

USE OF INFORMATION TECHNOLOGY AND COMMUNICATION DEVICES POLICY

POLICY OBJECTIVE

The objective of this policy is to provide clear guidelines for staff and Councillors in their use of computers, email, internet, telephone and other electronic media and devices in the conduct of Council-related activities.

This policy seeks to:

- Preserve the integrity and efficiency of information technology and communication devices by providing guidelines to clarify what constitutes appropriate conduct and use of the equipment;
- Ensure the use of information technology and communication devices complies with Council's obligations to maintain a workplace that is efficient, harmonious and without risk of discrimination or harassment resulting from improper use; and
- Outline the ramifications of failing to abide by the guidelines contained in this policy.

1. POLICY STATEMENT

Council recognises that access to information technology and communication devices is required as a convenient and effective means of communication, both internally between staff and departments, and externally with other councils, groups or individuals.

Council's position is that information technology and communication devices are necessary to conduct business activities, however Council also recognises the need to comply with its obligations in maintaining a work place that is efficient, harmonious and without risk of discrimination or harassment resulting from improper use of the information technology and communication equipment supplied.

2. POLICY COVERAGE

This policy applies to all Councillors, and Council staff including, employees, casuals, consultants and contractors.

3. STRATEGIC PLAN LINK

Objective: 4.0 Wentworth is a caring, supportive and inclusive community that is informed and engaged in its future.

Strategy: 4.1 Provide strong and effective representation, leadership, planning, decision-making and service delivery.

4. DEFINITIONS AND ABBREVIATIONS

Term/Word	Definition
Council	Council of the Shire of Wentworth
Information technology and communication devices	Includes any electronic device or computer software provided to Councillors or staff for use in the performance of their duties.

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5. POLICY CONTENT

It is the policy of this Council that where information technology and communication devices are provided to Councillors and staff for business purposes, Councillor and staff have a responsibility to ensure their proper use.

Councillors and staff must not use information technology and communication devices to:

- Conduct illegal activities;
- Conduct business that in any way could, or would be likely to, bring Council's name into disrepute;
- Send emails or messages which contain inappropriate or offensive material of a sexual, racial, defamatory, abusive, obscene or discriminatory nature;
- In a manner which is likely to be perceived as harassment, intimidation or an unwanted invasion of privacy; or
- To reveal or publicise confidential or proprietary information.

Personal usage

Council accepts that its information technology and communication devices may on occasion be used for personal reasons. However, Councillors and staff must remember that the primary purpose of Council's information technology and communication devices are as tools for conducting business and to enhance the overall effectiveness of the organisation.

The provision and maintenance of communication devices is a cost to Council, therefore excessive personal use can undermine the effectiveness of the organisation. Therefore, excessive personal use by a Councillor or a staff member may need to be reimbursed to Council by the user.

Councillors and staff must not use communication devices to maintain or support a personal business activity or improperly used for the users benefit or the benefit of any other person or third party.

Copyright

All Councillors and staff must respect the copyright and any other intellectual property rights of third parties. Copyright protects the exclusive right of the copyright holder to copy, publish, perform, broadcast and sell copyrighted material. Councillors and staff must not download material from the internet or otherwise receive and use information that is owned by a third party unless they have the written permission of that party.

As a general rule, under copyright law downloading from the internet for personal research is allowed. However, downloading material for distribution to others or for business purposes will require the permission of the third-party owner.

Records Management

Electronic messages form part of the official business communication of Council, and as such, are governed by the same legislative requirements as all Council records.

For legal purposes emails are a formal document and have the same standing in court as paper documents. Councillors and staff should not expect that email is confidential or private. Therefore, when sending confidential information, careful consideration should be given as to whether alternative means of communication are preferable.

Breach of Policy

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Council reserves the right, at any time and without the consent of the user to inspect, monitor and examine a Councillor or staff members use of information technology and communication devices.

Compliance with this policy is a condition of each staff member's employment with Council. A breach of any part of this policy may depending on the circumstances, be regarded as serious breach of the staff member's employment contract with Council.

A failure to comply with this policy and any relevant directions given by management may result in the following action being taken against a staff member or Councillor:

- Counselling (including intensive training on this policy and the appropriate use of devices);
- Disciplinary action regarding "inappropriate use" of the devices, including cancellation of access to any or all devices;
- Dismissal of staff where access and/or the distribution of material outlined in this policy are unacceptable; and
- In relation to Councillors, a failure to comply with this policy may be considered a breach of the code of conduct, which could see the Councillor subject to the procedures for administering the code of conduct.

6. RELATED DOCUMENTS & LEGISLATION

Legislation

- *Local Government Act 1993 (NSW)*
- *Local Government (General) Regulation 2021*
- *Work Health & Safety Act 2009 (NSW)*
- *Public Interest Disclosure Act 1994 (NSW)*
- *Government Information (Public Access) Act 2009 (NSW)*
- *Privacy & Personal Information Protection Act 1998 (NSW)*
- *Health Records & Information Privacy Act 2002 (NSW)*
- *State Records Act 1998 (NSW)*
- *Anti-Discrimination Act 1997 (NSW)*
- *Evidence Act 1995 (NSW)*
- *Defamation Act 2005 (NSW)*
- *Employees Liability Act 1991 (NSW)*
- *Sex Discrimination Act 1984 (Cth)*
- *Racial Discrimination Act 1975 (Cth)*
- *Crimes Act 1914 (Cth)*
- *Copyright Act 1968 (Cth)*
- *Defamation Act 1974 (Cth)*
- *Disability Discrimination Act 1992 (Cth)*
- *Telecommunications Act 1997 (Cth)*

Council Policies

- GOV004 – Internal Reporting Policy
- GOV007 – Privacy Management Policy
- GOV008 – Public Access to Information Held by Council Policy
- GOV010 – Provision of Facilities & Payment of Expenses Policy
- GOV020 – Code of Conduct Policy

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- GOV022 – Legislative Compliance Policy

Council Document

- Legislative Compliance Framework
- Governance Framework
- Privacy Management Plan
- Records & Information Management Policy (Operational)

7. ATTACHMENTS

Nil.

8. DOCUMENT APPROVAL

This document is the latest version of the official policy of the Wentworth Shire Council, as adopted by Council on 16 February 2022. All previous versions of this policy are null and void.

This policy may be amended or revoked by Council at any time.

A PDF copy of the signed document can be accessed from Council's record management system and Reliansys.



Signed:

17 February 2022

General Manager Wentworth Shire Council

Date