

## **LANCASTER COUNTY ELECTRONIC DEVICES POLICY** **(Cellular phones, tablets, laptop computers, recording devices, cameras)**

### **PURPOSE**

The purpose of this policy is to establish guidelines for the issuance and usage of County-owned portable electronics to include: Smartphone/cellular phones, tablets, laptop computers, recording devices, and cameras. Additionally, this policy establishes procedures for monitoring electronic communication use in connection with county business. This policy was created in order to enhance employee safety and privacy, limit county liability, ensure the county access to electronic communication records, and overall management of electronic devices.

### **SCOPE**

This policy applies to all elected officials, employees, and other persons who have or are responsible for any portable electronic device issued by Lancaster County to conduct business on behalf of the County.

### **GENERAL**

It is the policy of Lancaster County to issue cellular devices under the following conditions:

- All elected officials
- All department heads and deputies.
- Employees with a role related to emergency response.
- Employees who are to be reachable immediately.
- Employees who are “on call” outside of normal business hours.
- Employees who are away from a fixed workstation where timely communication is difficult to transact.

Electronic devices are the property of Lancaster County. To protect elected officials and employees from a possible tax liability for the personal use of the equipment, the use of County-owned electronic devices is restricted to conducting official County business. County-owned electronic devices are being provided as a productivity tool for elected officials and employees to utilize.

### **POLICY**

1. Elected officials and County employees do not have a right of privacy while using a County-owned electronic device at any time, including but not limited to accessing the internet, taking photos/videos, using email, text messaging and voice communications. If elected officials or employees desire their own personal activities to remain private, employees should not use County-owned devices for personal use. By acceptance of the County-owned electronic device, elected officials and employees indicate their consent to disclosing and/or monitoring of the electronic device’s usage, including the contents of any files or information maintained on that electronic device. Elected officials and County employees are required to provide passwords and passcodes for access to their County-owned electronic devices to either the County Board office or their direct supervisor.

2. Any personal use by elected officials or County employees of County-owned electronic devices must be within reasonable limits. This personal use must not:
  - 2.1 Result in the loss of work productivity.
  - 2.2 Interfere with official duties.
  - 2.3 Use the device for personal profit or gain.
3. Elected officials and Lancaster County employees are prohibited from using County-owned electronic devices for the following uses:
  - 3.1 Use the device to transmit, receive or distribute pornographic, obscene, abusive or sexually explicit materials or materials containing unclothed or partially unclothed people.
  - 3.2 Violate any local, state, or federal law engaging in any type of illegal activity.
  - 3.3 Use the device to engage in any form of gambling.
  - 3.4 Use the device to engage in any type of harassment or discrimination, including but not limited to sexual harassment and harassment or discrimination based upon race, gender, sexual orientation, religion, national origin, marital status, status with respect to public assistance, disability or any other type of harassment or discrimination prohibited by law and Lancaster County policy.
  - 3.5 Using the device to engage in or to promote any political or private causes or other activities without the express prior written consent from the Department Head.

**NOTE:** It is understood that employees of the County Attorney's Office and Sheriff's Department may be exposed to sexually explicit materials and other materials of a sensitive nature within the usual course and scope of their employment. Materials that are part of an ongoing investigation or prosecution shall not form the basis for a violation of prohibited activities under this policy unless the materials are used with the intent to sexually harass another person.

4. Any data, documents photographs/videos, communications or other information maintained on a County-owned device will be considered a public record and may be subject to disclosure during an investigation or litigation. The use of any personal electronic device for County business subjects that electronic device to the disclosure of any and all information maintained thereon as a public record. Only County related business may be stored on County-owned electronic devices at all times.
5. Elected officials and employees with a County-owned electronic device are subject to IRS rules, laws concerning data practices and HIPAA compliance.
6. Elected officials and employees in possession of County equipment are expected to protect the equipment from loss, damage or theft. If the device is damaged, destroyed or lost, it should be immediately reported to the service provider and the department head/elected official. If a County-owned device is intentionally damaged or lost the elected official or employee will be held responsible for the cost to replace or reimburse the County for the device at the County's discretion. Any other damage to County-owned

electronic devices will be reviewed on a case by case basis. Normal wear and tear is excluded. Upon end of term, resignation or termination of employment, elected officials and employees will be expected to present the device in good working condition, and if unable to do so, he/or she may be responsible for the cost of a replacement.

7. No elected official or employee shall be allowed to transfer a County-issued cell phone number to another personal device upon leaving the County. Any number associated with that device shall remain with said device upon the departure of elected official or staff assigned to it.
8. When an elected official or employee leaves the county through end of term, retirement, resignation, or termination his/her County-owned device must be returned to his/her department head. After a device has been turned in, a review will be conducted by the County Attorney's office to determine whether information stored on the device is subject to a litigation hold. Following a review by the County Attorney's office, all electronic devices will be sent to Information Services for the data to be wiped. No employee should personally have their phone reset and/or wiped of data.
9. Lancaster County prohibits use of County-owned electronic devices when driving, with the exception of the Lancaster County Sheriff's personnel. This prohibition includes receiving or placing class, retrieving voicemail messages, reading or composing text messages, browsing the internet, receiving or responding to email, engaging in social media, or any other purpose. Users of County-owned electronic devices must stop their vehicles in safe locations in order to use them.
10. Violations of this policy will subject the user to disciplinary action up to an including:
  - 10.1 Loss of use of the County-owned electronic device.
  - 10.2 Disciplinary or adverse personnel action up to and including termination, pursuant to the applicable collective bargaining agreement or personnel policy.
  - 10.3 Being held personally liable for any costs associated with the unauthorized or inappropriate use of the electronic device.