discrimination, harassment, intimidation, forgery, impersonation, soliciting for pyramid schemes, and computer tampering (e.g., spreading of computer viruses).
- c. Use of email that violates the State of Vermont Policy 5.7, Political Activities, the current collective bargaining agreement provisions related to political activity, or the federal Hatch Act, which governs political activity by state employees. This includes using AHS email to interfere with or affect the results of an election or nomination, to directly or indirectly coerce contributions from subordinates in support of a political party or candidate or to otherwise lobby on behalf of a candidate, a political party or an issue. (See Related Documents/Statutory References below)

2. Personnel Restrictions

- a. Sending email that is unprofessional. Users shall not send email that might reasonably be considered indecent, obscene, pornographic, offensive, abusive, sexist, racist or generally distasteful.
- b. Viewing, sharing, disseminating, copying, altering, or deleting without authorization email records from another person's account.
- c. Sending or receiving personal email messages when such action interferes with the sender's job responsibilities or the job responsibilities of other employees, disrupts the system, and/or damages the reputation of AHS. If a user is receiving excessive email from someone, the user should ask the sender to stop or to limit correspondence.
- d. Use of email for any type of commercial activity. Use of email for personal and/or financial gain such as moonlighting activities is prohibited.
- e. Use of email as a forum for discussion of non-work related issues. This prohibition includes speaking on, promoting or denigrating political, moral, or religious views, or organizations, activities or products--political, religious, charitable or otherwise, unless specifically approved by the AHS Personnel

Chief. This section is not intended to increase nor diminish incidental and personal use of email as may be permissible under the labor contracts, state policy or statute.

3. *System Risk*

- a. Opening email attachments from unknown or unsigned sources. Attachments are the primary source of computer viruses and shall be treated with utmost caution.
- b. Sharing email account passwords with another person or attempting to obtain another person's email account password. Email accounts are only to be used by the registered user.
- c. Use of AHS email systems for unsolicited mass mailings, dissemination of chain letters, and use by non-employees.

Administrative Records and Retention

Emails sent or received on any AHS email system form part of the administrative records of AHS. All email messages may be subject to discovery proceedings in legal actions and to public inspection under Vermont's Access to Public Records Law unless an exemption applies. (See #6, Related Documents/Statutory References below)

Users are responsible for saving important messages or attachments that are relevant to work projects or those that might be needed at a future date to support work initiatives. When a user no longer needs an account (e.g., leaving employment), the user is responsible for making arrangements with the supervisor or state contact to ensure that important messages and attachments are retained and available.

Security

It is the responsibility of the user to protect the confidentiality of his/her account and password information. If others must access a user's account, the user should use the proxy tool in the email system (in Outlook this is called Delegate) to provide that access for the appropriate period of time.

Users who remotely access AHS email must safeguard their account from unauthorized access and viewing by other people in the vicinity, such as family or friends. Users who access email accounts over the internet from non-state owned machines shall never save their logon or password in the internet browser.

Users must comply with all AHS practices regarding security, including AHS Rule 96-23 – Access to Information, and the HIPAA Standards and Guidelines, whenever and wherever they are accessing their account.

Monitoring and Privacy

AHS has the authority and ability to monitor all e-mail. AHS information technology staff may incidentally read email while managing the email system. Managers, supervisors, and technical staff may occasionally access a user's email for legitimate business purposes, such as for obtaining information when a user is unavailable or for diagnosing and resolving technical problems.

In addition, backup copies of email messages may exist, despite user deletion, through normal back-up procedures designed to ensure system reliability and prevent business data loss.

If AHS discovers or suspects that a user is not complying with applicable laws or this policy, AHS may retrieve email to investigate or document the noncompliance. E-mail accounts of any employee or non-employee user may also be accessed for purposes of investigation of misconduct or inefficiency in the workplace.

Confidentiality

Users shall only communicate confidential or sensitive information via email when it is reasonable to do so. Users shall use extreme caution when communicating confidential or sensitive information via email and shall only use the minimum needed to complete the transaction. Users shall keep in mind that their use of AHS email systems to communicate protected health information must be consistent with the AHS HIPAA Standards and Guidelines. Users shall also keep in mind that email messages become the property of the receiver who may share them with others.

Before corresponding about protected health or other confidential information through email with the individuals and families whom we serve or with others, a user must determine whether it is reasonable to reply by email or whether postal service mail or FAX may be preferable. If the user does reply by email in order to answer in a timely and accessible manner, the response shall be limited to the minimum needed to complete the transaction.

AHS email must include the following notice:

“This email message may contain privileged and/or confidential information. If you are not the intended recipient(s), you are hereby notified that any dissemination, distribution, or copying of this email message is strictly prohibited. If you have received this message in error, please immediately notify the sender and delete this email message from your computer.

CAUTION: The Agency of Human Services (or substitute department name for AHS) cannot ensure the confidentiality or security of email transmissions.”

Users shall not include client names or Social Security numbers in the subject line of an email. Develop alternative approaches. For example, limit subject line information to the initials of the subject or, if necessary, the subject’s first initial and the first five letters or a partial abbreviation of the subject’s last name.

Users shall not use the auto-forward function for messages that include confidential information unless the user is sure that the recipient is authorized to receive it.

Reporting Misuse

Users shall immediately report disclosures of health information via email that allegedly violate the AHS HIPAA Privacy Standards and Guidelines to the AHS Privacy Administrator.

If users receive email that they consider to be harassment the matter should be reported to the supervisor, department head, personnel officer, or other representative of the state as appropriate in accordance with the State of Vermont Policy 3.1, Sexual Harassment.

Users are encouraged, but not required, to identify objectionable actions to those responsible for them, and to try to resolve issues informally.

Users may report objectionable actions to a supervisor, or if the supervisor is involved, to the next level up.

Technical Restrictions

Email systems must not be used for long-term message storage. AHS email accounts will be authorized a maximum amount of storage space. Users are responsible for mailbox management, including organization and cleaning. When a mailbox is approaching the maximum size, the user will be notified to delete unnecessary messages or to move stored email to another location. The storage maximum is found in the General Expectations for Email Users. (See #8 Related Documents/Statutory References below)

AHS email messages sent or received (including attachments) are limited to a maximum size. Larger email may be authorized by a Network Administrator and requires technical intervention. The email size maximum is found in the General Expectations for Email Users. (See #8 Related Documents/Statutory References below)

COMPLIANCE:

Violations of this policy will be treated like other allegations of wrongdoing at AHS. Allegations of misconduct will be handled according to established procedures. Further information can be found in the State of Vermont Personnel Policies and Procedures, and in the Collective Bargaining Agreements between the State of Vermont and VSEA (See Related Documents/Statutory References below)

Any use that is not for State business or authorized limited personal use consistent with this policy may result in revocation of email access, other appropriate administrative action, and/or disciplinary or corrective action.

ISSUING ENTITY:

Office of the Secretary, Agency of Human Services

RELATED DOCUMENTS/STATUTORY REFERENCES:

1. The State of Vermont Policy 11.7, Electronic Communications and Internet Use <http://www.vermontpersonnel.org/employee/policy.php?id=pm117.htm>

2. AHS Rule 96-23 – Access to Information
<http://www.healthyvermonters.info/rules/access.shtml>
3. AHS HIPAA Standards and Guidelines
http://www.ahsinfo.ahs.state.vt.us/hipaa/hippa_home.cfm
4. Collective Bargaining Agreements between the State and VSEA
http://www.vermontpersonnel.org/employee/labor_cba.php
5. Federal Hatch Act http://www.osc.gov/ha_state.htm
6. State’s Access to Public Records Law
<http://vermont-archives.org/records/right-to-know/overview.html>
7. State of Vermont Personnel Policies and Procedures
http://www.vermontpersonnel.org/employee/labor_policy.php
8. General Expectations for Email Users <http://www.ahsinfo.ahs.state.vt.us/>

REVISION HISTORY:

AUTHORIZING SIGNATURE:

s/ Steven M. Gold, Deputy Secretary _____
Secretary
Agency of Human Services

DATE SIGNED:

March 26, 2006
Date