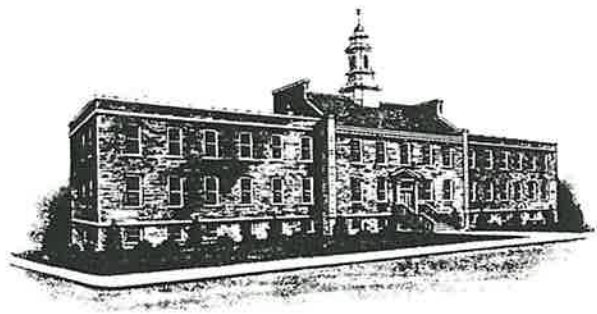




The Borough of Sayreville

MUNICIPAL CLERK'S OFFICE

167 MAIN STREET

SAYREVILLE, NEW JERSEY 08872

TEL. 732-390-7020 • FAX 732-390-0509

October 26, 2020

Patrick Duff

opra+request-17374-4f18ff79@requests.opramachine.com

Re: Request for Access to Public Records

Dear Mr. McDermott:

As requested pursuant to the Open Public Records Act, enclosed is the response from the Borough of Personnel Director.

If I can be of any further assistance, please do not hesitate to call my office.

Very truly yours,

Jessica Morelos, RMC
Municipal Clerk

JM/jo

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2.7 : *ELECTRONIC SOCIAL MEDIA & NETWORKING*

The Borough endorses the secure use of social media to enhance communication, collaboration, and information exchange; streamline processes; and foster productivity. This policy establishes the Borough's position on the utility and management of social media and provides guidance on its management, administration, and oversight. This policy is not meant to address one particular form of social media; rather social media in general, as advances in technology will occur and new tools will emerge.

Social media provides a new and potentially valuable means of assisting the Borough and its personnel in meeting community outreach, problem-solving, investigative, and related objectives. This policy identifies potential uses that may be explored or expanded upon as deemed reasonable by administrative and supervisory personnel. The Borough also recognizes the role that these tools play in the personal lives of some department personnel. The personal use of social media can have a bearing on Borough personnel in their official capacity. As such, this policy provides information of a precautionary nature as well as prohibitions on the use of social media by Borough personnel.

PROCEDURES

I. General

A. Definitions:

1. Avatar – A computer user's representation of himself/herself or an alter ego.
2. Blog – A series of electronic entries, diary or commentary, written by one or more persons in an on-line journal that may permit visitors to post responses, reactions or comments. The term is an abbreviated version of 'web-log'.
3. Comments – Responses to a blog post, news article, social media entry or other social networking post.
4. Commenting – The act of creating and posting a response to a blog post, news article, social media entry or other social networking post. Commenting can also entail the act of posting an original composition to an unrelated post or article.
5. Forum – An online discussion site.
6. Identity – An online identity, Internet identity or Internet persona that a social networking user establishes. This can be a real name, an alias, a pseudonym or a creative description.

7. Mobile Social Networking – Social networking using a mobile phone or other cellular based device.
8. Page – The specific portion of a social media website where content is displayed, and managed by an individual or individuals with administrator rights.
9. Post – The content a person shares on a social media site or blog; an entry to any type of computerized bulletin board; the act of publishing content on a social media site.
10. Posting – The act of creating, uploading, editing or adding to any social media outlet. This includes text, photographs, audio, video or any other multimedia file.
11. Profile – Information that a user provides about himself or herself on a social networking site.
12. Social Media – A category of Internet-based resources that integrate user-generated content that allow people to communicate, share information, share photos, share videos, share audio and exchange text and other multimedia files with others via some form of online or cellular network platform. This includes, but is not limited to, social networking sites (Facebook®, MySpace®), micro-blogging sites (Twitter®), photo- and video-sharing sites (Flickr®, YouTube®), wikis (Wikipedia®), blogs, and news sites (Digg®, Reddit®).
13. Social Networks – Online platforms where users can create profiles, share information, and socialize with others using a range of technologies.
14. Speech – Expression or communication of thoughts or opinions in spoken words, in writing, by expressive conduct, symbolism, photographs, videotape, or related forms of communication.
15. Web 2.0 – The second generation of the World Wide Web focused on shareable, user-generated content, rather than static web pages. Some use this term interchangeably with social media.
16. Wiki – Web page(s) that can be edited collaboratively. Post: an item inserted to a blog or an entry to any type of computerized bulletin board or forum.

II. On-The-Job-Use

1. Procedures

- a. All Borough social media sites or web pages shall be approved by the Business Administrator

b. Where possible, social media and web pages shall clearly indicate which department they are maintained by and shall have department contact information prominently displayed.

c. Social media and web page content shall adhere to applicable laws, regulations, and policies, including all information technology and records management policies.

1) Content is subject to public records laws. Relevant records retention schedules apply to social media and web page content.

2) Content must be managed, stored, and retrieved to comply with open records laws and policies.

d. Department-Sanctioned Use

1. Personnel approved to represent the Borough via social media outlets shall do the following:

a. Conduct themselves at all times as representatives of the Borough and, accordingly, shall adhere to all Borough standards of conduct and observe conventionally accepted protocols and proper decorum;

b. Identify themselves as a member of the Borough;

c. Not conduct political activities or private business.

2. The use of Borough computers by personnel to access social media is prohibited without authorization.

3. Borough personnel use of personally owned devices to manage the Borough social media activities or in the course of official duties is prohibited without authorization.

4. Employees shall observe and abide by all copyright, trademark, and service mark restrictions in posting materials to electronic media.

5. Potential Uses

1. Social media can be used for community outreach and engagement by:

2. Providing information regarding different Borough sponsored programs;

3. Providing Borough and Statewide emergency notifications;
 4. Providing information regarding meetings;
 5. Providing information regarding Borough committees and organizations;
2. Social media can be used to make time-sensitive notifications related to:
1. Road closures;
 2. Special events;
 3. Weather emergencies;
3. Persons seeking employment and volunteer positions use the Internet to search for opportunities, and social media can be a valuable recruitment mechanism.
4. Persons authorized to search Internet-based content should be deemed as holding a sensitive position.
5. Search methods shall not involve techniques that are a violation of existing law.

III. Personal Use

Barring state law or binding employment contracts to the contrary, Borough employees shall abide by the following when using social media in a personal setting:

1. Borough personnel are free to express themselves on social media sites to the degree that their speech does not impair working relationships as confidentiality regarding Borough business may be of confidential nature, impede the performance of duties, impair discipline and harmony among coworkers, or negatively affect the public perception of the Borough;
2. As public employees, Borough personnel are cautioned that speech on- or off-duty, made pursuant to their official duties—that is, that owes its existence to the employee's professional duties and responsibilities—is not protected speech under the First Amendment and may form the basis for discipline if deemed detrimental to the Borough. Borough personnel should assume that their speech and related activity on social media sites will reflect upon their office and the Borough
3. Borough personnel shall not post, transmit, or otherwise disseminate any information to which they have access as a result of their employment without written permission from the Business Administrator or his or her designee;

- a. For safety and security reasons, Borough personnel are cautioned not to disclose their employment with the Borough nor shall they post information pertaining to any other member of the Borough without their permission. As such, Borough personnel are cautioned *not* to display Borough logos, uniforms, or similar identifying items on personal web pages;
4. When using social media, Borough personnel should be mindful that their speech becomes part of the worldwide electronic domain. Therefore, adherence to the Borough's code of conduct is required in the personal use of social media. In particular, Borough personnel are prohibited from the following:
 - a. Speech containing obscene or sexually explicit language, images, or acts and statements or other forms of speech that ridicule, malign, disparage, or otherwise express bias against any race, any religion, or any protected class of individuals;
 - b. Speech involving themselves or other Borough personnel reflecting behavior that would reasonably be considered reckless or irresponsible.
5. Engaging in prohibited speech noted herein, may be subject to discipline up to and including termination of office, depending on the context of the language;
6. Borough personnel may not divulge information gained by reason of their authority; make any statements, speeches, appearances, and endorsements; or publish materials that could reasonably be considered to represent the views or positions of the Borough without express authorization;
7. Borough personnel should be aware that they may be subject to civil litigation for:
 - a. Publishing or posting false information that harms the reputation of another person, group, or organization (defamation);
 - b. Publishing or posting private facts and personal information about someone without their permission that has not been previously revealed to the public, is not of legitimate public concern, and would be offensive to a reasonable person;
 - c. Using someone else's name, likeness, or other personal attributes without that person's permission for an exploitative purpose;
 - d. Publishing the creative work of another, trademarks, or certain confidential business information without the permission of the owner.

8. Borough personnel should be aware that privacy settings and social media sites are constantly in flux, and they should never assume that personal information posted on such sites is protected;
9. Borough personnel should expect that any information created, transmitted, downloaded, exchanged, or discussed in a public online forum may be accessed by the Borough at any time without prior notice;
10. Any employee becoming aware of or having knowledge of a posting or of any website or web page in violation of the provision of this policy shall notify his or her supervisor immediately for follow-up action.

IV. Approval Process

1. Any employee seeking approval to use any item, object, or material described above on a personal webpage or site shall submit a written request through the Business Administrator.
2. Describe the proposed reference to the agency and purpose.
3. Provide a list of media to be used on the web page.
4. Provide a printed layout of the material that is the subject of the request.
5. The Business Administrator will approve or deny the request based upon the merits of the request and its compliance with existing agency policy or directives.

2.8 : COMMUNICATION MEDIA

The Borough of Sayreville's Communication Media are the property of the Borough of Sayreville and, as such, are to be used for legitimate business purposes only. For purposes of this Communication Media Policy, "Communication Media" includes all electronic media forms provided by the Borough of Sayreville, such as cell phones, smart phones, computers, electronic tablets, access to the internet, voicemail, email, and fax.

All data stored on and/or transmitted through Communication Media is the property of the Borough of Sayreville. For purposes of this policy, "Data" includes "electronically-stored files, programs, tables, data bases, audio and video objects, spreadsheets, reports and printed or microfiche materials which serve a Borough of Sayreville business purpose, regardless of who creates, processes or maintains the data, or whether the data is processed manually or through any of the Borough of Sayreville mainframe, midrange or workstations; servers, routers, gateways, bridges, hubs, switches and other hardware components of the Borough of Sayreville local or wide-area networks."

The Borough of Sayreville respects the individual privacy of its employees. However, employee communications transmitted by the (local unit type's) Communication Media are not private to the individual. All Communication Media and all communications and stored information transmitted, received, or contained in or through such media may be monitored by the Borough of Sayreville. The Borough of Sayreville reserves the absolute right to access, review, audit and disclose all matters entered into, sent over, placed in storage in the Borough of Sayreville Communication Media. By using the Borough of Sayreville equipment and/or Communication Media, employees consent to have such use monitored at any time, with or without notice, by Borough of Sayreville personnel. The existence of passwords does not restrict or eliminate the Borough of Sayreville's ability or right to access electronic communications. However, the Borough of Sayreville cannot require the employee to provide its password to his/her personal account.

All email, voicemail and Internet messages (including any technology-based messaging) are official documents subject to the provisions of the Open Public Records Act (NJSA 47:1A-1). Employees of the Borough of Sayreville are required to use the assigned municipal email account for ALL Borough of Sayreville's business and correspondence. The use of private email accounts for ANY Borough of Sayreville business or during business hours is strictly prohibited.

Employees can only use the Borough of Sayreville's Communication Media for legitimate business purposes. Employees may not use Borough of Sayreville's Communication Media in any way that is defamatory, obscene, or harassing or in violation of any Borough of Sayreville's rules or policy.

Examples of forbidden transmissions or downloads include sexually-explicit messages; unwelcome propositions; ethnic or racial slurs; or any other message that can be construed to be harassment or disparaging to others based on their actual or perceived age, race, religion, sex, sexual orientation, gender identity or expression, genetic information, disability, national origin, ethnicity, citizenship, marital status or any other legally recognized protected basis under federal, state or local laws, regulations or ordinances.

All employees, who have been granted access to electronically-stored data, must use a logon ID assigned by the Borough of Sayreville. Certain data, or applications that process data, may require additional security measures as determined by the Borough. Employees must not share their passwords; and each employee is responsible for all activity that occurs in connection with their passwords.

All employees may access only data for which the Borough of Sayreville has given permission. All employees must take appropriate actions to ensure that Borough of Sayreville is protected from unauthorized access, use or distribution consistent with these policies. Employees may not access or retrieve any information technology resource and store information other than where authorized.

Employees must not disable anti-virus and other implemented security software for any reason, in order to minimize the risk of introducing computer viruses into the Borough of Sayreville's computing environment.

Employees may not install *or Modify* ANY hardware device, software application, program code, either active or passive, or a portion thereof, without the express written permission from the Borough of Sayreville. Employees may not upload, download, or otherwise transmit commercial software or any copyrighted materials belonging to parties outside of the Borough of Sayreville, or licensed to the Borough of Sayreville. Employees shall observe the copyright and licensing restrictions of all software applications and shall not copy software from internal or external sources unless legally authorized.

Social Media and its uses in government and daily life are expanding each year however, information posted on a website is available to the public; therefore, employees must adhere to the following guidelines for their participation in social media. Only those Employees directly authorized by Business Administrator may engage in social media activity during work time through the use of the Borough Communication Media, as it directly relates to their work and it is in compliance with this policy.

Employees must not reveal or publicize confidential Borough information. Confidential proprietary or sensitive information may be disseminated only to individuals with a need and a right to know, and where there is sufficient assurance that appropriate security of such information will be maintained. Such information includes, but is not limited to the transmittal of personnel information such as medical records or related information. In law enforcement operations, confidential, proprietary or sensitive information also includes criminal history information, confidential informant identification, and intelligence and tactical operations files.

No Borough employee shall post internal working documents to social media sites. This includes, but is not limited to, screenshots of computer stations, pictures of monitors and/or actual documents themselves without the prior approval of the Business Administrator. In addition employees are prohibited from releasing or disclosing any photographs, pictures, digital images of any crime scenes, traffic crashes, arrestees, detainees, people or job related incident or occurrence taken with the Borough's Communication Media to any person, entity, business or media or Internet outlet whether on or off duty without the express written permission of the Business Administrator. Except in "emergency situations, "Employees are prohibited from taking digital images or photographs with media equipment not owned by the Borough. For purposes of this section, an "emergency situation" involves a sudden and unforeseen combination of circumstances or the resulting state that calls for immediate action, assistance or relief, and may include accidents, crimes and flights from accidents or crimes and the employee does not have access to the Borough's Communication Media. If such situation occurs, employee agrees that any images belong to the Borough and agree to release the image to the Borough and ensure its permanent deletion from media device upon direction from the Borough.

No media advertisement, electronic bulletin board posting, or any other communication accessible via the Internet about the Borough or on behalf of the Borough whether through the use of the Borough's Communication Media or otherwise, may be issued unless it has first been approved by the Business Administrator. Under no circumstances may information of a confidential, sensitive or otherwise proprietary nature be placed or posted on the Internet or otherwise disclosed to anyone outside the Borough. Such unauthorized communications may result in disciplinary action.

Because (authorized) postings placed on the Internet through use of the Borough's Communication Media will display on the Borough's return address, any information posted on the Internet must reflect and adhere to all of the Borough's standards and policies.

All users are personally accountable for messages that they originate or forward using the Borough's Communication Media. Misrepresenting, obscuring, suppressing, or replacing a user's identity on any Communication Media is prohibited. "Spoofing" (constructing electronic communications so that it appears to be from someone else without a legitimate authorized purpose and authorized by the Business Administrator is prohibited.

Employees must respect the laws regarding copyrights, trademarks, rights of public Borough and other third-party rights. Any use of the Borough's name, logos, service marks or trademarks outside the course of the employee's employment, without the express consent of the Borough, is strictly prohibited. To minimize the risk of a copyright violation, employees should provide references to the source(s) of information used and cite copyrighted works identified in online communications.

If employees choose to identify themselves as a Borough employee on their personal social media accounts and even those that do not should be aware that he or she may be viewed as acting on behalf of the Borough, as such no employee shall knowingly represent themselves as a spokesperson of the Borough, post any comment, text, photo, audio, video or other multimedia file that negatively reflects upon the Borough expresses views that are detrimental to the Borough's mission or undermine the public trust or is insulting or offensive to other individuals or to the public in regard to religion, sex, race or national origin. Borough employees are encouraged to exercise extreme caution posting photographs of themselves in uniform or in situations where they can be readily identified as Township employees. Employees must keep in mind that, if they post information on a social media site that is in violation of Borough policy and/or federal, state or local laws, the disclaimer will not shield them from disciplinary action.

Nothing in these policies is designed to interfere with, restrain or prevent employee communications regarding wages, hours or other terms and conditions of employment. Borough employees have the right to engage in or refrain from such activities.