

CIRCULAR

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ELECTRONIC MESSAGING POLICY

General

Electronic Messaging is a valuable corporate resource provided by the Department to enable employees in the Department and the Area Health Services (AHS) to conduct day to day operations in a productive manner.

Increased reliance on E-Mail as a business tool within the Health system requires policy that is consistent on a whole of health basis. This will ensure that standards of acceptable use are consistent throughout the Health system and the accountability and audibility requirements of the Government of NSW are fulfilled.

These policies are to regulate use of electronic messaging systems, to ensure the maximum availability and effectiveness of the service and to minimise inconvenience to other users.

This policy applies throughout the NSW Health System. Area Health Services may implement local Electronic Messaging Policy provided it is consistent with this Statewide policy.

Responsibility

This document was prepared by the Telecommunications Unit within the Information and Asset Services Division (IASD) of the NSW Department of Health.

Appropriate individuals and bodies within the Health system have approved content of the document.

Distributed in accordance with circular list(s):

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Version

This is **Version 1.0** of the document, released on 8 December 1999.

Changes since the last version

The table below shows changes incorporated since the last version.

Version Number	Changes incorporated
1.0	First Version - Not applicable

Updates and feedback

This is a living document and as such feedback is welcome. Where appropriate, suggested changes will be included in future versions.

Please send feedback to the Principal Project Officer, Telecommunications IASD (02 9391 9779). Your feedback will be acknowledged.

Michael Reid
Director-General

Introduction

Purpose of this document

This document describes the NSW Health System's policies for electronic messaging.

Employees provided with access to E-Mail must confirm in writing that they have read and understood the Department's policy and guidelines on E-Mail use as contained in this document.

Definition of electronic messaging

Electronic Messaging, in this document, refers to the technology and systems employed by the Health System to enable communication between people and groups via computers within and across computer networks. This communication usually occurs in the form of an electronic letter or memo that one user of the system sends to another user or group of users.

The main electronic messaging system used in NSW Health is **Novell GroupWise**. GroupWise provides outgoing e-mail, incoming e-mail, and desktop fax. Some Areas use other products such as Microsoft Exchange. Other products have slightly different functionality but the usage policies set out in this document still apply.

Internet E-Mail is used for electronic messaging outside the Health System.

Some **Internet** web-sites have a 'mailto' hot link on them which a user can click on to send an e-mail. This is the **only** time that a user would send e-mail messages using their Internet browser (eg. Netscape Communicator).

Management of electronic messaging

The Telecommunications Unit of the Information and Asset Services Division manages Electronic Messaging and provides day-to-day management and technical support for users in the Department.

At the AHS level, the various Information Services Departments manage electronic messaging.

Policy Management

The policy statements in this document have been developed and distributed so that staff within the Health system can be aware of their obligations in regard to use of electronic messaging provided in the workplace.

These policies and procedures will be updated and submitted periodically to the appropriate committees, such as the World Wide Web Steering Committee, the Health Telecommunications Steering Committee (HTSC) or the Computer Policies & Priorities Committee (CPPC), for endorsement.

Code of Conduct policies

Electronic Messaging is made available to staff within the Health System with legitimate reason for access. Electronic Messaging is a valuable official resource, and as such, existing code of conduct policies apply (**Circular 98/79 - Principles and Minimum Standards for the Development of Health Service Codes of Conduct**).

Guidance to support these policies

NSW Health's Electronic Messaging Policy has been developed from the NSW Premier's Department's *Employer Communication Devices Policy and Guidelines* and the *Protocol for Acceptable Use of the Internet and Electronic Mail*.

The Telecommunications Unit has prepared a document that covers the implementation and application of this policy in more detail. The document is called *Electronic Messaging Policy Implementation Guidelines* and is available from the Telecommunications Unit or on the Intranet.

Permission to Access

Electronic Messaging is available to staff in the Health system with legitimate reason for access. In the Department, access is provided for all network users. For Area Health Service staff, local arrangements will apply. Please contact the Help Desk in your local Information Services Department for guidance.

Access to Electronic Messaging may be withdrawn for breaches of this policy.

Use

Electronic messaging is provided to support official business and may only be used to perform tasks related to the officer's duties. Exceptions may be made for minimal appropriate personal use. Reasonable personal use is further described below.

The use of electronic messaging must be appropriate, lawful, efficient, proper and ethical. Specifically unacceptable uses are listed overleaf.

Use of electronic messaging should conform to relevant Commonwealth and NSW Government legislation and policies. A list of this legislation and policies appears at the back of this document.

Policies

Reasonable Personal Use

Reasonable personal use of electronic messaging is a privilege. Such limited use does not extend to intentional transmission of unauthorised software (including computer games and music files), lengthy files containing picture images, live pictures or graphics.

Reasonable personal use does include two way communication on Employee Association matters. Employee Association delegates may use Electronic Messaging for Association activities.

Employee Responsibilities/Rights

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- Computer equipped workstations and the services accessible on them are provided to employees for business use to carry out tasks related to your job. Electronic mail is one of these services (the applications for which include GroupWise and Microsoft Exchange).
 - Reasonable private use of E-mail is a privilege and such use needs to be balanced in terms of the Government's commitment to the development of a responsive and flexible public sector, and operational needs.
 - The use must be appropriate - lawful, efficient, proper and ethical.
 - Any identified use of equipment or services thought to be inconsistent with NSW Health policies will be investigated. Inappropriate use may be subject to disciplinary action and a range of penalties, including termination of employment and/or criminal prosecution.
 - It is not acceptable to intentionally create, send or access information that could damage the NSW Health's reputation, be misleading or deceptive, result in victimisation or harassment, lead to criminal penalty or civil liability, or be reasonably found to be offensive, obscene, threatening, abusive or defamatory.
 - Inappropriate use includes, but is not limited to, any use of NSW Health equipment or services for intentionally transmitting, communicating or accessing pornographic or sexually explicit material, images, text or other offensive material.
 - It is inappropriate to transmit, communicate or access any material which may discriminate against, harass or vilify colleagues or any member of the public on the grounds of sex; pregnancy; age; race (including colour), nationality, descent or ethnic background; religious background; marital status; disability; HIV/AIDS; and homosexuality or transgender.

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- You may be individually liable if you aid and abet others who discriminate against, harass or vilify colleagues or any member of the public. (Harassment will be treated in accordance with existing grievance and harassment procedures and may result in disciplinary action).
 - You may not intentionally create, transmit, distribute, or store any offensive information, data or material that violates Australia or State regulations or laws. NSW Health reserves the right to audit and remove any illegal material from its computer resources without notice.
 - All information, data or files created by you while employed by NSW Health are subject to scrutiny. It is important to remember that electronic messages are official documents that are subject to the same laws as any other form of correspondence. They are subject to statutory record keeping requirements and can be subpoenaed or "discovered" during legal processes.
 - Messages conveyed by E-mail through the Internet are capable of being intercepted, traced or recorded by others. Although such practices may be illegal, you should not have an expectation of privacy and must take care with confidential documents.
 - The use of your computer is monitored through a "user ID" and access rights governed by a password personal to you. Do not divulge your password to others because you could be held responsible for their actions.
 - Caution must be exercised when entering into on-line purchasing arrangements. As with telephone orders, proper authorisation for purchases must be first obtained. On-line purchases normally involve the use of credit or charge cards, and due regard must be had to conditions regulating their use (see the Audit Office's Guide to Better Practice: Corporate Credit Card).
 - E-mail is not to be intentionally used for chain letters.
 - Limited personal use of E-mail does not extend to intentionally transmitting unauthorised software, lengthy files containing picture images or graphics. This includes computer games and music files. Transmission of such files increases the load on the network and could degrade the service to other staff with a genuine business need to use E-mail.
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- No form of computer hacking (illegally accessing other computers) is allowed.
 - Employees are encouraged to report breaches of this policy to their supervisor or an appropriate senior officer or executive. E-mail use should be consistent with the Department's Circular 98/79 - *Principles and Minimum Standards for the Development of Health Service Codes of Conduct*.
 - Access to E-mail should be via officially approved mechanisms only (normally through the Department's firewall). The connection of stand-alone modems to individual personal computers must be authorised on a case-by-case basis.
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Very Large Attachments

E-Mail systems are not designed for the transfer of very large files. When attached to E-Mail messages, such files overload the E-Mail servers, causing failure of the E-Mail system, inconvenience to users and disruption to work flow.

Alternatives exist for the transfer of very large files, eg file transfer protocol (FTP). Contact your local Help Desk for more information.

Maximum message sizes (message + attachments) are set on Internet E-Mail servers. Presently in the Department they are:

- 25 Mb for outgoing messages and
- 10 Mb for incoming messages.

The limits will be regularly reviewed and adjusted as required.

Ownership of Information and Personal Privacy

Information that is created, accessed or stored using the Health System's electronic messaging services remains the property of NSW Health.

There is no personal privacy when using departmental technology and systems for electronic messaging. All information, data or files you create or use while employed by Health are and remain the property of NSW Health.

Note:

In law, electronic messages are treated in the same way as any other document and as such may be used as evidence.

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Freedom of Information (FOI) and Archiving Requirements

Electronic messages are official documents that are subject to the same law as any other form of correspondence. This means they can be subpoenaed or discovered during legal processes, including requests under the *Freedom Of Information Act*.

Within NSW Health it is neither practical nor desirable to preserve every e-mail message created or received. While back-ups of the e-mail system are regularly performed to protect against accidental short-term loss of messages, they do not provide any long-term protection of e-mail messages, especially those that have been intentionally deleted. It is therefore the responsibility of individual officers to archive electronic messages, which, in their judgement, document significant information, decisions or processes affecting NSW Health.

E-mail systems such as GroupWise and Exchange have a message archiving function, with which users should familiarise themselves.

Authority Disclaimer

Official material may only be transmitted if the user has obtained appropriate clearances.

Include an Authority Disclaimer in any electronic message that the recipient could mistakenly take as representing NSW Health.

Example Authority Disclaimer:

“Any views expressed herein are those of the author and do not necessarily represent those of NSW Health.”

Your password

The use of your computer, including your e-mail, is monitored through your User ID and access rights governed by a password personal to you. Do not divulge your password to others because you could be held responsible for their actions.

Duty to report

Employees have a duty to report suspected breaches of this policy including any improper use of electronic communications devices.

Any suspected improper use of electronic messaging in the workplace should be immediately reported. In the Department, it should be reported to the manager of your Branch or the Director, Executive and Corporate Support. In an Area Health Service it should be reported to the IT Director or equivalent in the Area, or direct to the CEO.

If an alleged inappropriate use of electronic messaging is notified as a protected disclosure, normal procedures for protected disclosures should be followed.

Note:

Intentional receipt of offensive messages may constitute misconduct by both the sender and receiver and may be dealt with as a disciplinary matter. Unsolicited exposure to inappropriate images or other offensive material may constitute and be dealt with as misconduct and/or harassment.

Officers may be individually liable if they aid and abet others who discriminate against, harass or vilify colleagues or any member of the public. (Harassment will be treated in accordance with existing grievance and harassment procedures and may result in disciplinary action).

Monitoring

NSW Health may monitor, copy, access or disclose any information or files that a user stores, processes, or transmits using its technology and services.

Monitoring may be periodic, random or continuous and may be done for the following purposes:

- to assure compliance with NSW Health policies;
 - to investigate conduct that may be illegal or adversely affect NSW Health or its employees; and
 - to prevent inappropriate or excessive personal use of Health property.
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Procedure following suspected breach

Any use of equipment or services thought to be inconsistent with the ownership interests of NSW Health may be monitored and investigated. As part of the investigative process, the user's rights to access the electronic messaging systems may be revoked.

Any suspected breach of this policy will be forwarded by the relevant Manager through appropriate channels for further action. Such action may include –

- an investigation, followed by
- counselling, and/or disciplinary action.

Managers should contact Departmental Human Resources staff who will advise on procedures to be followed in the event of suspected breach of this policy. Area managers should contact local Human Resources staff for assistance.

***Consequences
of improper use***

Proven improper use of electronic communication devices may, in the case of Area Health Service staff, result in dismissal. In the case of Departmental staff, the Director-General may impose punishments under provisions of Section 75 of the Public Sector Management Act 1988, including dismissal. In addition the employer may initiate civil litigation and/or refer the matter to appropriate authorities for prosecution under the relevant criminal codes.

The decision to initiate disciplinary action will be taken after due consideration of the circumstances and appropriate legal advice.

Relevant Acts and Departmental Policies

Acts and Policies

Use of internal and external electronic messaging and the Internet should adhere to the following Acts:

Commonwealth Acts:

- Australian Commonwealth Government Telecommunications Act (1989);
- Privacy Act (1988);

NSW Acts:

- Freedom of Information (FOI) Act (1982);
- Audit Act (1901);
- Public Service Act (1922);
- Health Services Act (1997) No 154 "Criminal and disciplinary matters concerning employees in NSW Health Services";
- Public Sector Management Act (1988)
- Privacy and Personal Information Protection Act (1998)

NSW Government Policy and Guidelines:

- Employer Communication Devices Policy (1999)
- Protocol For Acceptable Use Of The Internet and Electronic Mail
- Public Service and Merit Protection Commission Conduct Guidelines
- Electronic Record Keeping
- Electronic Messages As Records

The list is not exhaustive but gives an indication of the range of guidance available.

NSW Department of Health Circular 98/79

Accessing the Internet by NSW Health Department and Area Health Service employees is subject to the Health Service Codes of Conduct as described in Circular 98/79 - *Principles and Minimum Standards for the Development of Health Service Codes of Conduct*.
