

STAFF NOTICE 74
CODE OF PRACTICE FOR USING EMAIL AND THE INTERNET
INCLUDING MOBILE PHONES AND OTHER COMMUNICATIONS
EQUIPMENT

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| AIMED AT | ALL FC STAFF |
| DATED | REVISED February 2010 (Original Notice – 9 November 2007) |
| CONTACT | Allan Dungavel (Departmental Security Officer) Fiona Wright, HR Policy Disciplinary breaches: HR Managers |

Purpose

1. This Staff Notice sets out a revised Code of Practice for your use of Email, the Internet and communications equipment (such as mobile phones, Blackberries, Data Cards and Personal Digital Assistants etc) provided by the FC.

Background and Changes

2. The changes provide **updated guidance** reflecting the use of newer technologies. The Code has been reviewed jointly by the Departmental Security Officer and HR Policy. The Code applies to all employees provided with access or equipment enabling email, texting and internet use.

Action

3. Please read this Notice if you use Email, have access to the Internet or use a business provided mobile phone or other item of communications equipment. If you manage other people please ensure that they are aware of the Code and understand the standards expected. **New employees should be asked to read the SN when they begin work.** Other responsibilities for managers are described in the SN.

4. Your use of either system assumes that you understand and accept the Code. If you are unclear about any aspect, please discuss this initially with your line manager and, if necessary, use the contact points above.

5. Staff Notices are sent out by email and copies are placed on the HR eConnect site. For further guidance about this notice please refer to the contact box above.

Kim P Lardge
Director HR
9 November 2007

Forestry Commission Code of Practice for Using the Internet, Email, Mobile Phones and other Communications Equipment

Introduction

1. There has been a rapid expansion in the use of and access to Email, the Internet and the scope of use of mobile phones, blackberries and Data Cards. This expansion has brought great benefits through the exchange of knowledge and also some problems. The problems identified within the business community are:

- excessive personal use and/or wasting business resources;
- employees accessing inappropriate material, such as pornography, which can also result in adverse press publicity;
- the disclosure of sensitive information and intellectual property;
- easy distribution of slanderous or defamatory material;
- harassment or bullying.

This Notice sets out the FC Code of Practice, which defines the personal responsibilities of both users and managers. Some staff may have Email access without access to the Internet, but whatever your level of access/use, you are advised to read the whole Notice.

Why Do We Need a Code of Practice?

2. Employers are expected to give guidance to their employees about acceptable and unacceptable use. There are, in addition, legitimate legal and ethical issues for employers when work equipment is used to access, send or download pornography or other offensive material. Accessing some types of pornographic material may be an offence against the **Obscene Publications Act**, **Protection of Children Act** or the **Criminal Justice Act**.

3. Viewing and/or sharing pornography at work has been established in Court as potentially amounting to sex discrimination, which can result in heavy costs and adverse publicity. Employees have protection against harassment, whatever means are used to harass.

4. It is reasonable that the standards for use of the FC's systems or equipment should mirror our values and the standards of conduct expected of public servants.

The FC does not tolerate behaviour on the Internet, Email or in the use of communications equipment that breaches FC values, the standards of conduct expected of civil servants, misuses FC resources or breaks the law.

The FC will refer all instances of anyone accessing material that may constitute a reportable criminal offence to the Police.

IF YOU DO NOT ACCEPT THE CODE AND CONDITIONS SET OUT IN THIS NOTICE YOU ARE NOT ALLOWED TO USE THE INTERNET, EMAIL, BUSINESS PROVIDED MOBILE PHONES, OR OTHER COMMUNICATIONS EQUIPMENT FOR PERSONAL USE.

IF YOU USE FC PROVIDED EMAIL AND/OR THE INTERNET/BUSINESS COMMUNICATIONS EQUIPMENT, YOU ARE DEEMED TO BE ACCEPTING THE CONDITIONS THE FC HAS SET.

Personal Responsibility and this Code

5. The Code makes clear that monitoring of usage will take place from time to time. In using either or both systems, or FC equipment, you are deemed to be accepting that such monitoring may take place.

6. In your use of any system, you must not misrepresent the FC, do anything that could bring it into disrepute or give the impression that you are acting or speaking on behalf of the FC when you are not.

7. Breaches of the 'prohibited areas' set out in paragraphs 12, 15, 17 and 20 are **disciplinary offences**. **Unacceptable levels of personal use** (paragraphs 12 and 19) will also be treated as a disciplinary offence and dealt with under the FC's Disciplinary Policy and Procedure.

If you know of breaches of this Code by other FC employees, you should report these to your line manager or another manager.

8. **'Business use'** are activities to carry out the duties of your job, including approved training and learning activities. The term **'personal use'** is used to describe any use you make other than for 'business use'

Managers' Responsibilities

9. If you manage people, you must ensure that:

- The Code is understood by the people you manage and a copy is provided to each new employee during their induction;
- You set an example in your own use of email./business mobiles/other communications equipment.

You ensure compliance by your team and deal with known problems. For example, if you become aware that someone whom you manage is sending or receiving unacceptable emails, texts etc of any kind, accessing prohibited material or spending too much time on personal use, you must take action. Please discuss all breaches with your Unit/Senior Manager or HR and notify the Departmental Security Officer and /or IT Security Officer where necessary.

If you fail to deal with known breaches by the people that you manage, you will also be subject to disciplinary action.

USING THE INTERNET

Business and Personal Use

10. As a rule, you may not use FC resources for private/personal purposes. However, there is a more flexible policy for **personal use of the Internet** for the following reasons:

- The FC is committed to developing its people and recognises that access to the information available on the Internet supports this;

- People who are new to the Internet need some practice to develop the skills required to use it effectively for work related purposes.

11. Where access to the Internet has been granted to you to do your job, or to aid training or learning, the FC permits **reasonable, limited personal use**. However, personal use of the Internet **is a privilege and should be exercised with discretion**. The FC retains the right to prohibit access to the Internet for individuals where there is evidence of misuse after investigation. The FC blocks access to certain types of site and may restrict access to other sites at peak periods. The high usage of sites does have an effect on the performance of the network, so if it is discovered that there are a high number of visits to a non-work related site, access may be blocked or access restricted to particular times of the day.

Personal Use of the Internet

12. When using the Internet (whether it is accessed via a PC, mobile phone, blackberry or Data Card) you must follow these principles:

- Limit your use to a level which neither impairs your productivity nor is a burden on the IT system resource. Personal use should be in your own time, for example during your lunch break. **Unreasonable or disproportionate use**, evident over a period of time, will be treated as **gross misconduct, which may lead to your dismissal**.
- Where equipment or resources for Internet access are shared for work, people using the resources for business purposes have priority over access for personal use.
- Use the Internet in a way that is appropriate to your 'role'. For example, if you are a manager, the Commission expects that you set an example to your staff in your 'personal use'.
- While some Internet sites may not be explicitly prohibited, you are expected to exercise **careful judgement** about your personal use, or seek advice from the contacts provided at the start of this notice. For example, this would include internet game playing, sweepstakes or similar sites, personal dating services, using a non-FC internet forum, newsgroup sites/services, personal postings to Internet groups/web pages or conducting more complicated personal financial transactions, such as share dealing. If it 'feels wrong' to be accessing certain material, it probably is!
- Using the Internet to pay a utility bill at lunchtime or to check the office National Lottery numbers is acceptable. However, **not** acceptable would be using FC facilities to service a personal account at the bookmakers or a similar activity. A reasonable person could find this incompatible with their expectation that civil servants should not make inappropriate personal use of publicly funded resources at their disposal. Exposure of such use could cause embarrassment to the FC.
- You should **not access radio stations or download music files or games** because of the impact on IT system performance. If such actions are found to have had an adverse impact on IT system performance, disciplinary action is likely to be taken.

Impact of Screen Savers and Software

13. If you judge that there is a business need to download software such as screen savers, video clips, animated graphics and sound files etc you should first contact BSD or your local IT infrastructure manager. Even potentially useful products such as the Google toolbar and unsupported versions of software currently in use can cause problems by consuming significant system resources and/or conflicting with our current systems. The FC could be held legally responsible if unlicensed software was discovered to be in use.

14. In your use of the Internet, be aware that this may waste an IT business resource if you 'minimise' a window displaying an Internet site but then do not use it for some time. Close windows that you are not using.

The Internet: What is Prohibited?

15. The following are **prohibited at any time using the FC's systems** or equipment (such as PCs, mobile phones, Blackberries or Data Cards, Personal Digital Assistants etc) and will be treated as **gross misconduct**:

- Accessing, creating, circulating (either electronically or by hard copy), storing/archiving, displaying or downloading any kind of pornography or other sexually explicit or inappropriate material. Attempts to access illegal material, such as child pornography, will also be reported to the Police. If you do access a site containing pornography inadvertently you should logout from the site immediately. If you cannot get out of the site, contact BSD.
- Sending or forwarding material or links to sites that could reasonably be regarded as offensive or illegal harassment/discrimination based on the recipient's race, national origin, gender, sexual orientation, age, disability or religious belief.
- Using someone else's password and ID to gain unauthorised access to the Internet.
- Copying or otherwise acquiring, installing, storing, or using software obtained in violation of the appropriate vendor's licence agreement (commonly called 'piracy').
- Using the Internet at work to help run or set up a private, family or freelance business.
- Placing bets via a personal bookmaker's account.
- Entering into or varying a legally binding contract outwith existing FC procedures/policies, or where you do not have authority or permission. This could put the FC at risk from claims from external suppliers.
- Participating in adult chat sites.

The penalty for gross misconduct may be **dismissal**. You could also be subject to legal proceedings if you have committed an unlawful act.

Monitoring of Internet Access

16. All Internet access via FC systems is logged. The records show who attempts the access, the date and time of the attempt, and which site is being accessed.

You cannot expect or assume privacy when you access a website and your continued use of FC Internet facilities is considered to be your consent to the following FC monitoring:

- the FC will, from time to time when it sees fit, examine current and restored information;
- this includes websites accessed and levels of personal use.

The FC, by monitoring your Internet use, will collect personal data about you within the meaning of the Data Protection Act 1998.

USING EMAIL, MOBILES PHONES, BLACKBERRIES

Sensible Precautions

17. Clearly, Email (whether via a PC or other communication tool such as mobile phones, Blackberries etc) is now a basic aspect of working life for most people. As with other forms of communication, you need to take sensible precautions, know how to use it effectively and be aware of what should and shouldn't be sent. When using it in your job, please refer to ['Email: Our Policy and Practice'](#) available on the Intranet.

Whether you are using email, particular care is needed in the following areas:

- Never make untrue, unfair, potentially defamatory or libellous statements about individuals or organisations. This applies whether or not the email is sent outside the FC. The laws relating to written communications apply equally to email messages, including defamation, libel, copyright, obscenity, fraudulent misrepresentation and discrimination.
- Do not log onto and bring email across from web based email services such as AOL or Hotmail.
- Do not subscribe to any adult site or service. This includes services that involve automated text or email messages/picture services with pornographic content;
- Do not sign up for any other subscription/site that leads to unreasonable or unauthorised costs, unreasonable levels of personal use or that does not comply with the guidance on appropriate use of business equipment;
- Do not use offensive or aggressive language. Think about whether you would use that form of words if you were speaking to the person face to face. Remember that it is possible for the FC to recover messages even if you have deleted them. Ask yourself how you would feel if your email message had to be read out in court. If in doubt, don't create it, and never send it.
- Do not send an email or text containing or attaching material that could reasonably be considered offensive by the recipient. If you receive material that you find offensive, report it to the Departmental Security Officer or your line manager.
- The content of Email/electronic communications may be disclosed or used as evidence in civil or criminal proceedings, or disclosed under various legislation, including the Data Protection Act 1998, the Environmental Information Regulations or the Freedom of Information Act, which came into force on 1 January 2005.
- Chain letters or petitions via email are specifically designed to encourage recipients to continue the 'chain'. The subjects tend to be current news items, local or national campaigns, or to offer some financial reward provided you carry out the instructions. Electronic chain letters are wasteful of the FC's IT system **business resource**, can be a nuisance to other people/colleagues and the content or your support for a 'campaign' may be inappropriate from a '**gov.uk**' email address. Please exercise caution and, if in doubt, do not respond.

Personal Use of Email/Texting

18. Regardless of the equipment you use to send emails, the FC allows limited personal use, as long as the content complies with this guidance and your level of use does not interfere with your work, the productivity of other people, or adversely affect the business of the FC.

19. If you misuse your working time or the equipment, through unreasonable or disproportionate personal use, you will be subject to **disciplinary action**. In serious cases, where the level of personal use over a period of time is unacceptable, the nature of the use is prohibited, or the use has resulted in unreasonable, unauthorised costs, this will be treated as **gross misconduct** and you may be dismissed.

Email/Text Use: What is Prohibited?

20. The following are **prohibited at any time using the FC's email system** or via other any communications equipment enabling **emails or texts**. These will be treated as gross misconduct:

- Impersonating another person, sending hoax emails or changing the content of a message which has been sent to you by someone else, with the intention of deceiving or misrepresenting.
- Using FC equipment to send/forward/solicit offensive messages, texts or videos.
- Emails that amount to a detriment to someone based on their race, national origin, gender, sexual orientation, age, disability, or religious belief are prohibited and may be illegal discrimination. Never send an email, text or enclosure if it is possible that the recipient could reasonably be upset by it.
- Sending/forwarding/holding pornography, sexually explicit, obscene or illegal material. Subscribing to email or texting/video services that send similar material.
- Sending/forwarding abusive or bullying Emails/texts. The FC has implemented policies on **harassment** and **bullying** to make it clear that such conduct is not acceptable. Repeated messages of this kind could constitute harassment under the provisions of the Protection from Harassment Act 1997
- Sending or circulating jokes or offensive remarks about an individual (for example, a colleague or contractor) even when that individual is not a recipient. Unsubstantiated rumours, gossip, or malicious comments about someone may be libellous. Such use is also contrary to the Commission's policy on harassment/bullying, and to our FC value of '**Respect**' for one another.
- Using the FC Email system or other communications equipment to help run or set up a private, freelance or family business/consultancy.

The penalty for gross misconduct may be **dismissal**. You could also be subject to legal proceedings if you have committed an unlawful act.

Monitoring of Email Use

21. If you use FC Email and/or other communications equipment for personal use, you are accepting that:

- You can have no expectation to absolute privacy in your use of an FC Email account or use of the equipment provided. While the content of Email is not routinely monitored, you are not guaranteed privacy in the emails that you choose to send.
- While the FC will not, without proper reason, open clearly marked personal Emails, all Emails sent via FC systems are stored and may be **examined** or **monitored** where necessary, such as for the detection of suspected unauthorised use, misconduct or security breaches.

- The FC may examine current and restored information, including the use you make of the system, the content of any Email, whether business or personal, sent and received by any Email address provided for your use.
- Email traffic levels are routinely monitored to check system performance. Email passing through the Government Secure Intranet is checked and may be viewed and/or intercepted, to help prevent undesirable or nuisance mail getting onto the internal email system.

The FC, by monitoring your E-mail use, will collect personal data about you within the meaning of the Data Protection Act 1998.

**HR POLICY
9 NOVEMBER 2007**

DEPARTMENTAL SECURITY OFFICER