

COMMITTEE: ADMINISTRATION
DATE: 3RD APRIL, 2003
SUBJECT: REVISED E MAIL POLICY
REPORT BY: HEAD OF HUMAN RESOURCES AND HEAD OF INFORMATION MANAGEMENT
CONTACT OFFICER: HILARY BEAUMONT 01582 546287

IMPLICATIONS:

LEGAL	✓	COMMUNITY SAFETY
EQUALITIES		ENVIRONMENT
FINANCIAL		CONSULTATIONS - CJNCC
STAFFING		OTHER

WARDS AFFECTED: NONE

PURPOSE

1. To obtain the approval of Administration Committee to revise the Council's existing e-mail policy.

RECOMMENDATION(S)

2. Administration Committee is recommended to approve the attached policy as recommended by the CJNCC.

BACKGROUND

3. The council has an e-mail policy, which requires updating in line with new legislation, to provide employees with a cleared definition of "reasonable personal use", and to address technological changes. The attached policy has been through a lengthy consultation process and has been referred to Administration Committee by the CJNCC.

REPORT

4. The main reasons for changing and revising the existing e-mail policy are as follows:
 1. Compliance with the Regulation of Investigatory Powers Act 2000; which only allows an employer to access an employee's e-mail under certain conditions. The

most important of which is that employees must be made aware of the employer's right to do this.

2. Adherence to the Information Commissioners guidelines on employee workplace monitoring, which protects the rights of privacy of employees (particularly in environments where an employee permits some personal use of e-mail.)
3. Addressing technological changes, and in particular the Council's electronic e-mail vault, an archive of all e-mails sent and received. This is used for the recovery of information in relation to various matters, including disciplinary investigations and Data Protection Act subject access requests.
4. To provide a clearer definition of "reasonable personal use" of the e-mail system (Paragraph 19, page 15 of the policy refers,) in order to better inform employees of their rights and responsibilities.
5. To remove the clause (which exists in the current e mail policy), requiring the head of Human resources to advise the Trade Unions prior to accessing an employees mail when required by management for disciplinary purposes and investigation. This requirement to notify currently applies in all cases regardless of whether the employee is a trade union member, and does not require the employee's wishes in this matter, and their potential right to privacy to be a consideration. This also prevents management from carrying out an initial fact finding review to ascertain whether there is the need to carry out a formal investigation.
6. To address the risks posed to the Council and its reputation by the use of profanity and inappropriate language and behaviour (paragraph 5.1.2 refers.)

PROPOSAL/OPTION

It is proposed that this policy be agreed.

LEGAL IMPLICATIONS

Failure to adopt this policy may increase the risk of being in breach of some current legislation.

APPENDIX

Appendix: Policy

LIST OF BACKGROUND PAPERS

LOCAL GOVERNMENT ACT 1972, SECTION 100D

There are no background papers relating to this report.