

## **PART 4E Protocol on Members Use of Council Resources Including Use of E-mail and the Internet**

### **1 Introduction**

- 1.1 The Council provides computers and IT facilities for use by members in the course of their work with the Council. For practical reasons the Council allows use of the equipment for other purposes. This Protocol sets out the requirements and limitations of use of the equipment.
- 1.2 'Equipment' means any computer hardware and software provided by the Council, including peripherals, telephones and other devices used for information management and communication.
- 1.3 This Protocol provides rules (set out in **bold** type) and guidance (in *italics*) for members of Council and independent and co-opted members (voting and non-voting).
- 1.4 The rules comprise requirements for use of Council resources under paragraph 17 of the Code of Conduct for Members and Co-opted Members. The rules do not apply to the use of your own personal equipment.

### **2 Application**

- 2.1 This Protocol applies to use by members of any Council equipment, whether in Council premises or elsewhere.

### **3 Health and Safety**

- 3.1 **You must take all reasonable precautions to ensure the safe use of equipment.**
- 3.2 *This responsibility applies to your own health and safety and that of other users.*

*Health and safety matters include computer layout and stability, electrical connections, visual affect, seating and comfort, extent of use and all other known risks.*

### **4 Security**

- 4.1 **You must take all reasonable precautions to ensure the security of equipment provided for your use.**
- 4.2 *This includes making reasonable arrangements (as if the equipment is your personal property) to prevent loss or damage. Members are not however obliged to effect their own insurance arrangements for the equipment.*

- 4.3 **You must use access password arrangements to prevent unauthorised use by others and maintain secrecy of such arrangements.**
- 4.4 *Arrangements must be adequate to prevent unauthorised access to information and services. **Guidance on passwords can be found in the Council's IT Password Policy on Bradnet.***
- 4.5 **You must make reasonable arrangements for the security of information stored on disc including prevention of unauthorised use and deletion of information no longer needed.**

## **5 Personal Responsibility and Accountability**

- 5.1 **You must report any defect or damage at the earliest opportunity and provide access to the equipment or return it to the Appropriate Officer for repair.**
- 5.2 **You must return the equipment promptly when required and at the end of your term of office.**
- 5.3 *You are personally responsible for equipment provided for your use and you must be prepared to account for its use.*

## **6 Legal Obligations**

- 6.1 **You must use equipment provided for your use lawfully.**
- 6.2 *There are a wide variety of civil wrongs and criminal offences which can be committed by use of computers. A brief summary of the main legal obligations is contained at the end of this protocol.*

## **7 Private/**Business** Use**

- 7.1 **You may use equipment for private use but you must comply with this Protocol in so doing.**
- 7.2 **Your private use must not prejudice the use of the equipment for your Council use.**
- 7.3 **You must not use equipment for private business use **or personal gain.****
- 7.4 **You must not use network data storage applications for private use.**
- 7.5 **You must not use equipment for political purposes unless that use could reasonably be regarded as likely to facilitate or be conducive to, the discharge of the functions of the Council or of the office to which you have been elected or appointed. See also paragraph 14 below.****
- 7.6 *Private use is permitted as a convenience only, and to help you develop your IT skills. Private use should not therefore become disproportionate to Council use.*

- 7.7 *You must take appropriate precautions to separate your private use from appearing to be Council use. For example, you must use different letter and memo styles, signatures, email addresses, websites and files.*
- 7.8 *You may use equipment in relation to other public or voluntary sector appointments to which you have been nominated or appointed by the Council or in respect of which your appointment arises by virtue of you being a councillor.*

~~*You may permit members of your household to use equipment for domestic purposes but you remain responsible for such use and their compliance with this Protocol*~~

## **8 Monitoring**

- 8.1 **You must co-operate with any reasonable arrangements made to monitor use of equipment in your control.**
- 8.2 *The Council may monitor your use of equipment, whether for Council use or private use. The purpose of monitoring is to ensure effective use of Council equipment and compliance with the law and this protocol.*

## **9 Training**

- 9.1 **You are responsible for developing your skills in using equipment through training courses and materials available to you, to ensure your proper and effective use of it.**

## **10 E-mail Use**

- 10.1 **Maintain your inbox to ensure effective use and carry out regular housekeeping.**
- 10.2 ~~*Delete mail containing obscene or racist or offensive material after forwarding to the ICT Consultant (Member and User Support and information Services). Business Relationship and Communication Service Manager (Corporate Resources, Office of the Chief Executive and Place)*~~
- 10.3 *Mark confidential e-mails clearly.*
- 10.4 *Include the following form of confidentiality warning in case of misdirection of e-mails.*

~~*Note: The information contained in this e-mail is intended only for the individual or entity to whom it is addressed. It may contain privileged and confidential information and if you are not the intended recipient please notify the sender and delete the message from your system immediately.*~~

~~*This email, and any attachments, may contain Protected or Restricted information and is intended solely for the individual to whom it is addressed. It may contain sensitive or protectively marked material and should be handled accordingly. If this*~~

email has been misdirected, please notify the author immediately. If you are not the intended recipient you must not disclose, distribute, copy, print or rely on any of the information contained in it or attached, and all copies must be deleted immediately. Whilst we take reasonable steps to try to identify any software viruses, any attachments to this email may nevertheless contain viruses which our anti-virus software has failed to identify. You should therefore carry out your own anti-virus checks before opening any documents. Bradford Council will not accept any liability for damage caused by computer viruses emanating from any attachment or other document supplied with this email. Emails may be subject to recording and / or monitoring in accordance with relevant legislation.

10.5 *Use composite address lists ('all users') sparingly, particularly for bulky material as this puts heavy pressure on storage limits.*

10.6 **Do not use e-mail for unlawful or improper purpose.**

This includes:

10.6.1 *Using another person's identification without authority.*

10.6.2 *Reading another person's mail without authority.*

10.6.3 *Copying material which is subject to copyright without licence.*

10.6.4 *Private business use or for personal gain.*

10.6.5 *Sending abusive, bullying, obscene, unlawfully discriminatory for example racist, sexist, harassing, defamatory or offensive material as text or image.*

10.6.6 *Downloading .exe files without checking for viruses.*

10.6.7 *Sending personal data (within the meaning of the Data Protection Act 2018) without the authority of the data holder or the data subject.*

## 11 **World Wide Web Use**

11.1 **Do not download any information which is obscene, unlawfully discriminatory for example racist, sexist, pornographic or offensive. If you need to research information of this nature you must obtain written authority from your group whip.**

11.2 *Remember your visit to a site may be identifiable.*

## 12 **Printing and copying**

12.1 **Do not print anything that comes within the meaning of 'unlawful or improper purpose' above.**

### **13 Confidential Information**

- 13.1 Do not use equipment, or allow it to be used to communicate personal data (covered by the Data Protection Act) or confidential information to any person not authorised to receive it.**
- 13.2 You must take particular care with any personal data or confidential information you have on the equipment in order to avoid any unauthorised disclosure or breach of confidentiality. Delete such information when you no longer need it.*

### **14 Publication of Material Designed to Affect Support for a Political Party**

- 14.1 Under section 2 of the Local Government Act 1986 the Council is prohibited from publishing or arranging for the publication of any material which, in whole or in part, appears to be designed to affect public support for a political party. This law applies to the use by members of Council equipment.**
- 14.2 Section 2 provides that in determining whether material falls within the prohibition regard shall be had to the content and style of the material, the time and other circumstances of publication and the likely effect on those to whom it is directed and, in particular, to the following matters;**
  - 14.2.1 Whether the material refers to a political party or to persons identified with a political party or promotes or opposes a point of view on a question of political controversy which is identifiable as the view of one political party and not of another.**
  - 14.2.2 Where the material is part of a campaign, the effect which the campaign appears to be designed to achieve.**
- 14.3 This rule is likely to apply to sending unsolicited e-mails or printed material with contents described in paragraph 14.2 to a wide number of people, particularly during an election or other political campaign.*
- 14.4 This rule does not prevent:*
  - 14.4.1 Normal correspondence.*
  - 14.4.2 The receipt and retention of political material that relates to Council business.*
  - 14.4.3 Viewing websites of political parties and groups.*
  - 14.4.4 Using the equipment to discuss with other members the business of the Council including motions.*
  - 14.4.5 The inclusion in emails or website of factual information about a councillor provided it is not within the above meaning of political material'.*

## **15 Fax and telephone**

- 15.1 **Apply these rules, where they are relevant, to your use of fax and telephones provided by the Council.**

## **16 Enforcement**

- 16.1 The Standards Committee has responsibility for dealing with any breach of this protocol.
- 16.2 Allegations of any breach must be made in writing to the Monitoring Officer.
- 16.3 A breach of this protocol ~~may~~ **shall** also amount to a breach of the Members' Code of Conduct.

## **17 Additional guidance**

- 17.1 **Additional guidance can be found within the Council's IT Acceptable Use Policy on Bradnet**
- 17.2** When posting on social media, even if you do not describe yourself as a councillor, your post may fall within the scope of the Members' Code of Conduct if you are discussing local authority business or your role as a councillor. Guidance relating specifically to the use of social media can be found within the Council's Social Media Protocols on Bradnet. This should be read alongside Best Practice Guidelines for Managing a Social Media Site and Bradford Council Social Media Code of Conduct. These can also be found on Bradnet.

## **Legal Obligations (paragraph 6.2)**

### **Computer Misuse Act 1990**

Creates criminal offences covering unauthorised accessing of computers, hacking, eavesdropping and causing virus attacks.

### **Copyright, Design and Patents Act 1998**

Enables enforcement of rights of authors and designers including those relating to software and electronically stored material.

### **Data Protection Act 2018**

Gives individuals a right of access to personal data about them held on a computer. Establishes principles for dealing with personal data and liability and offences for non compliance.

### **Defamation Law**

Defamation proceedings may be brought in relation to defamatory material published or communicated by electronic means including e-mail and websites.

### **Discrimination Law**

Use of email and websites may be evidence of **unlawful** discrimination.

### **Evidence**

A court or tribunal may order the production of material held electronically, including emails where relevant to legal proceedings.

### **Obscene Publications Act 1959**

The criminal offences under this legislation include the transmission electronically of obscene material.

### **Protection from Harassment Act 1997**

Provides for offences and civil remedies for harassment, evidence of which may be contained in emails and websites.

### **Protection of Children Act 1978**

Offences in relation to indecent photographs of children include those stored electronically.

### **Telecommunications Act 1984**

Use of a public communications system to transmit obscene or indecent images is an offence.

