



Policy Title: **INTERNET, EMAIL and COMPUTER USE POLICY**

Policy Type: **HUMAN RESOURCES**
 (Statutory, Financial, Administrative, Human Resources)

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1. Policy Background/Scope

This policy sets out the standards of behaviour expected of Persons using Aurukun Shire Council's computer facilities and "Smart Phones", or when making reference to Aurukun Shire Council on external sites.

This policy applies to all people who use Aurukun Shire Council's Computer Network by any means (**Users**). The policy also applies to Users who contribute to external blogs and sites who identify themselves as associated with Aurukun Shire Council.

This policy also sets out the type of surveillance that will be carried out in Aurukun Shire Council's workplace, relating to the use of Aurukun Shire Council's Computer Network.

This policy does not form part of any employee's contract of employment. Nor does it form part of any other User's contract for service

2. Definitions

"Blogging" means the act of using web log or 'blog'. 'Blog' is an abbreviated version of 'weblog' which is a term used to describe websites that maintain an ongoing chronicle of information. A blog is a frequently updated website featuring diary-style commentary, audio-visual material and links to articles on other websites.

"Confidential Information" includes but is not limited to trade secrets of Aurukun Shire Council; non-public information about the organisation and affairs of Aurukun Shire Council such as: pricing information such as internal cost and pricing rates, production scheduling software, special supply information; marketing or strategy plans; exclusive supply agreements or arrangements; commercial and business plans; commission structures; contractual arrangements with third parties; tender policies and arrangements; financial information and data; sales and training materials; technical data; schematics; proposals and intentions; designs; policies and procedures documents; concepts not reduced to material form; information which is personal information for the purposes of privacy law; and all other information obtained from Aurukun Shire Council or obtained in the course of working or providing services to Aurukun Shire Council that is by its nature confidential.

"Computer Surveillance" means surveillance by means of software or other equipment that monitors or records information input or output, or other use, of Aurukun Shire Council's Computer Network (including, but not limited to, the sending and receipt of emails and the accessing of websites).

"Computer Network" includes all Aurukun Shire Council internet, email and computer facilities which are used by Users, inside and outside working hours, in the workplace of Aurukun Shire Council (or a related corporation of Aurukun Shire Council) or at any other place while performing work for Aurukun Shire Council (or a related corporation of Aurukun Shire Council). It includes, but is not limited to, desktop computers, laptop computers, handheld electronic devices, smart phones and similar products, and any other means of accessing Aurukun Shire Council's email, internet and computer facilities, (including, but not limited to, a personal home computer which has access to Aurukun Shire Council's IT systems).

"Intellectual Property" means all forms of intellectual property rights throughout the world including copyright, patent, design, trade mark, trade name, and all Confidential Information and including know-how and trade secrets.

"Person" includes any natural person, company, partnership, association, trust, business, or other organisation or entity of any description and a Person's legal personal representative(s), successors, assigns or substitutes.

3. Use of Internet, Email and Computers

Where use is allowed, Users are entitled to use Aurukun Shire Council's Computer Network only for legitimate business purposes.

Users are permitted to use Aurukun Shire Council's Computer Network for limited and reasonable personal use. However any such personal use must not impact upon the User's work performance or Aurukun Shire Council resources or violate this policy or any other Aurukun Shire Council policy.

A User must not use Aurukun Shire Council's Computer Network for personal use if that use interferes with the efficient business operations of Aurukun Shire Council or relates to a personal business of the User.

Aurukun Shire Council gives no warranty or assurance about the confidentiality or privacy of any personal information disclosed by any User in the course of using the Computer Network for the User's personal purposes.

Users of the network are not allowed to use the network to carry out any form of abuse or 'cyberbullying' in accordance with the Workplace Bullying Policy

Whilst Aurukun Shire Council makes all effort to respect a person's privacy it cannot be held responsible for any private details being exposed if the user has used the network for their own personal business.

Users of the network will be expected to comply with the principles of the *Public Sector Ethics Act 1994*

4. Requirements for Use

Users must comply with the following rules when using Aurukun Shire Council's Computer Network.

- a) Users must use their own username/login code and/or password when accessing the Computer Network.
- b) Users in possession of Aurukun Shire Council electronic equipment must at all times handle the equipment in a responsible manner and ensure that the equipment is kept secure.
- c) Users should protect their username/login code and password information at all times and not divulge such information to any other person, unless it is necessary to do so for legitimate business reasons.
- d) The shared network drive is to be used for storing business records only. Users are not allowed to utilise the shared network drive to store personal records. Aurukun Shire Council provides users with a personal folder (P:|drive) which is only accessible to their login, to store personal records
- e) Users are responsible for managing and maintaining the appropriate titling of folders and documents. Appropriate titling of folders and documents enables the business to locate and retrieve records that are required for business purposes
- f) Users should ensure that when not in use or unattended, the Computer System is shut down.
- g) A disclaimer is automatically included in all Aurukun Shire Council emails, and must not be removed.

5. Prohibited Conduct

Users must not use Aurukun Shire Council's Computer Network:

- a) to violate copyright or other intellectual property rights. Computer software that is protected by copyright is not to be copied from, or into, or by using Aurukun Shire Council's computing facilities, except as permitted by law or by contract with the owner of the copyright;
- b) to create any legal or contractual obligations on behalf of Aurukun Shire Council unless expressly authorised by Aurukun Shire Council;
- c) to disclose any Confidential Information of Aurukun Shire Council or any customer, client or supplier of Aurukun Shire Council's unless expressly authorised by Aurukun Shire Council;
- d) to install software or run unknown or unapproved programs on Aurukun Shire Council's Computer Network. Under no circumstances should Users modify the software or hardware environments on Aurukun Shire Council's Computer Network;
- e) to gain unauthorised access (hacking) into any other computer within Aurukun Shire Council or outside Aurukun Shire Council, or attempt to deprive other Users of access to or use of Aurukun Shire Council's Computer Network;
- f) to send or cause to be sent chain or SPAM emails in any format;
- g) to use Aurukun Shire Council computer facilities for personal gain. For example, running a personal business.

No person should access the network server hardware without strict permission of the Director of Corporate Services or the IT Manager.

Users must not use another User's Computer Network facilities (including passwords and usernames/login codes) for any reason without the express permission of the User or Aurukun Shire Council.

6. Details on Blocking Email or Internet Access

Aurukun Shire Council reserves the right to prevent (or cause to be prevented) the delivery of an email sent to or from a User, or access to an internet website by a User, if the content of the email or the internet website is considered:

- a) obscene, offensive or inappropriate. This includes text, images, sound or any other material, sent either in an e-mail message or in an attachment to a message, or through a link to an internet website (URL). For example, material of a sexual nature, indecent or pornographic material;
- b) causes or may cause insult, offence, intimidation or humiliation;
- c) defamatory or may incur liability or adversely impacts on the image or reputation of Aurukun Shire Council. A defamatory message or material is a message or material that is insulting or lowers the reputation of a Person or a group of people;
- d) illegal, unlawful or inappropriate;
- e) to have the potential to affect the performance of, or cause damage to or overload Aurukun Shire Council Computer Network, or internal or external communications in any way;

- f) to give the impression of or is representing, giving opinions or making statements on behalf of Aurukun Shire Council without the express authority of Aurukun Shire Council.

In the case that an email is prevented from being delivered to or from a User, the User will receive a prevented delivery notice. The notice will inform the User that the delivery of the email has been prevented. The notice will not be given if delivery is prevented in the belief that:

- a) the email was considered to be SPAM, or contain potentially malicious software; or
- b) the content of the email (or any attachment) would or might have resulted in an unauthorised interference with, damage to or operation of any program run or data stored on any of Aurukun Shire Council's equipment; or
- c) the email (or any attachment) would be regarded by a reasonable person as being, in all the circumstances, menacing, harassing or offensive.

Aurukun Shire Council is not required to give a prevented delivery notice for any email messages sent by a User if Aurukun Shire Council is not aware (and could not reasonably be expected to be aware) of the identity of the User who sent the e-mail or is not aware that the e-mail was sent by the User.

7. Type of Surveillance in ASC's Workplace

On a continuous and ongoing basis during the period of this policy, Aurukun Shire Council will carry out Computer Surveillance of any User at such times of Aurukun Shire Council's choosing and without further notice to any User. Computer Surveillance occurs in relation to:

- a) storage volumes;
- b) personal files on H-drive
- c) internet sites - every web site visited is recorded including the time of access, volume downloaded and the duration of access;
- d) download volumes;
- e) suspected malicious code or viruses;
- f) emails - the content of all emails received, sent and stored on the Computer Network. (This also includes emails deleted from the Inbox); and
- g) computer hard drives - Aurukun Shire Council may access any hard drive on the Computer Network.

Aurukun Shire Council retains logs, backups and archives of computing activities, which it may audit. Such records are the property of Aurukun Shire Council, are subject to State and Federal laws and may be used as evidence in legal proceedings, or in workplace investigations into suspected misconduct.

8. What Will the Computer Surveillance Records be Used for?

Aurukun Shire Council may use and disclose the Computer Surveillance records where that use or disclosure is:

- a) for a purpose related to the employment of any employee or related to Aurukun Shire Council's business activities; or
- b) use or disclosure to a law enforcement agency in connection with an offence; or

- c) use or disclosure in connection with legal proceedings; or
- d) use or disclosure reasonably believed to be necessary to avert an imminent threat of serious violence to any person or substantial damage to property.

For example, use or disclosure of Computer Surveillance records can occur in circumstances of assault, suspected assault, theft or suspected theft of Aurukun Shire Council's property (or that of a related corporation of Aurukun Shire Council) or damage to Aurukun Shire Council's equipment or facilities (or that of a related corporation of Aurukun Shire Council).

9. Standards in Relation to Blogs and Sites not Operated by ASC

Aurukun Shire Council acknowledges that Users have the right to contribute content to public communications on websites not operated by Aurukun Shire Council, such as social networking sites like, Facebook, Twitter, YouTube etc. However, inappropriate use of such communications has the potential to cause damage to Aurukun Shire Council, employees, clients and suppliers. For that reason, the following provisions apply to all Users:

- a) As it may not be possible for any user of an external site to conduct a search that will identify any blogged comments about Aurukun Shire Council, Users must not publish any material which identifies themselves as being associated with Aurukun Shire Council.
- b) Users must not publish any material that may expose Aurukun Shire Council to any possible legal liability. Examples include, but are not limited to, defamation or discrimination proceedings.

10. Warning

Apart from the potentially damaging effects a blog may have on Aurukun Shire Council, inappropriate blogs on internal or external sites can also have adverse consequences for a User in terms of future career prospects, as the material remains widely and permanently accessible to other site users.

11. Enforcement

Users must comply with the requirements of this policy. Any breach of this policy may result in disciplinary action which may include termination of employment (or, for Persons other than employees, the termination or non-renewal of contractual arrangements).

Other disciplinary action that may be taken includes, but is not limited to, issuing a warning, suspension or disconnection of access to all or part of Aurukun Shire Council's Computer Network whether permanently or on a temporary basis.

12. Related Documentation

Public Sector Ethics Act 1994
Use of Council's Mobile Phones Policy
Workplace Bullying Policy
Code of Conduct