

## BENTON COUNTY

### PORTABLE ELECTRONIC COMMUNICATION DEVICE USAGE POLICY

1. **Applicability.** This policy applies to portable electronic communication devices, defined and enumerated in the “Definitions” section, used for Benton County (“County”) business. This policy does not apply to two-way short or long-range radios used by any County employees including Sheriff's Deputies.
2. **Definitions.** Unless otherwise specified, references to portable electronic communication devices in this section are to portable electronic communication devices issued, and paid for, by County (whether County owned or County leased).
  - a) **Benton County Provided Network** - shall mean the wide area network (WAN) that connects together all of the County’s sites for the purpose of sharing resources.
  - b) **Benton County Network Resources** – shall mean internal network connected systems that support County business. County network resources shall include but are not limited to internet, printers, email, file shares, financial applications, department specific applications, and video conferencing.
  - c) **Cellular Phones** – shall mean cellular phones that are primarily capable of making voice calls and have either nonexistent or minimal cellular data capabilities.
  - d) **Laptop Computers** – shall mean full-featured or near-full-featured personal computers designed with a small, portable, form factor.
  - e) **Personally Owned Communication Device (“POCD”)** – shall mean any desk top computer, laptop computer, cellular/smart phone, or tablet that is either owned by an employee or that is owned by a third party other than the employee or County and that is available for employee's personal unlimited use.
  - f) **Portable Electronic Communication Device (“PECD”)** - shall mean any laptop computer, cellular/smart phone, or tablet, as further defined herein, purchased by the County.
  - g) **Smart Phones** – shall mean cellular phones that have full featured cellular data capabilities and that, among other things, are designed to send and receive email, browse the internet, and on which multiple applications may

be installed.

- h) **Tablet** – shall mean a flat panel, tablet-shaped PECD designed for touchscreen input, with hybrid capabilities of both personal computers and Smart Phones, including built-in wireless networking capabilities.
- i) **Remote Access** – shall mean the ability for County employees to get access to Benton County network resources from a remote distance using County Information Technology Department approved remote services.

3. **General Provisions.**

- a) All PECDs purchasing by the County will be through its Information Technology Department.
- b) All PECDs issued by the County to employees are regarded, at all times, as County property including any data that may be stored within. As such, they are subject to audit at any time, solely at the discretion of County, and any employees using such issued PECDs shall fully cooperate with such audits.
- c) Elected officials or department managers are responsible for selecting desired PECDs and services and paying for such services using funds so allocated and available within existing budget funds. This policy is not intended to, and shall not, provide any elected office or department with budget entitlement for funding necessary to pay for the PECDs.
- d) Employees must contact Information Technology as soon as possible if a PECD issued to them by the County is ever lost or stolen.
- e) County employees will have to review this Benton County Portable Electronic Communication Device Policy and sign **Exhibit A**, Authorization for Remote Access form to obtain approval to possess County owned PECDs and have access to the County network resources.

4. **Cellular Phones.** Cellular phones may be issued to employees by elected officials or department managers as needed for County business, provided the purchases shall be made by the Information Technology Department. Due to the difficulty in retaining and archiving all records created by text messaging on these phones, the text messaging ability shall be disabled for compliance with the Public Records Act.

5. **Smart Phones.** Smart phones may be issued to employees by elected officials or department managers as needed for County business, provided the purchases shall be made by the Information Technology Department. The Information

Technology Department shall approve the Smart phone model selection and carrier, installation and use of applications so that all records created by text messaging on such phones will have such text records archived for purposes of compliance with the Public Records Act

6. **Tablets.** Tablets may be issued to employees by elected officials or department managers as needed for County business, provided the purchases shall be made by the Information Technology Department. The selection, installation and use of applications on tablet shall be done according to the protocol stated within this policy.
7. **Remote Access.** County employees that have the appropriate permission from an elected official or department manager will be granted remote access. This selection, installation and use of remote services shall be done according to the protocol stated within this policy.
8. **Work Hours.** The issuance of PECDs by the County that permit or facilitate employees to work off-site, including at their own homes, does not constitute authorization or consent for such employees to work overtime. Regardless of whether any given employee has been issued such PECDs, overtime must still be authorized using applicable means and channels as appropriate and required by the employee's department, elected office, and/or collective bargaining agreement.
9. **Responsibility To Monitor Appropriate Use.** Department heads and elected officials who issue PECDs to employees are responsible for ensuring their appropriate use. County issued PECDs shall only be used for County business except for incidental personal use. "Incidental personal use" shall be defined, for purposes of this section, as use that is casual, insignificant, and infrequent. This policy applies regardless of later deletion of data, use of removable portable electronic storage devices (such as "thumb drives," "flash drives" or similar devices), or perceived lack of use of consumable County resources.
10. **Specifically Prohibited Use.** Notwithstanding the allowable use of PECDs for incidental personal use, County issued PECDs may not, under any circumstances, be used for:
  - a) any purpose that violates federal, state or local laws; or
  - b) the purpose of harassing or sexually harassing any other person, including

- other employees; or
- c) for operating a profit-seeking endeavor of any sort; or
- d) on-line gambling; or
- e) accessing any number associated with or operated by a gambling venue of any sort; or
- f) accessing "1-900" numbers or any other number associated with or operated by an adult entertainment venue of any sort; or
- g) viewing or accessing of pornography or any adult entertainment related website or on-line service regardless of whether such viewing or accessing is otherwise legal (unless said access is made by a criminal justice related department for bonafide investigative, prosecutorial or criminal defense purposes); or
- h) making long-distance or toll calls for any purpose other than for County business.

11. **Safekeeping/Safeguarding.** Employees who have been issued PECDs shall take reasonable steps to secure the PECDs against damage and theft, including use of any issued protective carrying equipment as is appropriate. Employees who have been issued PECDs shall also take reasonable steps to safeguard the contents of such PECDs and, by extension, the contents of any County owned data networks that are accessible by use of the PECDs. Such steps shall include, but may not be limited to, ensuring that only authorized persons are permitted to use or access the PECD.

12. **PECD Security.** Employees who have been issued PECDs shall ensure that, at all times, an appropriate password or passkey, as designated and configured by Information Technology Department, remains in place to protect the contents of said PECDs. Employees shall not take any action to disable the password protection or reduce the effectiveness of the password protection, and if password protection fails or is no longer present on an issued PECD, then Information Technology Department shall be notified and requested to assist, as soon as possible. In the event that an issued PECD is lost or stolen, or the security has been compromised or is compromised on an on-going basis, then Information Technology Department shall be notified as soon as possible so that the PECD may be disabled and the contents remotely deleted to protect the contents therein.

13. **Public Records.** Pursuant to the Public Records Act, any documents, including electronic documents, pertaining to, or generated by, the use of PECDs, shall be

retained by employees to whom such PECDs are issued, in the manner established by the employee's department manager or elected official and consistent with records retention schedules issued by the State Archivist.

14. **Availability To Contact Or Call.** Employees who are issued cellular/smart phones shall ensure said phones are powered on, and that they are personally available to contact and/or call on said phones during all regular work hours and during all other hours when they are required to be on-call.
15. **Base Configuration.** Information Technology Department shall, in consultation with an advisory group with representation from all elected officials and department managers that wish to provide input, establish a “Base Configuration” for all PECDs that are issued to County employees. The Base Configuration shall be designed to provide employees with a user experience that will permit them to accomplish, using tested, stable, applications, most commonly needed communication (including voice communication, text communication and email communication), note-taking, and other functions ordinarily expected to be accomplished with PECDs, and shall be reviewed and modified as necessary, on a periodic basis. All PECDs shall be issued with at least the Base Configuration and the applications included in the Base Configuration shall be fully supported by Information Technology Department to the extent possible.
16. **Optional Applications.** Paid or free applications shall not be added to issued PECDs by any employee without the approval of the appropriate elected official or department head. Once the elected official or department head has approved the addition of a paid or free application in writing, then said employee shall contact the Information Technology Department for assistance with installation of said application including advising as to stability or security issues with any applications if necessary. Information Technology Department shall assist with supporting any optional applications installed for necessary productivity purposes, to the extent possible.
17. **Use Of Personally Owned Communication Devices (“POCD”).** Unless otherwise authorized, employees are strongly discouraged from using personally owned communication devices for County business.
  - a) If it is necessary to use a personally owned computer, laptop, or tablet for County business, employees shall use one of the following best practices (in order of preference, from greatest to least) in order to preserve any

generated or received public records created thereon for purposes of compliance with the Public Records Act: 1) use County provided network infrastructure that allows records to be saved directly to servers and other storage devices owned or controlled by County; 2) use County provided portable electronic storage devices (such as hard drives, flash drives , USB drives or “thumb” drives) to save such records; and/or 3) saving all records in a dedicated folder on the personally owned computer, laptop, or tablet and regularly copying the contents of the folder to county owned or operated servers or portable electronic storage devices.

- b) Additionally, employees that necessarily use a smart phone to send or receive a text regarding County business must preserve such texts in accordance with records retention schedules issued by the State Archivist.
- c) Employees who use a POCD for County business should be aware that electronic discovery in litigation or the response to a request under Washington's Public Records Act may require the County to review the contents of such POCD. In such an event, employees shall cooperate to the extent necessary to accomplish such a review to protect the interests of the County. Furthermore, employees who choose to use POCD's for County business are not entitled to any compensation or stipend to compensate for the cost of purchase, maintenance, repair, usage or replacement of POCD's under any circumstances, and are not entitled, by virtue of such use alone, for increased pay, overtime pay, compensatory time, or any other additional benefits or compensation whatsoever.