

DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

Policy Statement Internet/Electronic Communications

POLICY:

It is the policy of the Department of Fair Employment and Housing that the use of the Internet and electronic mail (E-Mail) and other forms of electronic data communication transmitted or received on the Department of Fair Employment and Housing's computerized electronic systems be utilized for the purpose of conducting official State business *only*. Use of these systems for any improper purpose constitutes a misuse of State property that may result in adverse action up to and including termination. The Department subscribes entirely to the STATEWIDE INTERNET USAGE POLICY developed by the Department Of Information Technology and will enforce all of its objectives. (A copy is attached as Exhibit A).

DEFINITION OF THE INTERNET:

The Internet is a medium through which information or electronic mail may travel. Computer users can use the Internet like a telephone or fax machine to exchange information quickly and efficiently.

DEFINITION OF E-MAIL:

E-mail is the common term used for electronic mail. It has been described as a service that allows two parties to transmit a digital message between two computer terminals through a service provider, where it is maintained in electronic storage until accessed by the recipient.

DEFINITION OF VOICE-MAIL:

Voice-mail systems generally consist of some type of computer, an analog to digital voice processing subsystem, disk storage, and software to provide the mailbox and answering machine environment. The human voice is digitized directly by the computer and stored in a digital pattern. The computer "listens to" and duplicates, in digital form, the entire voice message of the sender.

DEFINITION OF FAX TRANSMISSION:

Fax transmission is the common term used for facsimile transmission. It allows a party to transmit a digitized copy of a document through a fiber optic phone line to

an intended recipient. The recipient's facsimile machine receives the digitized document, converts the digitized document to print form, and then prints the document in its near original form.

MISUSE OF DFEH ELECTRONIC COMMUNICATION SYSTEMS:

Internet, E-mail, voice-mail, and facsimile systems maintained and provided by DFEH are intended for the purpose of conducting State business. Use of these systems for any improper purpose constitutes a misuse of State property that may result in adverse action up to and including termination. (Gov. Code, §§ 19572, subd. (p) and 19574.) Misuse of the Internet, E-mail, voice-mail, and facsimile systems includes, but is not limited to:

1. Utilizing DFEH electronic communication systems to transmit documents or messages which may be offensive, harassing, or threatening to the recipient;
2. Participating in causing documents or messages which may be offensive, harassing, or threatening to co-workers to be transmitted to DFEH electronic communication systems;
3. Sending or receiving facsimile transmissions pertaining to personal business; and
4. Any other use that interferes or conflicts with the operation of the official business of DFEH.

MONITORING OF DFEH ELECTRONIC COMMUNICATION SYSTEMS:

DFEH will conduct periodic and random monitoring of the information stored in its electronic communication systems to ensure compliance with the above stated policy. DFEH will use monitoring tools currently in use by other State agencies. These tools serve a twofold function: to ensure security safeguards throughout the network environment and to meet State requirements for individual random monitoring for system protection and integrity. DFEH will review information stored in its electronic communication systems in response to specific complaints alleging transmission of offensive, harassing or threatening conduct, or when it appears from credible evidence that any employee is otherwise engaging in the misuse of State property.¹ The purpose of monitoring such stored information is to ensure that DFEH resources are being utilized for their intended purpose for the benefit of the taxpayers of the State of California. Reviews conducted in response

¹ The DFEH will not engage in "active" monitoring (e.g. wiretapping, eavesdropping, etc.) of electronic communications except when authorized by an order of a court of competent jurisdiction.

to specific complaints pertaining to the transmission of offensive, harassing or threatening conduct is mandated by State law. (e.g., Gov. Code, § 12940, Civ. Code, § 51.7.) Monitoring may also be conducted at the request of the Department's executive staff, as well as other State control agencies.

DFEH employees are hereby notified that they have no proprietary interest in or to the information stored in DFEH's electronic communication systems. Employees are further notified that they have no reasonable expectation of privacy in the information stored in DFEH's electronic communication systems.