

## **POLICY ON USE OF INTERNET AND EMAIL**

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### **OVERVIEW**

Public sector employees are accountable for their use and management of all public resources including the use of services such as the Internet and electronic mail (email).

The responsibilities to be efficient, economical and ethical are well established in the Code of Conduct. In providing staff with access to the Internet and email for business use, Legal Aid NSW also accepts that within a responsive and flexible NSW public sector there is a need for limited personal use of such services.

Legal Aid NSW employees are encouraged to use the Internet and email in order to further the aims of the organisation. Use of the Internet and email is encouraged to share information, improve communication and to exchange ideas across the agency and with other stakeholders.

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## 1 PURPOSE

This document outlines Legal Aid NSW policy on the provision of and use of Internet and email.

## 2 SCOPE

This policy applies to all permanent and temporary employees, contractor staff and vendors engaged by Legal Aid NSW (collectively referred to henceforth as 'staff').

The policy applies to all use of Internet and email services where such use is undertaken through the Legal Aid NSW network services and/or devices as well as personal devices used in conjunction with Legal Aid NSW network services, regardless of the location from which it is accessed. For example, the policy applies to use of Internet and email via remote access to the Legal Aid NSW network from an off-site work or non-work location; to the use of Internet and email from Legal Aid NSW issued mobile devices; and to the use of Legal Aid NSW email services from personally owned devices.

## 3 POLICY PRINCIPLES

This policy recognises:

- Internet and email services are provided by Legal Aid NSW for business use
- All staff have a responsibility to be ethical and efficient in their official or private use of public property and services
- All staff have a responsibility to be productive in the use of their work time
- Staff are increasingly being encouraged to engage online as part of their work
- Staff are also private citizens with individual personal needs and obligations
- Staff may need to make use of the Internet and email for personal purposes
- There is a reasonable limit to which employer provided Internet and email services may be used for personal purposes
- Staff should be provided with guidelines that clearly outline their rights and responsibilities on the use of Internet and email and that there will be consequences for any inappropriate use and/or contravention of this policy

## 4 RESPONSIBILITIES

In providing staff with access to Internet and email services, Legal Aid NSW will:

- Provide staff with a clear statement of their responsibilities when using the Internet and email
- Ensure an automated disclaimer is included on all messages sent to external recipients making it clear that the opinions expressed are those of the sender and not Legal Aid NSW or the NSW Government
- Notify staff that Legal Aid NSW will monitor Internet usage and email activity

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#### **4.1 CHIEF EXECUTIVE OFFICER**

The CEO has the responsibility of engendering a commitment to the values espoused by this policy and ensuring adequate controls are in place to administer the policy. Controls may include systems for:

- Random audits
- Appropriate approvals (including delegation of authority)
- Disclosure of usage
- Maintaining accurate records
- Monitoring records, and
- Access control (e.g. network firewalls and web filtering tools)

All controls are subject to any relevant privacy legislation and/or guidelines.

If genuine business reasons require staff to access Internet sites that would be normally regarded as inappropriate, the CEO has a responsibility to ensure such access is undertaken in a suitably secure environment.

#### **4.2 MANAGERS**

Managers and supervisors are responsible for:

- Ensuring that staff are aware of and understand the policy
- Monitoring, and where necessary, enforcing policies, and
- Providing leadership by example

#### **4.3 INFORMATION TECHNOLOGY SERVICES AND RECORDS**

The Information Technology Services and Records Division is responsible for:

- Establishing appropriate security measures
- Controlling and monitoring access to email and the Internet
- Undertaking usage audits on a regular basis
- Promote awareness and understanding of this policy

#### **4.4 STAFF**

All staff are personally accountable in their use of work resources and share a responsibility for ensuring that:

- Official resources are used ethically
- They apply due economy and efficiency in use
- Steps are taken to protect confidentiality that are appropriate to both the information involved and the service being used

- They adhere to the requirements of this policy and any associated guidelines or procedures, and
- They report breaches of this policy to their supervisor or an appropriate senior officer.

When logging on to the Legal Aid NSW network a message will be displayed which states that staff must agree to abide by this policy in order to gain access to the network. By acknowledging this message and accessing the Legal Aid NSW network, staff are agreeing that they have read and understood the Legal Aid NSW policy and principles on Internet and email use and will abide by them.

## 5 PRINCIPLES ON ACCEPTABLE USE OF INTERNET AND EMAIL

### 5.1 UNLAWFUL AND INAPPROPRIATE USE OF INTERNET AND EMAIL

The use of the Internet or email to make or send fraudulent, unlawful, offensive or abusive information or messages is prohibited. Staff are to report receipt of any such messages to their immediate manager. Any staff member identified as the initiator of such information or messages is subject to disciplinary action in accordance with the relevant provisions of the *Public Sector Employment and Management Act 2002* and possible criminal prosecution.

Unlawful and inappropriate use of the Internet and email includes, but is not limited to, creating, sending, communicating or accessing information that:

- Could damage the reputation of Legal Aid NSW
- Could be misleading or deceptive
- Could result in victimisation or harassment
- Could lead to criminal penalty
- Could expose Legal Aid NSW to civil liability
- Facilitates unauthorised access, modification or impairment of data on a computer
- Could be reasonably found to be offensive, obscene, threatening, abusive or defamatory
- Is pornographic or sexually explicit material including images, text or other offensive material
- 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

It is recognised that legal staff may need to access some inappropriate material as part of their legal work with Legal Aid NSW.

Staff may be individually liable if they aid and abet others who discriminate against, harass or vilify colleagues or any member of the public.

Where inappropriate use is identified, Legal Aid NSW has a responsibility to:

- Consider implementing disciplinary action in accordance with the relevant provisions of the *Public Sector Employment and Management Act 2002*
- Notify the Independent Commission Against Corruption (ICAC) if there are reasonable grounds for believing the matter concerns corrupt conduct
- Notify the Police if it is reasonably believed a criminal offence has been committed.

## 5.2 RESTRICTED ACTIVITIES

In addition to the above, the following activities are not permitted using Internet and email services provided by Legal Aid NSW. Staff must not:

- Intentionally access, create, transmit, distribute, or store any offensive information, data or material that violates Australian or State regulations or laws. Legal Aid NSW reserves the right to audit and remove any illegal material from its computers without notice.
- Use Internet or email services for non-Legal Aid NSW business purposes.
- Promote any advertising or sponsorship except where such advertising or sponsorship is clearly related to Legal Aid NSW business and has the approval of the CEO (the Staff Noticeboard on the Intranet is an appropriate alternative).
- Transmit information that is commercial in nature
- Represent themselves anonymously or as someone else, whether real or fictional, when sending email or posting information to the Internet.
- Use another staff member's email account to send email messages unless given explicit permission to do so through the use of Outlook permissions.
- Use another staff member's account to access the Internet.
- Undertake any form of computer hacking (illegally accessing other computers).
- Intentionally send or forward chain letters.
- Use their Legal Aid NSW email address for the purpose of subscribing to mailing lists except in relation to work or professional development purposes.
- Use their Legal Aid NSW email address to subscribe to social networking sites where the email address is displayed to other users, unless the CEO has provided approval to use the site in their work capacity.
- Use the Internet or email for activities that might be questionable, controversial or offensive, such as gambling, gaming, accessing chat lines, transmitting inappropriate jokes or sending junk programs.
- Use Internet services for Internet Relay Chat ("IRC") and File Transfer Protocol ("FTP") services at any time without approval from the Executive Director IT Services and Records.
- Use Internet and email services for the transmission of any non-business related written material to political organisations.
- Automatically forward email messages to an external email account without approval from the Executive Director IT Services and Records.
- Automatically forward email messages from personal email accounts to their Legal Aid NSW email account.
- Intentionally transmit copyrighted material or material over which subsisting intellectual property rights exist without the express permission of the owner
- Transmit an advertisement of goods or services available for sale or hire
- Intentionally, undertake any activity intending to have a detrimental effect on storage, processing or communications network services (i.e. viruses, chain letters etc.)
- Use private email accounts as an alternative to their Legal Aid NSW email account for sending or receiving any Legal Aid NSW official communication relating to Legal Aid NSW business activities.
- Use any online third-party storage service (e.g. cloud storage facilities such as Google Docs, SkyDrive and Dropbox) for the permanent or temporary storage of any Legal Aid NSW official information unless approved by the Executive Director IT Services and Records.

- Use Internet or email services to transmit any Legal Aid NSW official material to media organisations unless in accordance with the Legal Aid NSW Media Policy.

### 5.3 APPROPRIATE BUSINESS USE OF EMAIL & THE INTERNET

The following activities are considered appropriate business use of email and the Internet:

- Conducting research and investigation in support of Legal Aid NSW business functions
- Communication and information exchange including online collaboration with other Government and private organisations as required
- Communication with Legal Aid NSW clients, partners and members of the public in relation to Legal Aid NSW business and information
- Retrieving news stories or other information of interest to the organisation
- Professional development activities, such as maintaining currency with and/or detailing issues and/or collaborating online in a field of knowledge
- Disseminating information related to Legal Aid NSW business
- Disseminating a business document for comment or information
- When requiring a record of an instruction or request

### 5.4 ONLINE COMMUNICATIONS

Email is a business communication and sending it is classed as a business transaction. Sending an email message from your Legal Aid NSW email account is similar to sending a letter on Legal Aid NSW letterhead. Email transactions should be handled with the normal courtesy, discretion and formality of all other agency communications. This also applies to any communications via online collaboration sites on the Internet.

While not prohibited, it is recommended that staff using Legal Aid NSW Internet and email services not include private email addresses, private phone or mobile phone numbers when signing a work related message or communicating online in respect to Legal Aid NSW business. If staff choose to do so, they should use their discretion as to when this is appropriate noting that you may not be able to prevent your personal information being passed on to others.

When engaging in online communication, including the use of social networking sites in both a business and personal capacity, staff:

- are expected to uphold the values, obligations and expectations of staff outlined in the Code of Conduct.
- need to ensure that comment relating to personal views does not imply endorsement by Legal Aid NSW.
- need to be particularly careful not to divulge confidential or sensitive Legal Aid NSW information through social networking or similar sites.
- need to ensure private information including photos is not published without permission.

Staff are also urged to exercise caution in entering into online purchasing arrangements. As with all orders, proper authorisation for purchases must be obtained prior to the purchase taking place. All requests and decisions relating to the authorising of such purchases must be documented and retained to facilitate scrutiny or audit.

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## 5.5 BROADCAST OR 'ALL STAFF' MESSAGES

Access to 'all staff' distribution lists is restricted. Delegation to send 'all staff' messages is controlled by the CEO. Staff wanting to send a message to an 'all staff' distribution list must identify a delegated officer within their Branch and request authorisation to send the message. The delegated officer will then do so on their behalf.

## 5.6 FILE STREAMING, DOWNLOADING AND UPLOADING

The streaming of or downloading from and uploading to the Internet of video and music files is prohibited at any time unless work related.

Care needs to be taken to prevent unauthorised use of copyright material.

Certain file types, such as multimedia files (e.g. mp3, mpg, avi), may be automatically blocked by IT Services.

Program files (i.e. executable software) are not to be downloaded under any circumstances. Employees requiring access to additional software must complete the appropriate form and forward it to the Service Desk. This process must be followed regardless of the licence type of the software (e.g. free trial, freeware etc.).

## 6 PERSONAL USE

Personal use of the Internet and email is a privilege and such use needs to be balanced in terms of the NSW Government's commitment to the development of a responsive and flexible public sector, and operational needs.

Reasonable personal use is permitted when a staff member is off duty (i.e. during their lunch break, and at the beginning and end of the day provided they are not claiming this time on their flex sheet). Only incidental and necessary personal use is permitted when a staff member is on duty (i.e. during core hours and at any other time that is claimed on their flex sheet).

Staff may not facilitate or permit the use of the Internet or email via the Legal Aid NSW network by persons who do not have an existing, approved Legal Aid NSW network account, unless urgent business or personal circumstances would reasonably require such use.

Personal communications via email or the Internet using Legal Aid NSW provided services must meet the same standards of professionalism and courtesy as all other Legal Aid NSW communications. Employees are expected to minimise the amount of personal email stored on the Legal Aid NSW network by deleting personal messages on a regular basis.

Staff using Internet and email through work for business or personal purposes do not have the same expectations of privacy as when using private Internet and email services. Legal Aid NSW has a responsibility to implement appropriate controls and staff usage may be monitored. Staff members reasonably suspected of abusing personal use of the Internet and/or email may be asked to explain such use or have the contents of their messages accessed.

Internet or email use for personal purposes is still subject to the same terms and conditions as otherwise described in this policy.

Excessive or inappropriate personal use of email or the Internet may lead to disciplinary action as outlined in Section 7.

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## 7 FAILURE TO COMPLY

Staff failing to comply with this policy will be required to provide an explanation of their actions. If the conduct is contrary to this document and does not involve an honest mistake, formal disciplinary action and/or legal action may be initiated against the staff member concerned.

For employees, this action could result in any one or more disciplinary actions in accordance with the relevant provisions of the *Public Sector Employment and Management Act 2002* being imposed including dismissal. Furthermore, the *Premier's Department Memorandum 2002-04* provides for the immediate suspension from duty without pay of any employee using email and/or the Internet to access or transmit offensive, pornographic or sexually explicit material.

## 8 FILTERING

Legal Aid NSW filters certain web sites for a variety of reasons including security, appropriateness, liability and productivity. For example, certain web sites may be blocked for security reasons. Some web sites may require staff to confirm access is required for business purposes before access is provided. Legal Aid NSW may also restrict access to certain web sites at certain times of the day, or limit the volume of data used by staff within particular web site categories for productivity purposes.

If a staff member wishes to request a variation to filtering rules in order to access a particular site, they should email the Service Desk in accordance with the Procedure – Requesting Access to Blocked Internet Sites providing details of the site they require access to, a brief justification as to why they require access to that particular site, a statement of approval from their Executive Director, and an indication for how long access is required. .

## 9 EMAIL BACKUP

Legal Aid NSW regularly backs up the email service to protect the reliability and integrity of the system. The backup process results in the copying of email messages to a secondary storage device in accordance with standard backup procedures. As a result, staff should be aware that email messages that have been deleted from their computer may still be accessible via the backup storage device.

The existence of an email backup does not give staff an automatic entitlement to request access to any stored email messages. Recovery of email from backup is a complex procedure and requires significant effort. Access to the email backup may be limited.

## 10 SECURITY AND PRIVACY

Access to Legal Aid NSW computers is monitored through a user ID and password. Staff are responsible for all Internet activity and email use logged against their user ID. To prevent unauthorised use of their user ID and to protect their privacy, staff:

- Must lock their computer and remote access session if logged in remotely when away from their computer. When using any Legal Aid NSW desktop or laptop computer staff must lock their computer by simultaneously selecting the ctrl-alt-delete keys then selecting Lock This Computer. When accessing the Legal Aid NSW network via remote access using any other computer or mobile device staff must lock their remote access session to Legal Aid NSW by selecting the Start menu within the remote access session, activating menu next to the Log Off button and selecting Lock.
- Must not disclose their network password to anyone else
- Must ensure that any staff that have been granted permission to send email on their behalf are aware of their responsibilities under this policy

Email is not a confidential means of communication. While Legal Aid NSW respects and recognises the privacy of email communications, messages conveyed by email and through the Internet are capable of being intercepted, traced or recorded by others. Although such practices may be illegal, staff cannot expect the privacy of communications to be respected and must take care with confidential documents.

## **11 MONITORING**

Legal Aid NSW will monitor the use of Internet and email services.

Email and Internet services are automatically monitored by software applications to block suspected viruses, spam and other inappropriate messages from entering the Legal Aid NSW network. These tools include removing the majority of spam before it enters the network, quarantining at risk files and restrictions on oversized files. Additional measures to protect the integrity of the system and to manage data storage requirements may be implemented at any time and will be publicised to staff prior to their implementation. Examples of these may include restrictions on attachments, mailbox size limits and file downloading and uploading.

Legal Aid NSW reserves the right to monitor the volume and cost of network traffic generated by each person at all times.

Legal Aid NSW may monitor, copy, access or disclose information or files that are stored, processed or transmitted using Legal Aid NSW equipment and services.

Legal Aid NSW will ensure that Internet and email usage is adequately monitored on a random or continuous basis to:

- Ensure compliance with Legal Aid NSW policies
- Investigate conduct that may be inappropriate, illegal or adversely affect Legal Aid NSW or its staff
- Prevent inappropriate or excessive personal use of Legal Aid NSW property and services

This monitoring will include:

- The date, time and url of all web pages accessed by staff
- Aggregated web usage by staff member and category of site
- Aggregated email volume by staff member and/or email recipient

Monitoring reports will be retained for at least 12 months

### **11.1 DISCLOSURE**

Monitoring information may be subject to viewing by or disclosure to:

- The ICT Steering Committee, Executive Director IT Services and Records, and Operations Manager IT Services on a regular basis
- A senior manager where there is reasonable suspicion of contravention of this policy and a request to review use has been approved by the CEO or Deputy CEO
- The Executive Director People & Organisational Development where the information is required as part of an employment related investigation

- Others where required to by law, for example on receipt of a subpoena.
- The Network Administrator IT Services or Network Officer IT Services in satisfying any of the above requests

In addition, the content of emails may be accessed:

- Where there is reasonable suspicion of contravention of this policy and a request to access the contents of email for a staff member has been approved by the CEO or Deputy CEO
- Where a request to access an email account is received from a supervisor/manager and complies with the requirements of the *Procedure for Accessing Staff email Accounts*
- To others where required to by law, for example on receipt of a subpoena

## 11.2 PERSONAL INFORMATION

Where third party access is granted to a staff member's email account, the third party should be aware that the account may include information of a personal or confidential nature. This information should not be used or disclosed except where authorised by law, where there is an obligation or legal authorisation to disclose evidence of an offence, or where there is a serious breach of Legal Aid NSW policies.

## 12 INDUSTRIAL AWARDS AND ENTERPRISE AGREEMENTS

Nothing in this policy overrides the rights of accredited union delegates to use Legal Aid NSW Internet and email services in accordance with the documented agreements in place in relation to such usage and/or conditions contained in properly constituted industrial instruments or other legislation.

Legal Aid will also ensure that Health and Safety Representatives and employee representatives on the Health and Safety Committee can use Internet and email services in fulfilling these functions.

## 13 RECORDKEEPING

Business communications sent electronically become official records, subject to statutory record keeping requirements. Electronic records are subject to the same standards of record keeping that apply to paper records. Business records may also be accessed by the public under the *Government Information (Public Access) Act 2009*.

Staff need to be conscious of the requirement to preserve business communications in accordance with policies on the management of electronic messages including the Legal Aid NSW *Records Management Policy*, the *State Records Act 1988* and policies produced by NSW State Records: *Electronic Recordkeeping* and *Electronic Messages as Records*.

Staff must not use Legal Aid NSW mailboxes as permanent storage repositories for email. Staff should utilise other storage methods available to them (e.g. TRIM for corporate administrative records, and ATLAS/CASES for client records) and perform regular maintenance to delete unnecessary email.

## 14 DEFINITIONS

- email** Electronic mail service provided by Legal Aid NSW for the use of staff in the form of an email account and Legal Aid NSW email address ([\\*@legalaid.nsw.gov.au](mailto:*@legalaid.nsw.gov.au)). Includes any and all messages sent using this email account including attachments.
- Internet** All references to the Internet in this policy should be taken to include all online services including the World Wide Web (www), email, newsgroups, chat groups, message boards, social media services and file transfer protocol (ftp).
- Staff** Any contract, permanent or temporary staff or consultant employed by Legal Aid NSW
- Work** This policy applies to staff when they are at a workplace of Legal Aid NSW whether or not the staff member is actually performing work at the time, or at any other place while performing work for Legal Aid NSW.

## 15 REFERENCES

Type	Title	
Legislation	Crimes Act 1900	NSW Government
Legislation	Government Information (Public Access) Act 2009	NSW Government
Legislation	Privacy and Personal Information Act 1998	NSW Government
Legislation	Public Sector Employment & Management Act 2002	NSW Government
Legislation	State Records Act 1998	NSW Government
Legislation	Anti-Discrimination Act 1977	NSW Government
Legislation	Workplace Surveillance Act 2005 (NSW)	NSW Government
Policy	Information Security Policy	Legal Aid NSW
Policy	Code of Conduct	Legal Aid NSW
Policy	Social Media Policy	Legal Aid NSW
Policy	Media Policy	Legal Aid NSW
Policy	Mobile Devices Policy	Legal Aid NSW
Policy	Records Management Program Policy 2013	Legal Aid NSW
Policy	Policy on Electronic Recordkeeping 1998	NSW State Records
Policy	Policy on Electronic Messages as Records 1998	NSW State Records
Policy	NSW Government Cloud Services Policy and Guidelines	NSW Department of Finance and Services
Circular	1999-09 Use of Employer Communication Devices	NSW Department of the Premier & Cabinet
Memorandum	2002-04 Acceptable Use of the Internet and email	NSW Department of the Premier & Cabinet

Guideline	Privacy and your private mail, email, lockers, drawers	Privacy NSW
Procedure	Accessing Staff Email Accounts	Legal Aid NSW
Procedure	Procedure – Requesting Access to Blocked Internet Sites	Legal Aid NSW
Plan	Privacy Management Plan	Legal Aid NSW

## 16 DOCUMENT INFORMATION

<b>Title:</b>	Policy on Use of Internet & email
<b>Version:</b>	3.0
<b>Author:</b>	Information Technology
<b>Approver:</b>	Bill Grant, Chief Executive Officer
<b>Date of Effect:</b>	28 January 2014
<b>Next Review Date:</b>	28 January 2015
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Version Number	Date of Change	Details of Change
v2	14 March 2011	Updated section 13 & 15 from Freedom of Information Act to Government Information (Public Access) Act; removed words 'network drives' from section 13
v3	28 January 2014	2013 review.