



FAMILY COURT
AND FEDERAL
CIRCUIT COURT

Information, Communication and Technology Services
Policy

INTERNET AND EMAIL POLICY

Background

Court computer equipment and other court electronic communication devices and facilities are made available to court staff to carry out their official tasks.

The purposes of this policy are to:

- Ensure that you are aware of your role, responsibilities and obligations when using the courts' electronic communication facilities
- Prevent misuse of electronic communications
- Specify and make you aware of your privilege of reasonable private use of the courts' electronic communications facilities and the limits on that privilege
- Make you aware of the courts' rights in respect of email messages you have sent or received and records of your internet use, and
- Ensure that you are aware of the consequences of breach of this policy and of other conduct requirements relevant to electronic communications.

Who does this policy apply to?

This Policy applies to all APS employees of the Family Court of Australia and Federal Circuit Court of Australia and to contractors and their staff who work for the courts or who use the courts' electronic communications facilities ["court staff"]. It also applies to you when you use other electronic communications facilities while working for the courts.

This Policy also applies to temporary users, such as students on work experience placements, who have been provided access to the courts' computer equipment and other court electronic communication devices and facilities

What does this policy apply to?

This Policy applies to all electronic communications and dealings using the courts' facilities or while working for the courts. It covers emails (whether sent internally or externally) and other forms of communication and dealings conducted through the Internet (for example, browsing, searching, surfing, electronic bulletin boards, electronic notice boards and chat rooms) and Sametime. You must also comply with the courts' electronic communications Guidelines (if any) from time to time.

This Policy applies to the use of court computer equipment and other court electronic communication devices and facilities whether on or off court premises.

This Policy is in addition to the courts' Social Media Policy.

Required standards of conduct

If you are an Australian Public Service employee you must comply with the APS values (see section 10 of the Public Service Act 1999) and the APS Code of Conduct (see section 13 of the Public Service Act 1999).

If you are not an Australian Public Service employee, this Policy requires you to comply with the same standards of conduct when performing work for the

courts or using their electronic communications facilities. This is a condition of use by you of the courts' electronic communications facilities.

Your use of the courts' electronic communications facilities, or use of other electronic communications facilities while working for the courts, must be:

- appropriate – that is lawful, efficient, proper and ethical
- free from discrimination and harassment
- characterised by respect, courtesy, care and diligence
- such as to uphold the APS Values and Code of Conduct and the integrity and good reputation of the APS and the courts, and
- in accordance with any requirement of this and any other court Policy.

These requirements are explained, but not limited, in some important ways below.

- Your personal use of the Internet or email facilities of the courts is subject to the same requirements as official use and to the limitations set out in this Policy on 'reasonable private use'.
- You must not so act as to place the security of the courts' electronic communications facilities, systems and databases at risk.

You are responsible for the use of your log-on ID and passwords. If you believe they have been compromised in any way, you must report it immediately to your supervisor.

The required standards elaborated

- Email messages can easily be misconstrued. Unlike phone or face-to-face exchanges, the recipient cannot rely on inflection, tone of voice, gesture or verbal feedback to clarify meaning. Email is often used in the same way as spoken communication, but you must treat it in the same way as written communication.
 - Email messages can easily be forwarded to many other people. Those other people may have different views to the original recipient and may be offended by private jokes. Accordingly, your words and attached documents and images should be carefully chosen, and expressed in a clear, businesslike manner.
 - You should be aware that where you communicate with individuals outside the Court using its facilities, your messages will be identified as originating from the Court. Likewise, if you access a website using court facilities, it is likely to be recorded as a 'hit' originating with the Court. Activity breaching this Policy has a potential to embarrass the courts severely (and even carry a risk of litigation against you and/or the courts) and will be treated as a serious disciplinary or contractual matter.
 - You should also treat email correspondence as if it was a permanent record. Even though you may delete emails that you have sent or received, they may still be retrieved through back-up tapes. Once you have sent an email, you have no control over what happens to it, or who it may be forwarded on to.
 - You are responsible for the courts' public face and reputation with the people with whom you deal. You are also responsible for your conduct generally in using the courts' electronic communications facilities or while working for the courts. You must not:
 - transmit, communicate, access or store images, material or information that may damage the courts' reputation, or the reputation of the APS, result in victimisation or harassment, lead to any criminal penalty or civil liability, or be reasonably
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- be found to be offensive or obscene
- transmit or communicate images, material or information that may reasonably be found to be misleading, deceptive, threatening, abusive or defamatory
- compromise the confidentiality of court or client information
- transmit, communicate, access or store images, material or information that breaches the *Racial Discrimination Act 1975*, the *Sex Discrimination Act 1984*, and the *Disability Discrimination Act 1992*
- transmit, communicate, access or store sexual comments, jokes or images or sexually explicit material of any kind
- access sites with sexual content or gambling sites
- use the electronic communication facilities of the courts for illegal purposes, including distribution of pornography
- use email to distribute chain letters, participate in mass mailings, or promote political, religious or lifestyle beliefs
- create emails containing (or forwarding, attaching or containing links to) material that is, or may be construed to be, defamatory, harassing, threatening, obscene, offensive, discriminatory, sexist, racist or abusive (including comments about a person's sexual preferences, age, criminal or medical record, mental or physical condition, or trade union activity);
- create emails containing (or forwarding, attaching or containing links to) material that is or includes trademarks or copyrighted material of any person without specific authorisation to do so from the owner of the trade mark or copyright;
- send an email in another person's name unless that person has specifically authorised you to do so.
- use the electronic communication facilities of the courts to post, upload, transmit, receive or download any images, content, software or materials that:
 - contain any executable file, computer programs, executable software code, screensaver or utility without the permission of the courts' IT Helpdesk
 - contain any virus, worm, trojan or other harmful or destructive code, or
 - contain another person's personal information, trademarks or copyright materials without authority
 - **In order to avoid such problems, you must not use courts' facilities to download files from music, video and file sharing sites which are not needed for work purposes.**
- without permission use the electronic communications facilities of the courts to undertake any private business dealings
- use the electronic communications facilities of the courts to gain, or attempt to gain, unauthorised access to any person's or body's servers, networks or databases, or
- use the electronic communications facilities of the courts to view or show anything forbidden by this Policy to be created, transmitted, communicated, accessed or stored.
- You may inadvertently come into contact with sites that contain material in breach of this Policy. This may even occur as a result of a

relatively straightforward search request. Likewise, you may inadvertently receive emails with content breaching this Policy. Where this happens, you must exit the site or email as quickly as possible and inform your immediate supervisor. In the case of inadvertently received emails, you must ensure that you do not send them or store them but that you delete them after having reported the matter to your supervisor and subject to any other specific directions your supervisor may give you.

Reasonable personal use is allowed

You may access for personal purposes the electronic communications facilities the courts have provided to you unless you are directed otherwise. That use must be reasonable. To be reasonable, it must:

- be lawful
- comply with this Policy
- not interfere with your work or the work of other court staff including by excessive bandwidth use at times of high demand
- not be with a view to personal profit
- not expose the courts to potential litigation or significant expense, and
- not interfere with any individual's reputation, employment or other obligations.

A relatively high volume of personal use or incurring of significant expense is unacceptable and is a breach of this Policy. Downloading or uploading, for private purposes, of large files, particularly audio and video files and video streaming, is not reasonable private use. Web pages accessed for private purposes should not be left open.

Courts' right to access electronic records

The electronic communications facilities of the courts are not a private resource. They are a public resource provided at public expense to facilitate the work of the courts.

The courts may access emails sent or received by you, and monitor your electronic communications, from time to time for the purposes of conducting its business (including auditing compliance with this or any other Policy, the APS values and Code of Conduct and the law) or complying with its legal obligations. This may, for example, involve examining logs of your electronic communications activity, accessing emails you send or receive, including personal communications and examining your Internet browsing records. Only persons authorised by the CEO, Registry Manager, or Human Resources Manager, will be permitted to access your electronic communications.

Record keeping

Electronic communications records are part of the business records of the courts and must be treated in the same way as written communications where they are created or received in the normal course of the business of the courts. Where a written communication would be retained as part of the records of the courts, an equivalent electronic communication must also be retained. This is especially so if documents held electronically are a part of the business records of the courts or are essential to the preservation of a proper audit trail for any decision made.

You should regularly undertake housekeeping of your electronic records, deleting material no longer required for business purposes. This will enable the courts to optimise the use of its electronic resources.

Compliance with this Policy

The courts do not want to be in a position where they are compelled to investigate breaches of this Policy. If you believe that you or anyone else may have breached this Policy, inadvertently or otherwise, you must report it as soon as possible. If there is a problem, then the courts prefer it to be identified by those involved, reported and fixed. This will be taken into account when considering whether a disciplinary response is appropriate and, if so, the sanctions that ought to be imposed.

If you have any concerns or issues about compliance with this Policy, you should raise them immediately with your supervisor.

Non-compliance with this Policy will be regarded as a serious matter and may result in disciplinary action for employees or action under the terms of your contract or to stop you performing work for the courts. Your access to the courts' electronic communications facilities may be revoked or restricted.

Disciplinary action may include counselling or, in more serious cases, formal investigation whether the APS Code of Conduct has been breached. The sanctions that may be imposed for an established breach of the APS Code of Conduct range up to termination of employment. It is imperative that the community be able to have confidence in the judgement and integrity of court staff. Accordingly, established breaches of this Policy concerning pornographic material or unlawful discrimination will be treated with great severity.

In addition, there may be circumstances where non-compliance with this Policy will also result in legal consequences, for example where there is criminal activity involved, or where there is a breach of legislation. In such a case the interests of the courts and its staff member will diverge and the courts will likely not be able to assist the staff member concerned deal with the matter.
