

2.11 USE OF COUNTY OWNED ELECTRONIC DEVICES/PLATFORMS

1. PURPOSE

The purpose of this policy is to provide the parameters for the use of County owned devices and communication platforms collectively referred to as “electronic devices/platforms”. This policy applies to all employees, elected officials, appointed advisory board members, contractors and volunteers -- collectively, “Covered Persons”-- using County owned electronic devices/platforms. These electronic devices include, but are not limited to: phones/cell phones, computers, tablets, laptops, readers, and related equipment. This policy also includes the use for County business of all communication platforms, including, but not limited to: internet access, phone and data services, email services, social media/social networking services and other platforms as further set forth herein, from any location during working and non-working hours.

2. GENERAL POLICY

The County provides access to electronic devices/platforms and the vast information resources of the Internet in order to help Covered Persons perform their duties faster and smarter, and to be well-informed for their public position. More specifically, internet connectivity enables the County to communicate with members of the public, customers and suppliers, and provides a mechanism for members of the community to obtain information about local government issues, projects and services, provides for open access to public records and to facilitate business transactions with the public. It is the general policy that all electronic devices/platforms are to be used in a responsible, efficient, ethical and legal manner to support the duties and responsibilities of the County.

- a.** Electronic devices/platforms may be assigned for a variety of reasons including but not limited to: daily support of office operations, technical research, subsystem programming or field testing, and use at home, based upon position responsibilities when such home use promotes the effectiveness of office operations for the benefit of County personnel and the public.
- b.** Reasonable personal use of electronic devices is permitted subject to the limitations herein and provided such use is brief and does not interfere with work.
- c.** All identification on various platforms shall include, at a minimum, an approved County logo, and contact information.
- d.** Email signatures should be professional and adhere to County identity standards. Signatures should be void of any quotes, epigraphs, etc.

- e. Covered Persons are responsible for the proper care, security and usage of electronic devices/platforms assigned to their areas. All Covered Persons shall promptly report in writing to their supervisor, or appropriate County representative, the loss, damage or unserviceable condition of any electronic device, who shall then forward the report to the department director and Human Resources.
- f. Covered Persons are expected to exercise reasonable care in the safekeeping, use and preservation of electronic devices/platforms and passwords. Covered Persons shall return in good condition electronic devices and discontinue the use of any platforms when requested to do so.
- g. Department supervisors are responsible for policy enforcement for assigned Covered Persons. Negligence in the use and care of electronic devices/platforms, including abuse, misuse, and willful or negligent loss or destruction can result in disciplinary action and/or restitution. Serious cases may result in civil or criminal action in the courts.

3. TELEPHONE CALLS AND TEXTING

The County, selectively and where appropriate, provides Covered Persons with cellular telephones, data services, radios and pagers, or 'Electronic Communication Devices' (ECD) to conduct County business.

- a. The use of County ECD or County land-lines is intended for the efficient conduct of County business. Personal calls cannot conflict nor interfere with this purpose. The receiving or making of personal phone calls must be kept to a minimum.
- b. Receiving or sending any text or multimedia messages (TXT, SMS, MMS) on County property is prohibited unless that functionality is approved for a Covered Person, in advance, by the County Administrator or their designee, and then must be limited to official business only. All text messages will be retained, including the body, time, date and identify of the sender/recipient, in accordance with the State of Florida's policy on the retention of such information as a public record.
- c. Texting official business information over any personal cell phone is, likewise, prohibited, unless expressly approved in advance by the County Administrator, and records retention functionality has been established in advance by the Director of Information Technology (IT).
- d. It is of the utmost importance that cell phones and ECD are used in a manner that does not endanger the safety of Covered Persons or others. In vehicles where hands-free technology is

available, Covered Persons are expected to use hands-free options at all times. If a Covered Person must use a cell phone or ECD, the Covered Persons must pull off the road and safely stop the vehicle in an appropriate spot before placing or accepting a call. Covered Persons are expected to refrain from operating any ECD while driving. Under no circumstances should a Covered Person put themselves or others at risk in order to conduct County business.

e. Special Situations; Emergency Calls

- All drivers can make emergency phone calls without using a hands-free device. Emergency calls include calls to law enforcement agencies, health care providers, fire departments and the like.
- Drivers of emergency response vehicles such as police, ambulance, and fire personnel may use cellular telephones and wireless handheld devices without hands-free devices while driving in the course and scope of their duties.

f. Emailing, web-browsing, and messaging while driving are prohibited.

g. Covered Persons are prohibited from incurring any unacceptable County charges, including but not limited to activities such as downloading ringtones or games, browsing the internet, calling information, or text messaging unless otherwise approved in writing by the Covered Person's immediate supervisor and the Director of IT. Covered Persons are prohibited from downloading files, apps, or data that may impact the business operation of the device.

h. All basic functions of an ECD that are set up by IT must remain in effect while the ECD is issued to Covered Persons. This includes, but is not limited to: backup settings, primary account (iCloud/Gmail) settings (including passcodes), and device security (pin code) settings.

i. The County Administrator, Deputy County Administrator, County Directors, Human Resources, or IT may at any time request an ECD be submitted for device audit.

j. Upon separation from the County, Covered Persons will return all ECD and accessories to his/her supervisor.

4. SOCIAL MEDIA/SOCIAL NETWORKING

Social media and social networking are powerful communication tools that enable members of the public to gain access to information about local government issues, projects and services. In order to reach out to those interested in keeping informed of the County's latest initiatives and services, and to provide for the broader dissemination of information that is important to public health, safety and welfare, the County will allow utilization of social media and/or social

networking, on a limited basis, by authorized users, as set forth in this policy. Such tools are to be used in a responsible, efficient, ethical and legal manner to support expanding the County's social contacts by making connections using a range of social media tools.

For purposes of this Policy, the following definitions shall apply:

Social media includes various media platforms of user-created content and tools such as, but not limited to: blogs, video and image sharing, podcasts, wikis, message boards, webpages, chat groups, and online forums. Examples of social media applications include, but are not limited to: Facebook, MySpace, YouTube, Instagram, Pinterest, Flickr, Twitter, Skype, Nextdoor and LinkedIn. This policy covers all Social Media tools, both current and future. Technology platforms include, but are not limited to: picture and video sharing, wall postings, email, instant messaging, and music sharing.

Social media account shall mean any registration, login credential, tool, forum, website or network that is created or maintained by a Covered Person for the purpose of establishing or perpetuating a social media presence to represent the County.

On self-hosted (personal) sites, Covered Persons must not say, imply, or suggest that the views and opinions they express related to Flagler County, the Board of County Commissioners or County topics, represent the official views of Flagler County. Further, Covered Persons are prohibited from making or publishing false, vicious, or malicious statements concerning any employee, supervisor, the County or its operation.

a. Procedures For Establishing a Social Media Account

Unless approved, in advance, by the County Administrator or designee, Covered Persons shall not establish and/or utilize social media and/or social networking sites, applications or services in an official capacity, regardless of the location, during both working and non-working hours.

Prior to the establishment of any social media account, Covered Persons must submit a request to the County's Information Technology director and Deputy County Administrator for review and recommendations to the County Administrator for approval or denial.

Due to the changing nature of social networking applications and platforms, any new or additional applications and platforms will be reviewed and will require approval by the County Administrator. If approved for use, the same procedures to establish an account, as outlined above, will apply.

Approvals shall include a specific designation of the Covered Persons who are authorized to post information to the approved social media account. Authorized users shall be required to undergo technical training by the Information Technology Department and the Public Relations and Marketing Specialist, on a periodic basis as established by the County Administrator.

All social media accounts shall include, at a minimum, an approved County logo, contact information, a link to the County's website and adhere to County identity standards issued by the County Administrator or designee. Exceptions to this policy may be granted at the sole discretion of the County Administrator.

Email addresses used in the set-up of a County-maintained social networking account shall be a non-person specific, County issued email address. All social media websites shall comply with Section 668.6076, Florida Statutes, as amended requiring the following notice: "Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing."

Login credentials for any County website, or social media account will be provided to the County's Information Technology Department when an account is established. Any changes of the aforementioned will be provided to the County's Information Technology Department as soon as they are updated/installed. The County's Information Technology Department shall be provided access to all sites, applications and services.

b. Operation of a Social Media Account

Any official presence on social media and/or social networking sites, applications or services that are posted by Covered Persons are considered an extension of the County's communications and shall be coordinated through the County Administrator or their designee.

Information to be posted will be provided, in advance to the County Public Information Officer, County Public Relations and Marketing Specialist, County Administrator or designee. When immediate dissemination of information is required for the safety of citizens, such as a fire or weather event, postings are authorized per Flagler County Emergency Management protocol.

Publicly posted information shall be professional and reflect positively on the County, its elected officials, employees, programs, policies and services. The individual posting material is personally responsible for the content of the material posted and shall be responsible for professional standards which include, but are not limited to: fact checking, citing sources, acknowledging and correcting errors, and checking spelling and grammar before publishing any content. The individual posting material is responsible for obtaining any necessary release(s)

required to post pictures or names. The individual posting material shall ensure that all content represents the County's official position and is not the opinion of individual employees.

While social media provides a forum for building relationships and for conveying small "bites" of information, these platforms do not serve as the County's sole or even primary means of communication with residents, businesses and others. They are intended to be used for informational purposes only. Social media is a particularly ineffective tool for communicating about complex issues; the County may use more appropriate means to communicate detailed information about complex issues and to discuss concerns with citizens and others. Practical and legal considerations may sometimes constrain, prevent, or prohibit discussion of certain topics, such as court cases, through this medium.

All content posted to social media/social networking sites or applications shall be captured to ensure compliance with the Florida Public Records Law and retention requirements and to safeguard against interaction that could result in improper communication or posting by elected officials, employees or other Covered Persons. All posters, with the assistance of the Information Technology Department, shall ensure that any approved social media account has a back-up system that provides a searchable record of the daily postings to and from the account.

c. Designated and Limited Public Fora

In general, one way communications only--County to citizens--is authorized. Two way communications on social media applications can be authorized on an as-needed basis by the County Administrator. Obscene, vulgar or threatening comments will be removed from public view without regard to the viewpoint of the commenter, but preserved as a public record according to state law. Commercial solicitations will also be removed.

In any instance when two way communications are enabled (requires approval of County Administrator, see Paragraph 3.a. above), the following guidelines will apply:

- i. The County will establish Terms of Use, and users must agree to abide by those Terms of Use as a precondition to posting comments. The County reserves the right to restrict or remove any content from its Social Media accounts that is deemed in violation of this policy or any applicable law.
- ii. Comments that offer thoughtful criticism of the organization and/or County initiatives shall not be removed.
- iii. The County will not edit others' comments. However if others' comments are not in compliance with the standards for content listed below, the comments will be removed.
- iv. The following forms of content shall not be allowed and shall be removed as soon as possible without regard to the viewpoint of the poster.

- a. Profane language or content
- b. Comments not topically related to the site being commented upon
- c. Threatening language or language intended to incite violent or unlawful behavior
- d. Sexual content, links to sexual content, or content appealing to prurient interests
- e. Advertisements not authorized by the County
- f. Solicitations of commerce or content pertaining to fundraising activities
- g. Hyperlinks to third party websites unless posted by the Covered Persons under guidelines herein
- h. Illegal conduct or encouragement of illegal activity
- i. Information that may compromise the safety or security of the public or public systems
- j. Content that violates a legal ownership interest of another party
- v. Any content removed based on these guidelines must be retained, including the time, date and identity of the poster when available, in accordance with the Public Records Laws pertaining to the retention of such information.
- vi. Users shall be informed that the County relinquishes any and all responsibility and liability for any materials that the County deems inappropriate for posting, which cannot be removed in an expeditious and otherwise timely manner.
- vii. Posts/comments to Flagler County's social media accounts shall constitute acceptance of this policy.
- viii. These guidelines will be readily available to users by hyperlink to the County's website.

d. External Links

Hyperlinks may be posted by the approved, authorized Covered Persons to governmental agencies or events and programs that directly assist the public or are coordinated and/or sponsored by the County. Under this umbrella, authorized posters will use the following guidelines to make decisions on what links may be included on the County's social media accounts:

- i. Other governments and educational institutions in the state of Florida, including individual school web sites.
- ii. Non-profit or public organizations that have some relationship to the County, usually contractual (Flagler County provides many services, particularly in the Human Services area, through non-profit organizations).
- iii. Generally recognized community councils and organizations. If there is a question about the organization, poster will consult the County Administrator.

- iv. Arts, cultural, sports, major festivals, and similar organizations of general interest to Flagler citizens. Such links are generally to non-profit organizations.
- v. General employment information in Flagler County.
- vi. Tourist information, principally from Flagler County Tourism Development Office.
- vii. Economic information, principally from Flagler County Department of Economic Opportunity.
- viii. Public safety and/or emergency information, principally from the Flagler County Sheriff's Office and Flagler County Emergency Services.

5. PRIVACY

There is no reasonable expectation of privacy in the use of electronic equipment or use and access to electronic devices/platforms provided by the County. Passwords are for security purposes only and are no guarantee of the privacy or confidentiality. The County has the right to monitor Covered Persons' use of all electronic devices/platforms and will exercise its rights, as necessary.

6. UNACCEPTABLE ACTIVITIES

Covered Persons are specifically prohibited from accessing or otherwise using electronic devices/platforms supplied by the County as set forth herein, for any of the following activities:

- a. To access, receive and/or disseminate sexually orientated, hate oriented, threatening or illegal information.
- b. To access, receive and/or disseminate discriminatory and offensive jokes or cartoons.
- c. To create, download, view, store, or copy sexually orientated, hate orientated, threatening or illegal information, or discriminatory and offensive jokes or cartoons.
- d. To promote, endorse or otherwise engage in outside business ventures, whether for profit or non-profit.
- e. To promote, endorse or otherwise engage in political or religious activities.
- f. To engage in unauthorized sharing and/or downloading of software.
- g. To engage in any actions which violate software licensing requirements, copyright laws and/or intellectual property rights.
- h. To engage in unauthorized sharing of confidential information, HIPPA Personal Health Information, proprietary information, or other information that is deemed to be exempt from the Public Records Law, Chapter 119, Florida Statutes.
- i. To harass, intimidate or threaten another person.
- j. To access, receive and/or disseminate abusive, libelous or defamatory material.
- k. To impersonate another user or mislead a recipient about one's identity.
- l. To access another person's email, unless specifically authorized to do so.

- m. To bypass the County's security, location tracking, or records retention mechanisms.
- n. To communicate the County's official position on any matter, unless specifically authorized to do so.
- o. To engage in any activity which is illegal, a violation of the Code of Ethics for Public Officers and Employees, against County policy, or would bring discredit to the County.
- p. To conduct any type of unauthorized solicitation.
- q. To distribute chain letters.
- r. To engage in any usage that could generate or result in additional, unauthorized charges or expenses to the County.
- s. To download streaming video or audio files for amusement or entertainment purposes.
- t. To give the false impression that an individual's otherwise personal communication is authorized by the County, including use of a County email or electronic address, an individual's title or the name of a County department when using any form of social media, a social networking site, blog, wiki, video or other file sharing site, or other Web site or Web service for personal reasons. Such use might give the false impression that an individual's personal communication represents the County.

7. EXCEPTIONS

Exceptions to the policies put forth in this document may be granted at the discretion of the County Administrator. Exceptions may be granted to accommodate instances including, but not limited to: County emergencies, operational needs, etc.

8. VIOLATIONS

Any Covered Person found to be in violation of these policies shall be subject to disciplinary action, up to and including, dismissal, removal from County boards/advisory committees, civil and criminal liability, and, further, may no longer be permitted to use the County's electronic devices/platforms. Severity of the disciplinary action and/or legal action will depend upon the nature of the offense.

9. COVERED PERSON ACKNOWLEDGEMENT

The County specifically reserves the right to repeal, modify or amend these policies at anytime. None of these provisions shall be deemed to create a vested contractual right for any employee or to limit the power of the County Administrator or County Commission to repeal or modify these rules. These policies are not to be interpreted as promises of specific treatment.

Department operating policies and procedures serve as supplements to these policies and should not violate or conflict with these Personnel Policies and Procedures. In case of conflict in any section, the County policies shall prevail.

All Covered Persons will be provided with a written copy of this policy and shall sign the following statement prior to being authorized to utilize electronic devices/platforms.

“I have received a written copy of the Use of County Owned Electronic Devices/Platforms Policy. I fully understand the terms and agree to abide by the policy. I realize that the County security software may record for management use the internet address of any site that I visit utilizing electronic devices/platforms. The County may keep a record of any network activity which I transmit or receive. I acknowledge that any message I send or receive will be recorded and stored in an archive file for management use, media and/or public review in compliance with open records requirements. I will keep all passwords and identifications confidential, with the exception of providing said information to the County’s Information Technology Department. I will not share or allow anyone else to use my County issued password or identification. I know that any violation of the above mentioned policies could lead to disciplinary action up to and including dismissal.”