



POLICY/PROCEDURE 70-37

Cancels: Policy 15-26 dated 3/7/05

Policy Approved by

Date

Procedure Approved by

Date

USING ELECTRONIC MAIL

References: Chapter 40.14 RCW, Preservation and Destruction of Public Records (General Records Act); Chapter 40.10 RCW, Microfilming of Records to Provide Continuity of Civil Government (Essential Records); Chapter 40.16 RCW, Penal Provisions; Federal Electronic Communications Policy Act; Chapter 42.52 RCW, Ethics in Public Service; Chapter 292-10-010 WAC, Public Records; Chapter 47.12 RCW, Public Disclosure Law; Policy/Procedure 70-15, Maintaining Ethical Standards; WAC 292-110-010, Use of State Resources.

This policy applies to all employees and authorized users of the Washington State Parks and Recreation Commission electronic mail (e-mail) system.

1. Definitions

Electronic Mail (E-Mail): "E-mail" is a messaging system that interfaces with e-mail software (such as Outlook, Hotmail, Juno, etc.) using a specific internet protocol. E-mail facilitates world-wide electronic communication in that a computer user can compose a message at one computer and send it to a recipient's computer. For the purposes of this policy, all related data including transactional information, message contents, and any attachments shall be considered part of an e-mail message. Electronic mail includes:

- a) The creation, transmission or display of messages through a network, workstation, personal computer or terminal.
b) Electronic documents created and sent or received by a computer system, including contents of the communication, the transactional information and any attachments associated with such communication.
c) A system that provides the means for creating messages, transmitting them through a network, storage and retrieval, and displaying the messages on the recipient's workstation, personal computer or terminal.
d) This definition applies equally to the contents of the communication, the transactional information and any attachments associated with such communication.

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2. Policy

It is the policy of the Washington State Parks and Recreation Commission (State Parks) to provide its employees with access to electronic mail to facilitate communications. This policy is issued to ensure the proper use of State Parks e-mail system and to provide employees and authorized users with an understanding of the acceptable and unacceptable applications of the system.

A. Overview

It is the policy of State Parks that state resources and equipment shall be used in a manner consistent with state law and, except to the extent explicitly permitted by this policy, only in support of the goals, objectives and operation of State Parks. The personal use of state resources for private benefit or gain is prohibited by State Parks, the Ethics in Public Service Act (RCW 42.52), and WAC 292-110-010 (Use of State Resources Rule), with limited exceptions. The exceptions in this policy are intended to be narrow. Email must always be in compliance with WAC 292-110-010, the Ethics in Public Service Act, and where this policy sets a higher standard, employees are expected to meet that standard.

B. Privacy

All messages distributed via the agency's e-mail system, including personal e-mails as authorized in this policy, are State Parks property and may be subject to public disclosure. Employees must have no expectation of privacy in anything that they create, store, send, or receive on the agency's system.

C. Permitted Use

Any use of e-mail reasonably related to the conduct of official state duties does not violate state law, state regulation or State Parks Policy. Additionally, the use of e-mail that is reasonably related to an official state purpose, but not to an employee's or volunteer's official duty, is allowable if it is authorized in writing by the Director, Deputy Director, Region Manager or Service Center Manager. An example of this would be acting in the role of a coordinator/point of contact for the agency's combined fund drive effort.

D. Permitted Limited Personal Use

1. In accordance with WAC 292-110-010, state employees or volunteers may make very limited personal use of e-mail that supports organizational effectiveness and does not undermine public trust and confidence as determined by management. State Parks employees and volunteers may make occasional and limited personal use of the state electronic mail only if the following conditions apply:

- There is little or no cost to the State;

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- Any use is brief in duration, occurs infrequently, and is the most effective use of time or resources;
  - The use of e-mail does not interfere with the performance of the employee's or volunteers' official duties;
  - The use does not disrupt or distract from the conduct of state business due to volume or frequency;
  - The use does not disrupt other state employees or volunteers and does not obligate them to make a personal use of state resources;
  - The use does not compromise the security or integrity of state information or software.
2. Examples of appropriate personal use of the agency e-mail include such things as making a medical appointment, checking on children after school to ensure they have arrived home safely from school, notification to family about a change to a work or travel schedule, transportation coordination, making child or elder care arrangements, wishing a co-worker happy birthday, and sending information about an agency sponsored social or wellness event. All personal usage must conform to the above requirements as listed in paragraph 1.
3. Staff with questions regarding a particular personal use have an affirmative responsibility to contact their supervisor, regional management staff, or the agency ethics officer for education or guidance if necessary, before engaging in the questionable activity.

**E. Prohibited Practices:**

The following uses of e-mail are prohibited:

- Any use for the purpose of conducting an outside business or private employment;
- Any use for the purpose of supporting, promoting the interest of, or soliciting for an outside organization or group unless provided for by law or authorized by agency head;
- Any use for the purpose of assisting a campaign for election of a person to an office or for promotion of or opposition to a ballot proposition (subject to the exceptions in RCW 42.52.180(2));
- Any use for the purpose of participating in or assisting in an effort to lobby the state legislature, or a state agency head (subject to exceptions in RCW 42.17.190(3));

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- Broadly distributing an e-mail that is not related to official business (i.e. jokes, inspirational poems);
- Any inappropriate use that is incompatible with a professional workplace (i.e. gossiping, slander);
- Any use that is otherwise prohibited by federal law, state law or rule, or agency policy (sexual harassment, discrimination, threats of violence, terrorism);
- Any use that makes unlawful or inappropriate disclosures of confidential information;
- Encryption of e-mail is prohibited without written permission from the Administrator of Information Management.

3. **E-mail is Subject to Public Disclosure**

All e-mails sent or received from an agency computer, whether or not they contain information about business activities or as evidence of business transactions, are part of the records of the agency. They must be managed in accordance with the General Records Act Chapter 40.14 RCW. They are also subject to related legislation such as the Public Disclosure Law Chapter 47.12 RCW, Essential Records Chapter 40.10 RCW, and Penal Provisions Chapter 40.16 RCW. All e-mails that meet the legal definition of public records are subject to record retention requirements. This may include email on an employee's home based personal computer if that computer is used for agency business, or communication with an agency computer. For the purpose of satisfying public records laws, e-mail is defined as not only the messages sent and received by e-mail systems, but all transmission and receipt of data as well.

4. **Confidential Information**

Because e-mail is a transferable record of communication, confidential information should not be e-mailed. If you are in doubt, check with your supervisor first. E-mail may be used for confidential communication with the Attorney General's Office. All e-mails to this office should be labeled "Attorney-Client Privileged Information."

5. **Securing E-mail Accounts**

To prevent unauthorized use of e-mail, employees are responsible for maintaining the security of their network accounts.

6. **Reporting Misuse of E-Mail**

All employees have an obligation to notify their supervisor or the Human Resources Director if they discover misuse of the agency's e-mail system. Supervisors have an affirmative duty to ensure education and implementation of this policy and to take prompt and appropriate action in cases in violation.

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7. **Monitoring of E-Mails**

The Federal Electronic Communications Privacy Act (ECPA) of 1986, provides that e-mail users have a reasonable expectation of privacy protection for their mail. An important exception to ECPA grants employers the right to intercept, monitor, and read employee communications as long as it is done in the ordinary course of business and for a legitimate business purpose.

E-mail messages sent or received in conjunction with government business:

- May be accessed and monitored in the normal course of business by system administrators, supervisors, assigned Human Resource investigators, and Information Management staff;
- May be accessed and monitored after corrective or disciplinary action for inappropriate use.
- Are subject to discovery proceedings in legal actions.
- Are subject to public disclosure.

8. **Certain E-Mail Attachments Are Blocked**

Some e-mail attachments are removed by anti-virus software. Several types of files are blocked on principle due to a history of those file types harboring malicious code. The file types that are blocked include, but are not limited to:

HTML (web pages)  
WAV (audio)  
BAT (DOS batch files)  
EXE (Program files)  
SCR (screen savers)

Files of these types will be blocked whether incoming or outgoing. To send information that is on the web to someone, send a link instead of the actual webpage. For example, instead of including the Parks homepage as an attachment put a link to it in your e-mail.

Example: <http://www.parks.wa.gov>

In some instances the recipient may need to cut and paste the Uniform Resource Locator (URL) into their browser.

9. **System Parameters**

Special Applications:

- A. Newsgroups: Users must request permission from their supervisor before subscribing to a newsletter or news group.

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- B. Mailbox, E-mail and Attachment Limitations: Information Management is responsible for setting and managing available mailbox storage space, e-mail size and attachment size based on agency network capacity. Employees are responsible for abiding by these space and size limitations.
- C. E-Mail Etiquette: State Parks considers e-mail as an important means of communication and recognizes the importance of proper e-mail content in conveying a professional image and delivering good customer service. The content and tone of a message reflects on the Commission, its employees, and its mission to serve the public. Users should take the same care in drafting an e-mail as they would for any other form of communication. Taking into consideration the content of the e-mail and the roles and responsibilities of all parties, employees receiving e-mail should exercise caution and discretion when forwarding another employee's e-mail or copying other parties.
- D. "All Employees" E-Mail: Users must receive permission from their Region Manager or Service Center Manager before sending an e-mail to all employees.

**10. External E-Mail Systems:**

All e-mail generated by employees and authorized users of State Parks' computer systems are the property of the Commission. Therefore all e-mail communications must be generated using the Commission's e-mail software, Microsoft Exchange/Outlook. Use of other e-mail software or access to other email systems while on the Commission's network is prohibited. Necessary Information Management staff may access external software or systems only for the purpose of testing the State Parks e-mail system. This includes all Internet-based e-mail systems accessed through the employee's Internet browser.

When telecommuting, employees are allowed to route work related messages and attachments to and from their home accounts. All routed e-mail and attachments are considered State Parks property and may be subject to public disclosure. State Parks does not allow "auto-forwarding" or "auto-reply" to external systems unless permission is expressly granted by the employee's Region Manager or Service Center Manager and the agency's Administrator of Information Management.

**11. Violation of Policy**

Violation of the electronic mail policy is grounds for disciplinary action, up to and including dismissal. It is the agency's position to take firm and appropriate action for violations of this policy in order to ensure protection of the public's interests and to preserve faith in government.

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