



8. INFORMATION TECHNOLOGY

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8.1.2 Information and Communications Technology (ICT) Systems Acceptable Use Policy

About the Acceptable Use Policy

The Acceptable Use Policy outlines appropriate use of the Shire of Manjimup's electronic communications and systems. This policy applies to all users of the Shire's information, communication and technology systems.

1. Purpose

The purpose of this Policy is to ensure that all use of the Shire of Manjimup's Information and Communications Technology (ICT) systems is legal, ethical and consistent with the aims, values and objectives of Shire of Manjimup.

Shire of Manjimup ICT systems must be properly and efficiently used. Shire of Manjimup ICT systems are not to be used for inappropriate activities for example, pornography, fraud, defamation, breach of copyright, unlawful discrimination or vilification, sexual harassment, stalking, privacy violations or any other illegal activity.

2. Scope

In this Policy –

- **“Authorised Person”** means the CEO or a person authorised by the CEO of the Shire of Manjimup;
- **“Shire of Manjimup ICT Systems”** includes but is not limited to, Local Area Networks (LANs), Wide Area Networks (WANs), Wireless Local Area Networks (WLANs), CCTV systems, Radio systems, Intranet, Extranet, Internet, electronic mail (Email), computer systems, software, servers, desktop computers, notebook computers, mobile phones, digital cameras, hand held devices (for example, personal digital assistants or “PDAs”), USB Memory sticks and other ICT storage devices;
- **“Electronic Communications”** means email, instant messaging and any other material sent electronically;
- **“Personal Use”** means all non-work related use, and includes Internet usage and private Emails.
- **“Users”** of Shire of Manjimup ICT systems includes Councillors, all employees (including ongoing, casual and temporary employees) and contractors engaged by Shire of Manjimup and external users who connect to the Shire of Manjimup ICT system for the purposes of electronic business.

This Policy applies to all users of Shire of Manjimup ICT systems regardless of work location.

This Policy applies to the use of all aspects of Shire of Manjimup ICT systems, networks, software and hardware collectively referred to as **“Shire of Manjimup ICT systems”** (see definition of **“Shire of Manjimup ICT systems”** in clause 2.1).

Use of Shire of Manjimup ICT systems includes transmissions to or through the Shire of Manjimup's ICT systems by a user.

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This Policy governs the use of the Shire of Manjimup's ICT systems and includes but is not limited to:

- (a) Publishing and browsing on the Internet (including Intranet and Extranet);
- (b) Downloading or accessing files from the Internet or other electronic sources;
- (c) Email;
- (d) Electronic bulletins/notice boards;
- (e) Electronic discussion/news groups;
- (f) Weblogs ('blogs');
- (g) File transfer;
- (h) File storage;
- (i) File sharing;
- (j) Video conferencing;
- (k) Streaming media;
- (l) Instant messaging/mobile phone text messaging;
- (m) Online discussion groups and 'chat' facilities;
- (n) Subscriptions to list servers, mailing lists or other like services;
- (o) Copying, saving or distributing files;
- (p) Viewing material electronically; and
- (q) Printing material.
- (r) Social networks.

Any reference in this Policy to an Act, Regulation, Guidelines, Code of Conduct or other document includes a reference to the Act, Regulation, Guidelines, Code of Conduct or other document as amended from time to time. Users of the Shire of Manjimup ICT system are also subject to Acts and Regulations not explicitly referenced in this policy. These include, but are not restricted to:

- (a) Privacy Act 1988 Commonwealth of Australia
- (b) Freedom from Information Act 1982 Commonwealth of Australia
- (c) Freedom from Information Act 1992 State of Western Australia
- (d) Crime Act 1914 Commonwealth of Australia
- (e) Criminal Code Act 1995 Commonwealth of Australia
- (f) Australian Crimes Commission Act 2002 Commonwealth of Australia

3. Rationale

The use of Shire of Manjimup ICT systems carries with it responsibilities.

The provision of the Shire of Manjimup's ICT systems by the Shire is to improve and enhance the conduct of the business and functions of the Shire. Using information technology, accessing information, and communicating electronically can be cost-effective, timely and efficient. It is essential that use of this valuable resource be managed to ensure that it is used in an appropriate manner.

The process by which the Shire of Manjimup's seeks to manage staff use of Shire of Manjimup ICT systems is through the development and implementation of this Policy. The Policy must be followed whenever using the Shire of Manjimup's ICT systems.

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4. Responsibility

It is the responsibility of the CEO, the Directors and Managers to ensure that the people to whom this Policy applies are aware of this Policy. This may include, but is not limited to:

- (a) providing access to a copy of the Policy;
- (b) reminders of the need for compliance with the Policy; and
- (c) providing updates or developments of the Policy to those affected by the Policy.

It is the responsibility of all users to abide by the Policy.

5. Non-compliance

Depending on the nature of the inappropriate use of the Shire of Manjimup's ICT systems, non-compliance with this Policy may constitute:

- (a) A breach of employment obligations;
- (b) Serious misconduct;
- (c) Sexual harassment;
- (d) A criminal offence;
- (e) A threat to the security of the Shire of Manjimup's ICT systems;
- (f) An infringement of the privacy of staff and other persons; or
- (g) Exposure to legal liability.

Non-compliance with this Policy will be regarded as a serious matter and appropriate action may be taken.

Where there is a reasonable belief that illegal activity may have occurred the Shire will report the suspected illegal activity to the police.

6. Business purposes

The Shire of Manjimup's ICT systems are tools to be used for Shire business purposes.

Use of the Shire of Manjimup's ICT systems must:

- (a) Be for Shire business purposes only, or where authorised or required by law, or with the express permission of an Authorised Person; and
- (b) Be used like other business communications and comply with any codes of conduct or legislative requirements that apply to the user.

Notwithstanding clause 6(a), users of the Shire of Manjimup's ICT systems may use the Shire of Manjimup's ICT systems for personal use provided the use is minor and infrequent and does not breach this Policy. Users must not engage in excessive personal use of the Shire of Manjimup's ICT systems during working hours. Users must not engage in excessive personal use of electronic communications and the Internet using Shire of Manjimup networks outside working hours. A breach of either of these constitutes a failure to abide by this Policy.

Subject to minor and infrequent personal use in accordance with this clause:-

- (a) subscribing to list servers (LISTSERVS), mailing lists and other like services must

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- be for Shire of Manjimup purposes or professional development reasons only; and
- (b) online conferences, discussion groups or other like services must be relevant and used for Shire of Manjimup purposes or professional development activities. Such interaction requires that internet etiquette should be observed along with current societal standards for respect and fairness.

Obtaining unauthorised access to electronic files of others or to email or other electronic communications of others, is not permitted and may constitute a criminal offence.

Large downloads or transmissions should be minimised to ensure the performance of the Shire of Manjimup's ICT systems for other users is not adversely affected. Where a user has caused Shire of Manjimup to incur costs for excessive downloading of non-work related material in breach of this policy, Shire of Manjimup may seek reimbursement or compensation from the user for all or part of these costs or apply other forms of disciplinary action.

7. Shire Property

Shire of Manjimup is the owner of, and asserts copyright over, all electronic communications created by employees as part of their employment and sent through Shire of Manjimup ICT systems.

Electronic communications created, sent or received by the users referred to in clause 2 are the property of Shire of Manjimup, and may be accessed as records of evidence in the case of an investigation. Electronic communications may also be subject to discovery in litigation and criminal investigations. Please note that email messages and mobile phone text messages may be retrieved from back-up systems and organisations, their employees and the authors of electronic communications have been held liable for messages that have been sent. This clause is subject to Commonwealth or State law that precludes such access.

8. Monitoring

Use of the Shire of Manjimup's ICT systems may be monitored by Authorised Persons.

From time to time, Authorised Persons may examine or monitor the records of Shire of Manjimup ICT systems including for operational, maintenance, compliance, auditing, security or investigative purposes. For example, electronic communications and web sites visited may be monitored. The Shire of Manjimup may investigate a complaint arising from the use of the Shire of Manjimup's ICT systems.

Use of the Shire of Manjimup's ICT systems is provided to users on condition that it is agreed that the Shire of Manjimup's ICT systems are monitored in accordance with this Policy. Use of the Shire of Manjimup's ICT systems constitutes consent to monitoring in accordance with this Policy.

If at any time there is a reasonable belief that the Shire of Manjimup's ICT systems are being used in breach of this Policy, the CEO or the manager of the person who is suspected of using the Shire of Manjimup's ICT systems inappropriately may suspend all or any part of a person's use of the Shire of Manjimup's ICT systems and may require that the equipment being used by the person be secured by the CEO or the manager while the suspected breach is being investigated.

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9. Defamation

Electronic communications may be easily copied, forwarded, saved, intercepted or archived. The audience of an electronic message may be unexpected and widespread. The Shire of Manjimup's ICT systems must not be used to send material that defames an individual, organisation, association, company or business. The consequences of a defamatory comment may be severe and give rise to personal and/or Shire of Manjimup liability.

10. Copyright infringement

The copyright material of third parties (for example, software, database files, documentation, cartoons, articles, graphic files, music files, video files, text and down loaded information) must not be used without specific authorisation to do so. The ability to forward and distribute electronic messages and attachments and to share files greatly increases the risk of copyright infringement. Copying material to a hard disk or removable disk, printing or distributing or sharing copyright material by electronic means, may give rise to personal and/or the Shire of Manjimup liability, despite the belief that the use of such material was permitted.

Shire of Manjimup supports the rights of copyright owners and does not and will not tolerate reckless or deliberate copyright infringement.

11. Illegal material

The Shire of Manjimup's ICT systems must not be used in any manner contrary to law or likely to contravene the law. Any suspected offender will be referred to the police or other relevant authority and will be viewed as a serious breach of the terms of employment and appropriate action taken.

Illegal or unlawful use includes but is not limited to use of certain types of pornography (e.g. child pornography), defamatory material, material that could constitute racial or religious vilification, unlawfully discriminatory material, stalking, use which breaches copyright laws, fraudulent activity, computer crimes and other computer offences under various Crimes Acts or any other relevant legislation.

12. Offensive or inappropriate material

Use of the Shire of Manjimup's ICT systems must be appropriate to a workplace environment. This includes but is not limited to the content of all electronic communications, whether sent internally or externally.

The Shire of Manjimup's ICT systems must not be used for material that is pornographic, harassing, hateful, racist, sexist, abusive, obscene, discriminatory, offensive or threatening. This includes sexually-oriented messages or images and messages that could constitute sexual harassment (sometimes referred to as flaming).

All users of the Shire of Manjimup's ICT systems should be familiar with any Shire of Manjimup anti-discrimination, equal opportunity and harassment policies.

Users of the ICT systems who receive unsolicited offensive or inappropriate material electronically should notify their manager. Offensive or inappropriate material received from people known to the receiver should be deleted and the sender of the material should be

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asked to refrain from sending such material again. Such material must not be forwarded internally or externally or saved onto Shire of Manjimup ICT systems except where the material is required for the purposes of investigating a breach of this policy.

13. Confidentiality

Electronic communication is not a secure means of communication. While every attempt is made to ensure the security of the Shire of Manjimup's ICT systems, users must be aware that this security is not guaranteed, particularly when communicated to an external party. The sender should consider the confidentiality of the material they intend to send when choosing the appropriate means of communication.

14. Viruses

Electronic communications are potential delivery systems for various forms of computer viruses. All data, programs and files which are downloaded electronically or attached to messages or imported on any other media (e.g. thumb drives, flashcards, iPods, removable disks, cameras etc) should be scanned by an anti-virus program before being launched, opened or accessed.

Viruses have the potential to seriously damage the Shire of Manjimup's ICT systems. Do not open any downloaded files, emails or attachments that you are not expecting or that look suspicious. In the event that you receive any files that you suspect contain a virus it should be reported immediately to the IT Department.

15. Attribution

There is always a risk of false attribution of breaches of this Policy. It is possible that communications may be modified to reflect a false message, sender or recipient. In these instances an individual may be unaware that he or she is communicating with an impostor or receiving fraudulent information. If a user has a concern with the contents of a message received or the identity of the publisher of the electronic information, action should be taken to verify their identity by other means. If a user believes an electronic communication has been intercepted or modified, the IT Department should be informed.

Users are accountable for all use of Shire of Manjimup ICT systems that have been made available to them for work purposes and all use of Shire of Manjimup ICT systems performed with their user-ID. Users must maintain full supervision and physical control of the Shire of Manjimup's ICT equipment, including notebook computers and mobile phones, at all times. User-IDs and passwords must be kept secure and confidential. User-IDs and passwords should not be disclosed to anyone, including disclosure to managers or above. Users must not allow or facilitate unauthorised access to the Shire of Manjimup's ICT systems through the disclosure or sharing of passwords or other information designed for security purposes.

Active connections are to be terminated when access is no longer required and PCs secured by password when not in use.

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16. Mass distribution and ‘Spam’

The use of electronic communications for sending ‘junk mail’, for-profit messages, or chain letters is strictly prohibited.

Mass electronic communications should only be sent in accordance with normal Shire of Manjimup procedures.

The use of electronic communications for sending unsolicited commercial electronic messages (‘Spam’) is strictly prohibited and may constitute a breach of the Spam Act 2003 (Cth).

17. Records Management

Electronic Communications are public records and subject to the provisions of the State Records Act (2000).

Shire of Manjimup record management practices for management of email messages must comply with Shire of Manjimup policies and guidelines on recordkeeping and management of electronic communications as amended from time to time.

Email messages that are routine or of a short term facilitative nature should be deleted when reference ceases, as distinct from ongoing business records such as policy or operational records.

Retention of messages fills up large amounts of storage space on the network and can slow down performance. As few messages as possible should be maintained in a user’s mail box, as systems are in place to automatically archive the shire’s incoming and outgoing emails.

18. Disclaimer

All emails sent externally from the Shire of Manjimup’s Exchange Mail Service will automatically have a disclaimer attached to them. The current disclaimer is worded as follows:

**“The information contained in this e-mail message, and any associated attachments, is confidential and may be legally privileged. It is only intended for the recipient(s) named above. If you are not the intended recipient any use, disclosure or copying of this e-mail is unauthorised and prohibited. If you have received this e-mail in error, please notify the Shire of Manjimup.
Any views expressed in this e-mail message are those of the individual sender, except where the message states otherwise and the sender is authorised to state those views on behalf of the Shire of Manjimup”.**

This disclaimer must not be altered or interfered with in any way, except by the IT Manager with approval of the CEO. The use of this disclaimer may not necessarily prevent the Shire of Manjimup or the sender of the email from being held liable for its contents.

19. Complaints

If you wish to make a complaint about an electronic communication that is offensive or inappropriate, raise it with the IT Department, or your direct Manager.

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20. Breaches of this Policy

Breaches of this Policy may be categorised using the following categories. The categories do not cover all breaches of this Policy, for example the categories do not specifically refer to breaches of copyright. Matters not covered by the following categories will be dealt with on an individual basis and on the relevant facts.

Category 1: Illegal

This category covers the following:

- (a) Child pornography – offences relating to child pornography as defined as: “a film, photograph, publication or computer game that describes or depicts a person who is, or appears to be, a minor engaging in sexual activity or depicted in an indecent sexual manner or context.”
- (b) Objectionable material – offences relating to the exhibition, sale and other illegal acts relating to “objectionable films” and “objectionable publications”.
- (c) Any other material or activity that involves or is in furtherance of a breach of the criminal law.

Category 2: Extreme

This category involves non-criminal use of material that:

- (a) Depicts, expresses or otherwise deals with matters of sex, drug misuse or addiction, crime, cruelty, violence or revolting or abhorrent phenomena in such a way that they offend against the standards of morality, decency and propriety generally accepted by reasonable adults to the extent that the material should not be classified;
- (b) Describes or depicts in a way that is likely to cause offence to a reasonable adult, a person who is, or appears to be, a child under 18 (whether or not the person is engaged in sexual activity or not); or
- (c) Promotes, incites or instructs in matters of crime or violence.

Category 3: Critical

This category involves other types of offensive material. This covers any material that:

- (a) Has sexually explicit material that contains real depictions of actual sexual intercourse and other sexual activity between consenting adults;
- (b) Involves racial or religious vilification;
- (c) Is unlawfully discriminatory;
- (d) Is defamatory;
- (e) Involves sexual harassment; or
- (f) Brings or has the potential to bring the employee and/or Shire of Manjimup into disrepute.

Category 4: Excessive personal use during working hours

This category covers personal use that satisfies the following three criteria:

- (a) It occurs during normal working hours (but excluding the employee's lunch or other official breaks); and
- (b) It adversely affects, or could reasonably be expected to adversely affect the performance of the employee's duties; and
- (c) The use is frequent and more than insignificant.

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21. Replacing previous policies

This Policy replaces the “Information Technology Policy 8.1”

ADOPTED 8 MARCH 2007
REVIEWED 9 DECEMBER 2010
NEXT DUE FOR REVIEW DECEMBER 2014

The Administration of this Policy is by Corporate Division.
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I, _____ (please print) the undersigned acknowledge that I have received training and understand **Policy No. 8.2 – Acceptable Use Policy for Information and Communications Technology (ICT) Systems.**

<i>Signed</i>	<i>Dated</i>