

 <p>KENTUCKY CORRECTIONS Policies and Procedures</p>	Policy Number	Total Pages
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Authority/References	Subject	
KRS 61.870 to 61.884, 196.035, 197.025, 439.510, 531.010(3) CPP 3.1	E-MAIL AND INTERNET USE	
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I. DEFINITIONS

"E-mail" means the electronic dissemination and transmission of data, directives, drafts, internal and external correspondence, information, memorandums, official documents, policies and public records via computer e-mail system.

"Employee" means a current or newly hired employee of the Department of Corrections or contract facility.

"Internet" means the international network of computers which are connected by the internet and other protocols. This network permits transfer of files, e-mail, remote log-on and other services.

"Obscene" is defined in KRS 531.010(3).

"Public agency" is defined in KRS 61.870(1).

"Public record" is defined in KRS 61.870(2).

II. POLICY and PROCEDURE

The Department of Corrections shall establish guidelines regarding the transmission, receipt, disclosure and retention of e-mail.

A. Permissible and Impermissible Uses

1. E-mail is the property of Corrections and shall be used for business purposes only.
2. Internet access shall be:
 - a. Used for business purposes only; and

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- b. Restricted to an individual designated an account by the Division Head, Warden or Probation and Parole Supervisor.
- 3. E-mail and internet access shall be treated with the same degree of care and thought as any other written public record. Normal or business correspondence language shall be used. Slang, offensive or inappropriate language shall not be used.
- 4. E-mail shall be transmitted to an individual, entity or agency that has a legitimate business or governmental need for the data, information or record.
 - a. The Personnel Division of the Department of Corrections shall immediately notify the Manager of Information and Technology (IT) Branch of any change in employment status so that the appropriate deletion or substitution may be made to the distribution list or electronic address book.
 - b. E-mail distribution lists and agency electronic address book shall be periodically updated to reflect any changes in employment or responsibility.
- 5. E-mail and internet access shall not be used to:
 - a. Transmit a message of a personal nature;
 - b. Solicit sick leave sharing donations;
 - c. Access or retrieve a personal e-mail account like hotmail.com, excite.com, yahoo.com or webmail;
 - d. Advocate a political or religious opinion;
 - e. Solicit a monetary contribution for religious or political purpose;
 - f. Transmit an abusive, harassing, vulgar, provocative, obscene, derogatory, sarcastic or exaggerated joke or message involving the race, national origin, sex, sexual orientation, age, disability, religious or political beliefs of an employee, inmate or any other person;
 - g. Transmit, receive, solicit or download an obscene or sexually orientated message, material or image;

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- h. Download, disseminate or print copyrighted material (music or picture files) unless permitted by the author, including shareware, freeware or a device driver needed in the performance of job duties. Prohibited files shall be removed immediately by IT staff;
 - i. Provide unauthorized access to confidential information or data which is precluded from disclosure by KRS 61.878;
 - j. Provide access to a record or information which is precluded from disclosure under KRS 197.025 and 439.510; or
 - k. Operate a side business for the benefit of the employee, a family member or any other person.
6. The prohibition set forth in 5(g) above shall not preclude medical or mental health personnel or anyone employed by the Sex Offender Treatment Program from:
- a. Conducting research on sexual diseases or sexually related mental disorders; or
 - b. Transmitting information regarding an inmate in the program.
7. E-mail may be monitored periodically to ensure that any message conforms to this policy.
8. If an employee receives or is aware of the transmittal of e-mail which violates this policy, he shall report this violation to his immediate supervisor or the sender's supervisor.
9. Violation of this policy may result in the revocation of internet access or progressive disciplinary action, up to and including dismissal.
10. An inmate shall not be permitted access to e-mail or internet. The exception to internet access shall be designated restrictive sites as Westlaw, other legal research site established by the institution, or an approved email system established for inmate use. The institutional IT staff shall be responsible for ensuring personal computers are "locked down" so only applicable sites are accessible to inmates.

B. Legal Communications

- 1. Staff shall use caution in sending emails containing confidential or legal information.

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2. A message or transmission shall be subject to the attorney - client privilege if:
 - a. The communication is made in confidence to the Office of Legal Services;
 - b. By an employee of Corrections; or
 - c. For the purpose of obtaining legal advice from a staff attorney acting in his professional capacity as legal counsel.
3. A transmission which is prepared in anticipation or during the course of litigation shall be designated as "work product" for purposes of safeguarding the document or information from improper disclosure and applying the appropriate records retention schedule.

C. Disclosure of E-Mail

1. An e-mail message that is either created or maintained by Corrections may be considered a public record; however, all e-mail messages and any attachments, shall be protected from unauthorized disclosure to a third party.
2. E-mail may be subject to an open records request under KRS Chapter 61; therefore, any request for inspecting a transmission or obtaining a copy shall be subject to the procedures of CPP 6.1 and the requirements and protections of KRS Chapter 61, KRS 197.025 and KRS 439.510.
3. If a subpoena for e-mail is received, the Office of Legal Services shall be contacted immediately.