

Reference: Supersedes Personnel Policy Bulletin 93-3 (Karen will need to add this to the policy when she puts into "Bulletin" format)

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 Devices, and the usage of Personal Devices used to conduct County business. This policy was created to enhance Users' safety and privacy, limit County liability, ensure that the County has access to Records, and provide overall management of Electronic Devices.

DEFINITIONS

For purposes of this policy, the following definitions apply:

Electronic Device means any smartphone/cellular phone, tablet/iPad, hand-held or laptop computer, camera, or recording device. A County Device means any device listed above that belongs to the County and is issued to a User. A Personal Device means any device listed above that the User utilizes but that is not owned by the County.

User means any of the following individuals who are conducting County business utilizing an Electronic Device: employees (including department heads and directors), elected or appointed officials, or volunteers.

Agency Head means any department head, director or elected official. The County Board assumes oversight of any appointed or hired Agency Heads. For purposes of this policy, the Agency Head for department heads, directors, or elected officials shall mean the County's Chief Administrative Officer or designee.

Agency means any County Department or Office.

County means the County of Lancaster, Nebraska.

Record means all data and documents, regardless of physical form, of or related to the conduct of the business of, or belonging to, the County or any Agency, branch, department, office, board, bureau, commission, council, subunit, or committee thereof.

POLICY

1. Subject to Agency policy, Users may carry Personal Devices with them on County time. Personal Devices are subject to the following:
 - 1.1 All personal phone calls will be received or made during scheduled break or lunch periods only.
 - 1.2 The County assumes no liability for loss or damage to Users' Personal Devices carried in County vehicles or left on County property. Users assume

the risk of loss or damage to Personal Devices when carried during their work day.

- 1.3 Users will be held personally and financially responsible for all damages and litigation in the event of an accident involving County owned equipment resulting from Users' utilization of Personal Devices.
 - 1.4 If an Agency Head receives a complaint or suspects that a User is violating this policy, that Agency Head may require the User to furnish cellular telephone records for the time frame in question for the Agency to verify or negate the complaint or suspected abuse.
 - 1.5 Users who utilize personal electronic devices for the purposes of conducting County business understand that those records may be subject to public records requests and retention.
2. It is the policy of the County to issue a smart phone or cellular phone to the following Users solely as a productivity tool:
- 2.1 All elected/appointed officials.
 - 2.2 All Agency Heads.
 - 2.3 Employees who function in a second-in-command capacity for their Agency.
 - 2.4 Employees with a role related to emergency response.
 - 2.5 Employees who are to be reachable immediately.
 - 2.6 Employees who are away from a fixed workstation where timely communication is difficult to transact.

Agency Heads may issue other types of Electronic Devices to Users solely as productivity tools.

3. Users do not have a right of privacy while using a County Device at any time, including but not limited to accessing the internet, taking photos/videos, using email, text messaging and voice communications. County Devices, and any data, programs, documents, Records, or any other information thereon, remain property of the County. If Users desire their own personal activities to remain private, Users should not use County Devices for personal use. By acceptance of the County Device, Users indicate their consent to disclosing and/or monitoring of the County Device's usage, including the contents of any files or information maintained on the County Device. Users are required to provide passwords and passcodes for access to their County Devices to either the County's Chief Administrative Officer or their Agency Head.

4. Any Users' personal use of County Devices must be de minimis and shall not:
 - 4.1 Result in the loss of work productivity.
 - 4.2 Interfere with official duties.
 - 4.3 Be for the purposes of personal profit or gain.

5. Users shall not use County Devices:
 - 5.1 To transmit, receive or distribute pornographic, obscene, abusive or sexually explicit materials or materials containing unclothed or partially unclothed people.
 - 5.1.1 PROVIDED: It is understood that Users in the County Attorney's Office, Public Defender's Office and Sheriff's Office 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.
 - 5.2 To violate any local, state, or federal law.
 - 5.3 To engage in any form of gambling.
 - 5.4 To engage in any type of harassment or discrimination, including but not limited to sexual harassment and harassment or discrimination based upon race, color, age, gender, religion, national origin, disability, genetic information, citizenship status, veteran status or any other type of harassment or discrimination prohibited by law and County policy.
 - 5.5 To engage in or to promote any political or private causes or other activities without express prior written consent from the Agency Head.

6. Electronic Devices may be subject to Nebraska statutes related to public records and records retention, and applicable Agency policies regarding the security of electronic protected health information.
 - 6.1 Any Records maintained on a County Device may be considered a public record pursuant to applicable Nebraska statutes and also may be subject to disclosure during an investigation or litigation.
 - 6.2 Any Records maintained on a Personal Device that is used to conduct County

business may be considered a public record pursuant to applicable Nebraska statutes and also may be subject to disclosure during an investigation or litigation. The Lancaster County Attorney's Office may request the User turn over such a Personal Device at any given time should it become necessary and cannot guarantee that it will be returned in a timely manner.

6.3 All Records arising out of conducting County business on an Electronic Device, including but not limited to email, text messages, social media postings and social media messaging, must be retained for at least two years, or longer, depending upon the type of Record, pursuant to the State of Nebraska Records Retention Schedule, Chapter 12-8-4.

7. Users in possession of a County Device shall protect the County Device from loss, damage or theft. If the County Device is damaged, destroyed or lost, the User immediately shall report such damage, destruction, or loss to the User's Agency Head, who shall then report such damage, destruction, or loss to the service provider for the Electronic Device, if any.
8. No User shall be allowed to transfer a cell phone number issued to a County Device to a Personal Device, either during or after employment with the County. Additionally, no cell phone number associated with or assigned to a User's County Device shall be transferred or reassigned to another County Device without approval of the User's Agency Head.
9. When a User leaves the County through end of term, retirement, resignation, or termination, his/her County Device must be returned to the User's Agency Head. After a County Device has been returned, the receiving Agency shall follow the procedures provided in the County's "Portable Device Redistribution/Recycling/Resale" policy. No User may reset, or wipe data from, a County Device, except as expressly authorized pursuant to the County's "Portable Device Redistribution/Recycling/Resale" policy.
10. The County prohibits use of Electronic Devices when driving within the scope of the User's employment, except for the County Sheriff's personnel. This prohibition includes receiving or placing calls, retrieving voicemail messages, reading or composing text messages, browsing the internet, receiving or responding to email, engaging in social media, or any other usage. Users must stop their vehicles in safe locations to use Electronic Devices.

SANCTIONS

1. Violations of this policy may result in the loss of use of a County Device.
2. Employees who violate any provision of this policy may be subject to disciplinary action up to and including dismissal from employment.