


SPECIAL DIRECTIVE 04-06

5

TO: ALL DISTRICT ATTORNEY PERSONNEL

FROM: CURT LIVESAY 
Chief Deputy District Attorney

SUBJECT: E-MAIL ACCEPTABLE USE POLICY

DATE: OCTOBER 15, 2004

THIS SPECIAL DIRECTIVE IS AN UPDATE OF SPECIAL DIRECTIVE 01-09. PARAGRAPH 5.g. HAS BEEN ADDED. IN ALL OTHER RESPECTS THE POLICY REMAINS THE SAME.

The District Attorney's Office has provided computers with e-mail capability to all District Attorney personnel. The office e-mail system is intended to facilitate business communications within the District Attorney's Office as well as with other Internet e-mail users. E-mail is a powerful communications tool. To ensure proper use of office e-mail all District Attorney personnel must adhere to the provisions of this policy.

LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
E-MAIL ACCEPTABLE USE POLICY

1. SCOPE OF POLICY

This policy applies to all District Attorney personnel.

The District Attorney's Office e-mail system is intended to facilitate business communications within the District Attorney's Office as well as with other Internet e-mail users. The office e-mail system allows you to send e-mail to, and receive e-mail from, anyone within the District Attorney's Office or anyone outside the office with an Internet e-mail address. (Note: The e-mail function alone will not allow you to access other aspects of the Internet such as the World Wide Web.)

This E-mail Acceptable Use Policy has been established to ensure that the e-mail system is used appropriately. Failure to comply with any provision of this policy may result in disciplinary action including written reprimand, suspension, demotion or discharge.

2. OWNERSHIP AND MONITORING

The contents of the District Attorney's Office e-mail system are the sole property of the Los Angeles County District Attorney's Office. Managers, supervisors and other designated departmental personnel may, at any time and in their sole discretion, access the contents of all e-mail messages sent or received over the office e-mail system to ensure appropriate system use.

Incoming and outgoing e-mail messages are not private and may be accessed without the employee's permission. There is no reasonable expectation of privacy in any e-mail message. E-mail messages are stored on office e-mail servers. Copies of each e-mail message are stored in the mailbox of the sender and each recipient. Messages remain on the server until the sender and all recipients delete them. Even after messages are deleted, backup copies are retained and may be accessed for at least one week.

The e-mail system is subject to unannounced, periodic reviews and should be treated like any other shared information or filing system.

3. E-MAIL CONFIDENTIALITY AND DISCOVERY

Once the "send" command is given for an e-mail message, the message cannot be retrieved. Carefully review the content of all e-mail messages and verify the names and addresses of the intended recipients before sending or forwarding a message.

The confidentiality of an e-mail message may not be protected. E-mail messages, like other memoranda and documents, may be subject to discovery in litigation and may constitute a public record subject to the California Public Records Act. (*See*, Government Code sections 6250 and 6254.)

As in other forms of communication, you must protect attorney work-product and other privileged information when using e-mail. An e-mail message that is not appropriately identified as confidential, privileged and/or attorney work product may be subject to discovery. If you send or receive an e-mail message that may be discoverable, as with other forms of evidence, you must retain it in the appropriate file pending any discovery request and determination as to whether it is protected by a privilege or is subject to discovery.

Your immediate supervisor must approve the use of the e-mail system to transmit confidential information that is not protected by the attorney work-product privilege. Similar to the precautions for transmitting an e-mail message containing attorney work-product, you must protect the e-mail message containing confidential information, including, but not limited to, labeling the message as confidential and cautioning recipients of the information that it is

confidential and not to be communicated to others. You may also choose to use the following disclaimer:

The information contained in this e-mail message is intended only for the CONFIDENTIAL use of the designated addressee named above. The information transmitted is subject to the attorney-client privilege, represents confidential attorney work product and/or is exempt from disclosure under applicable law. If you are not the designated addressee named above or the authorized agent responsible for delivering it to the designated addressee, you received this document through inadvertent error and any further review, dissemination, distribution, forwarding or copying of this communication by you or anyone else is strictly prohibited. IF YOU RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONING THE SENDER NAMED ABOVE AT _____. Please delete the message you received in error. Thank you.

4. **PASSWORDS**

E-mail users are prohibited from the unauthorized use of any other employee's password. Employees should not disclose their e-mail password to others unless required under this policy.

5. **E-MAIL USAGE**

E-mail is often more efficient than the telephone for exchanging brief communications. It has the potential to reduce paper use since e-mail minimizes the need to print and maintain hard copies of e-mail messages and other documents. E-mail is particularly helpful to transmit routine correspondence otherwise sent by mail or fax and to track the progress of ongoing projects.

Each e-mail user should review his or her e-mail **at least** once a day for new messages and act on a message the day it is received, whenever possible.

E-mail is **only** to be used to transact official District Attorney business or to exchange appropriate office-related communications. E-mail shall **not** be used to send or forward communications that are not business or office-related or that violate the department's personnel policies. The following types of communications are examples of **unacceptable** use of office e-mail:

- a. Any insulting, offensive, demeaning, disruptive or sexually suggestive language, topics or jokes;
- b. Sexual, racial, ethnic or gender slurs and obscenities or any depiction of obscenities, or other material that could be construed as harassment or which creates a hostile work environment;

- c. Gossip or personal information about any person under circumstance likely to embarrass any employee or create a hostile work environment;
- d. Copyrighted materials, trade secrets, proprietary financial information or similar materials without the appropriate authorization;
- e. The solicitation or promotion of any personal or commercial venture, any religious, social or personal cause, or any prohibited political activity;
- f. Chain letters; or
- g. Forwarding information or advertisements from outside vendors. (i.e., insurance companies.)

The e-mail system must be used with professional and personal courtesy. Every e-mail message must be professional in content and tone and must not include inflammatory remarks or inappropriate language.

Confidential information, including, but not limited to, personnel actions, employee medical information, employee disciplinary actions, performance evaluations, appraisals of promotability, attorney work-product and any other sensitive material (including any attached documents and files), may **not** be transmitted by e-mail. E-mail shall **not** be used in any manner that violates either Los Angeles County or District Attorney policies, including Personnel Policies Handbook provisions on harassment (Section 2 08 01 *et seq.*), professional and businesslike conduct (Section 7 01 00) and employee performance (Section 8 01 00).

If you receive an inappropriate e-mail, you should advise the sender that the message was inappropriate and violates this policy. If you do not wish to contact the sender, you should advise your supervisor so that corrective action may be taken. Any supervisor receiving notice of an e-mail policy violation must take appropriate corrective action, including, but not limited to, notifying the sender's immediate supervisor and notifying the head deputy of the Employee Relations Division.

6. MASS E-MAIL AND OFFICE-WIDE MESSAGES

District Attorney personnel shall **not** send any mass e-mail message without prior bureau director approval. A mass e-mail message is an e-mail addressed to 50 or more people. In particular, only a director or above may send an office-wide e-mail message to all district attorney personnel using the "LADA-ALL" address.

7. RETENTION AND MANAGEMENT OF E-MAIL

The e-mail system is intended to provide temporary retention of information. The system is unsuitable for secure, long-term storage of information. If there is a system failure, messages stored on the e-mail network may be lost.

To retain a message and any attachment, the e-mail message and attachment may be saved electronically outside the e-mail system (e.g., in a word processor file with appropriate backup) or as a printed copy. To retain a message and attachment permanently, you must print a copy of the information. The original electronic message may then be deleted.

Caveat: When an e-mail message and attachment are saved outside the e-mail system for future reference or potential discovery requests, print the entire e-mail message.

The following guidelines should be followed to enable the network to maintain communications capability without affecting the need to increase hardware capacity:

- a. Delete messages immediately after reading them unless there is a reason to retain them;
 - b. Move e-mail of temporary value to an electronic folder on your computer's hard drive. The online help feature will assist you in creating folders;
 - c. Delete e-mail from folders within 30 days of receipt. If a record is required, print and retain a copy of the information; and
 - d. Delete meeting notices as soon as the meeting has been recorded on your calendar.
-

mr