

Eaton Bank School E-Mail Acceptable Use Policy

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1. Introduction

Email is a communication tool and all users must use email in a responsible, effective and lawful manner. Email is provided as part of Eaton Bank School's overall provision of ICT facilities for the purpose of teaching, learning, and administration activities. Email use is subject to relevant legislation, this policy should be read in conjunction with the following related documents:

- Acceptable Use of ICT Facilities Policy
- Eaton Bank School ICT facilities use agreement
- Internet / Web Acceptable Use Policy

This policy has been written to detail the acceptable use of the Eaton Bank School email system and will be distributed and made available to all users on Eaton Bank School Web site.

2. Purpose

The purpose of this policy is to provide information about Eaton Bank School email services and to provide guidelines for users on the secure, effective and acceptable use of email. This policy also describes the standards that users are to comply with when using these facilities for email, and to ensure that users are aware of the legal consequences attached to the inappropriate use of the facilities.

3. Scope

This policy applies to the use of email for the purpose of sending or receiving email messages and attachments.

This policy is in place to prevent abuse of Eaton Bank School email system and to protect Eaton Bank School from any compromise of confidential information or potential legal liability. It applies to all Eaton Bank School staff, students and any other authorised user.

It is the responsibility of all staff and students to comply with this policy. Eaton Bank School has the right to intercept access or review the contents of any email; electronic communication or files created and monitor usage on a random basis. This will be for the purposes of preventing, detecting or investigating crime or misuse, ascertaining compliance with regulatory standards and Eaton Bank School policies, or to secure effective system operation.

Eaton Bank School reserves the right to disclose the contents of any email or other electronic communications to comply with or assist law enforcement officials or legal authorities.

4. Responsibility

This policy is issued under the authority of the head teacher who as an employee of Eaton Bank School is responsible for enforcing sanctions where necessary to safeguard Eaton Bank School and its members.

The IT Infrastructure is managed by the Network Manager who is responsible for the prevention and detection of ICT misuse.

This policy is managed by the network manager who is responsible for investigating incidents of ICT misuse.

5. Policy Statements

5.1 Access

5.1.1 Email Account Access

Authorised users are issued with an email account by EATON BANK SCHOOL. This account should be secured by the user with a personal password.

An e-mail account may only be used by the person to whom it is assigned and is not to be shared with anyone for any reason (Other than the reason described below). Your account and password

should be protected accordingly to prevent abuse. You will be held responsible for any illegal activity that occurs from the use of your account.

In some circumstances legitimate access may be allowed to another persons email accounts e.g. Secretary, Head of Year and this will be in the event of long term absence due to serious illness or annual leave. Such access to a Users account in these instances must be approved by the Head Teacher, Deputy Head Teacher or Network Manager. Access must not normally be granted in the case of short term absence. Every user is responsible for ensuring that appropriate arrangements are made to cover periods of absence.

You are permitted to reveal your IT passwords to the Network Manager and/or authorised IT Technicians where required for problem resolution or administration purposes.

The Technician is accountable for ensuring this information is used responsibly and as it was intended to be used. Any misuse will be an offence under the Computer Misuse Act and liable to prosecution. **Following completion of such work by the Network Manager and/or Technician you must immediately change your passwords.**

5.1.2 Email Account Closure

When a member of staff leaves the employment of Eaton Bank School, their email account is cancelled as part of the termination action carried out by the Eaton Bank School Personnel Manager. Likewise, student email accounts are closed after the cessation of their studies at Eaton Bank School. Details of students and staff who are leaving must be advised to the Network Manager and his team.

User Accounts to be closed are subject to the following conditions:

- Staff email accounts remain open for a discretionary period, usually one calendar month after a staff member has left.
- Staff should ensure that they unsubscribe from any email lists that they have subscribed to and delete any personal emails in their account. If there are any work related emails that need transferring to another user, then these emails should be forwarded on as appropriate.
- Student email accounts are closed after the cessation of studies with a grace period of one calendar month from the last day of the final term of study.
- In case of members of Eaton Bank School, who fall into neither the staff nor student category e.g. Chair of Governors who have access to an Eaton Bank School email address, the email account will be cancelled as part of the termination process of their Eaton Bank School association.
- Where leavers have a need to retain links with Eaton Bank School, email accounts can be kept open beyond the one calendar month up to a maximum period of three calendar months if required. The decision to extend the discretionary period must be authorized by the relevant senior member of staff and advised to the Network Manager.
- If a member of staff is dismissed from employment due to misconduct or dies whilst in employment – the account is immediately closed. Any data stored under their account can be released upon appropriate liaison between EATON BANK SCHOOL and the relevant Head of School / Network Manager to other individuals under normal legal safeguards as required.
- Eaton Bank School reserves the right to redirect / allow access to the email accounts for legitimate purposes of those staff that have left during the one month calendar period.

5.2 Acceptable Use – Compliance with Legislation

With email as with all other uses of Eaton Bank School ICT facilities, it is the user's responsibility to make themselves aware of the laws that apply to such use. It should be noted that email messages (deleted or otherwise) may be treated as written evidence in law.

The following are some of the areas of law which apply to the use of email and which could involve liability of users or Eaton Bank School.

- **Intellectual Property**
Anyone who uses email to send or retrieve any materials that infringe the intellectual property rights of a third party may be liable to that third party if such use is not authorised by them
- **Obscenity**
A criminal offence is committed if a person publishes any material which is pornographic, excessively violent or which comes under the provisions of the Obscene Publications Act 1959. Similarly the Protection of Children Act 1978 makes it an offence to publish or distribute obscene material of a child.
- **Defamation**
As a form of publication, the Internet is within the scope of legislation relating to libel where a statement or opinion is published which adversely affects the reputation of a person, group of people or an organisation. Legal responsibility for the transmission of any defamatory, obscene or rude remarks which discredit an identifiable individual or organisation will rest mainly with the sender of the email and may lead to substantial financial penalties being imposed.
- **Data Protection**
Processing information including photographs which contains personal data about individuals requires the express written consent of those individuals. Any use of personal data beyond that registered with the Information Commissioner will be considered illegal.
- **Copyright**
The Copyright, Design and Patents Act 1988 are applicable to all types of creations, including text, graphics and sounds by an author or an artist. This will include any which are accessible through Eaton Bank School ICT facilities.

Any uploading or downloading of information through on-line technologies which is not authorised by the copyright owner will be deemed to be an infringement of their rights.
- **Discrimination**
Any material disseminated which is discriminatory or encourages discrimination may be unlawful under the Sex Discrimination Act 1975, the Race Relations Act 1976, the Disability Discrimination Act 1995, the Human Rights Act 1998 or Employment Equality (Religion or Belief / Sexual Orientation) Regulations 2003 where it involves discrimination on the grounds of sex, sexual orientation, religion, race or disability;

5.3 Acceptable Use – Compliance with Eaton Bank School Regulations

Email should be carefully constructed as per other types of correspondence.

Eaton Bank School ICT facilities are supplied for teaching, learning and administrative purposes. The users of the email system are responsible for ensuring that they are acting in compliance with legal and acceptable use conditions.

Personal use is accepted as specified in paragraph 5.3.1 below and users should ensure that email messages:

- Are courteous and polite
- Protect others' right to privacy and confidentiality

Eaton Bank School Management will exercise its discretion in judging reasonable bounds within the above standards for acceptability of material transmitted by email.

Eaton Bank School regards the declaration of standards, as described above, to be particularly important. They reflect the values and beliefs of Eaton Bank School.

Preventing the Spread of Malicious Software (Viruses)

Users of Eaton Bank School ICT facilities must take all reasonable steps to prevent the receipt and transmission by email of malicious software e.g. computer viruses.

In particular, users

- must not transmit by email any file attachments which they know to be infected with a virus
- must ensure that an effective anti-virus system is operating on any computer which they use to access Eaton Bank School IT facilities
- must not open email file attachments received from unknown, unsolicited or un-trusted sources

5.3.1 Personal Use

The main purpose for the provision by Eaton Bank School of ICT facilities for email is for use in connection with teaching, learning, research, and approved business activities of Eaton Bank School.

Eaton Bank School permits the use of its ICT facilities for email by students, staff and other authorised users for personal use, subject to the following limitations:

- a level of use that is reasonable and not detrimental to the main purpose for which the facilities are provided
- priority must be given to use of resources for the main purpose for which they are provided
- personal use must not be of a commercial or profit-making nature, or for any other form of personal financial gain
- personal use must not be connected with any use or application that conflicts with an employee's obligations to Eaton Bank School as their employer
- personal use must not be connected to any purpose or application that conflicts with Eaton Bank School's rules, regulations, policies and procedures
- personal use must comply with Eaton Bank School's policies and regulations

In relation to the personal use of Eaton Bank School ICT facilities for email, if users are in any doubt about what constitutes acceptable and appropriate use, they should seek the advice and guidance, in the case of members of staff, of their Line or Network Manager, and in the case of students, of their FormTutor.

5.4 Unacceptable Use

The main purpose for the provision by Eaton Bank School of ICT facilities for email is for use in connection with the teaching, learning, and administrative activities of Eaton Bank School.

ICT facilities provided by Eaton Bank School for email should not be used:

- I. for personal use, other than as specified in paragraph 5.3.1 above
- II. for the creation or transmission (other than for properly supervised and lawful information research purposes) of any offensive, obscene or indecent images, data, or other material, or any data capable of being resolved into obscene or indecent images or material
- III. for the creation or transmission of material which is designed or likely to cause annoyance, inconvenience or needless anxiety
- IV. for the creation or transmission of material that is abusive or threatening to others, or serves to harass or bully others
- V. for the creation or transmission of material that either discriminates or encourages discrimination on racial or ethnic grounds, or on grounds of gender, sexual orientation, marital status, disability, political or religious beliefs. Eaton Bank School is committed to fostering a learning and working environment free of discrimination where everyone is treated with dignity and respect
- VI. for the creation or transmission of defamatory material
- VII. for the creation or transmission of material that includes false claims of a deceptive nature

- VIII. for so-called 'flaming' i.e. the use of impolite terms or language, including offensive or condescending terms
- IX. for activities that violate the privacy of other users
- X. for criticising individuals, including copy distribution to other individuals
- XI. for publishing to others the text of messages written on a one-to-one basis, without the prior express consent of the author
- XII. for the creation or transmission of anonymous messages, i.e. without clear identification of the sender
- XIII. for the creation or transmission of material which brings Eaton Bank School into disrepute
- XIV. for the transmission of unsolicited commercial or advertising material, chain letters, press releases, or other junk mail of any kind, to other users, user organisations, or organisations connected to other networks, other than where that material is embedded within, or is otherwise part of, a service to which the member of the user organisation has chosen to subscribe
- XV. for the unauthorised transmission to a third party of confidential material concerning the activities of Eaton Bank School
- XVI. for the transmission of material such that this infringes the copyright of another person, including intellectual property rights
- XVII. for the unauthorised provision of access to Eaton Bank School services and facilities by third parties
- XVIII. for activities that unreasonably waste staff effort or networked resources, or activities that unreasonably serve to deny service to other users
- XIX. for activities that corrupt or destroy other users' data
- XX. for activities that disrupt the work of other users

5.5 Monitoring

Monitoring may take place periodically within the guidelines set down by the Regulation of Investigatory Powers Act (RIPA) 2000.

Eaton Bank School retains the right under the RIPA Act to access all information held on its information and communications facilities to monitor or intercept any system logs, web pages, E-mail messages, network account or any other data on any computers system owned by Eaton Bank School.

This will be for the purposes of preventing, detecting or investigating crime or misuse, ascertaining compliance with regulatory standards and Eaton Bank School policies, or to secure effective system operation.

5.6 Disclaimer

Eaton Bank School will arrange for an appropriate disclaimer to be appended to email messages, in order to provide necessary legal protection. The following disclaimer will be added to all external email messages which are sent from Eaton Bank School:

Email Disclaimer

This e-mail and any attachments is intended to be read by the above named recipients only and the contents may be confidential. If you are not the intended recipient of this e-mail you must not act on it, copy it or show it to anyone; but do please reply to this email and highlight the error, then delete it from your computer. Any views or opinions expressed within this email are those of the author and may not necessarily reflect those of Eaton Bank School. No contractual arrangement is intended to arise from this communication.

It is important that all staff use the Eaton Bank School approved email disclaimer shown above to help protect Eaton Bank School from litigation.

This disclaimer is not normally required for the majority of internal emails, however occasionally it may be necessary to use the disclaimer in an internal email, and the decision to use it will be based on the email's content and its recipient.

5.7 Data Protection and Email

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As a member of Eaton Bank School you have certain responsibilities under the Data Protection Act (1998). This prescribes a number of further rights and responsibilities in using e-mail as follows:

- Personal data is subject to the Act. Under its terms, personal data includes any information about a living identifiable individual, including his/her name, address, phone number, and email address. If you include such information in an e-mail or an attachment to an e-mail, you are deemed to be "processing" personal data and must abide by the Act. Personal information includes any expression of opinion.
- You should be cautious about putting personal information in an e-mail. In particular, you should not collect such information without the individual knowing you propose to do this;
- You may not disclose or amend such information except in accordance with the purpose for which the information was collected; and you should ensure the information is accurate and up to date.
- You should not use e-mails for any purpose that is not permitted by Eaton Bank School's notification under the Act. Eaton Bank School is permitted to process data for the following purposes: staff, agent and contractor administration; advertising, marketing, public relations; accounts and records; education; research; staff and student support services; other commercial services; Eaton Bank School magazine and journal publication; crime prevention and prosecution of offenders.
- You must not leave a PC logically (e.g. still 'logged-on') or physically insecure (e.g. in an unlocked room) or in such a state that a third party could inspect e-mail or data and gain access to personal information.

Eaton Bank School has by law to provide any personal information held about any datasubject who requests it under the Act.

This includes information on individual PCs in departments and you have a responsibility to comply with any instruction to release such data made by Eaton Bank School.

E-mails which contain personal information and are held in live, archive or back-up systems or have been "deleted" from the live systems, but are still capable of recovery, may be deemed accessible by data subjects.

- The law also imposes rules on you in retaining personal data. Such data must be kept only for as long as it is needed and for the purpose for which it was collected. Information Services retain deleted e-mails for three months to allow for accidental loss or any other later requirement by the user for it to be retrieved.
- You should take care when sending e-mails containing personal information to countries outside the European Economic Area, especially if those countries do not have equivalent levels of protection for personal data.

6. Legislation

Eaton Bank School must ensure that their information systems and where applicable the supporting infrastructure complies with the relevant legislation and contractual requirements, including:

- The Data Protection Act 1998
- The Human Rights Act 1998
- The Computer Misuse Act 1990
- The Copyright, Designs and Patents Act 1988
- The Freedom of Information Act 2000
- The Regulation of Investigatory Powers Act 2000

The Network Manager is responsible for ensuring that use of generic access services (e.g. Portal and Internet) within Eaton Bank School complies with the agreed standards and relevant legislation and contractual requirements.

7. Sanctions

You should note that the use of Eaton Bank School IT facilities for email in an unacceptable and inappropriate manner and breach of this Policy may be treated as a disciplinary offence.

In circumstances where there is assessed to be a breach of the standards of acceptable use, as described in section 5 of this Policy, Eaton Bank School will, as a first action, act promptly to prevent continuance or repetition of the breach, for example to withdraw any unacceptable materials.

This action will be taken in accordance with the normal managerial arrangements, and will typically involve liaison between the appropriate member(s) of Eaton Bank School staff.

Subsequent action will be as described below.

Indications of non-compliance with the provisions of the Email Acceptable Use Policy will be investigated, as appropriate, in accordance with the provisions of Eaton Bank School Disciplinary Procedures, as applicable to staff and students.

Subject to the findings of any such investigation, non-compliance with the provisions of the Email Acceptable Use Policy will lead to appropriate disciplinary action, which could include dismissal on the grounds of gross misconduct. Furthermore, publication of some materials may not only amount to a disciplinary offence, but also a criminal offence, in which case the issue will be reported to the police for them to take appropriate action.

Eaton Bank School will investigate complaints received from both internal and external sources, about any unacceptable use of email that involves Eaton Bank School ICT facilities.

The investigation of facts of a technical nature, e.g. to determine the source of an offending email message, will be undertaken by the Network Manager on behalf of EATON BANK SCHOOL.

Where there is evidence of a criminal offence, the issue will be reported to the police for them to take appropriate action. Eaton Bank School will co-operate with the police and other appropriate external agencies in the investigation of alleged offences.

"Eaton Bank School is grateful to the Director of the Information Systems Division at the University of Salford for allowing use of policies developed for the University as a basis for the policies developed for Eaton Bank"