



| Policy Title<br>Electronic Communication Policy   | Original Adoption Date<br>12/8/2014  | Policy Number<br>IN-714 |
|---|--|-------------------------|
| Responsible College Division/Department<br>Information Technology Services  | Responsible College Manager Title<br>Vice President of Administrative Services |                         |
| <p><b>Policy Statement</b></p> <p><b>I. PURPOSE &amp; APPLICABILITY</b></p> <p>The purposes of this Policy are to:</p> <ul style="list-style-type: none"> <li>• Establish policy on privacy, confidentiality and security in electronic communications;</li> <li>• Ensure that LTC electronic communications resources are used for purposes appropriate to the College’s mission;</li> <li>• Inform the LTC community about the applicability of laws and College policies to electronic communications;</li> <li>• Ensure that electronic communications resources are used in compliance with those laws and LTC policies; and</li> <li>• Prevent disruptions to and misuse of LTC electronic communications resources, services, and activities.</li> </ul> <p>This policy applies to:</p> <ul style="list-style-type: none"> <li>• All electronic communications resources owned or managed by LTC;</li> <li>• All electronic communications resources provided by LTC through contracts and other agreements with the College;</li> <li>• All users and uses of LTC electronic communications resources; and</li> <li>• All LTC electronic communications records in the possession of College employees or of other users of electronic communications resources provided by the College.</li> <li>• All contents of electronic communications, and to the electronic attachments and transactional information associated with such communications.</li> </ul> <p>This Policy applies only to electronic communications records in electronic form. The Policy does not apply to printed copies of electronic communications records or printed copies of transactional information. Electronic communications records in either printed or electronic form are subject to federal and state laws as well as LTC records management policies, including their provisions regarding retention and disclosure.</p> <p><b>II. STATEMENT</b></p> <p><b>Permissible Use</b></p> <p>LTC encourages the use of electronic communications to share information and knowledge in support of the College's mission and to conduct LTC business. Employees may access these technologies for academic, administrative, business and incidental personal uses, if the restrictions identified in the Computer Use Policy for College Employees are followed.</p> <p><b>Ownership</b></p> <p>Ownership of College administrative records is held by Lakeshore Technical College. This applies whether such records are in paper, digital, or other format. Electronic communications records</p> |  |                         |



pertaining to the administrative business of LTC are considered public records (see Definitions in section I above), whether or not LTC owns the electronic communications resources, systems or services used to create, send, forward, reply to, transmit, store, hold, copy, download, display, view, read, print, or otherwise record them. Other records, although not owned by LTC, nevertheless may be subject to disclosure as public records under Wisconsin open records law if they pertain to the business of the College.

### **Privacy/Confidentiality**

Given LTC's ownership of all electronic communications records pertaining to College business, employees are to have no expectation of privacy in the material sent or received by them over the College computing systems or networks. As detailed in the Computer Use Policy for College Employees, without prior notice, LTC may monitor use of the equipment and networking structures and all systems for legitimate academic, administrative, and business reasons. Monitoring includes the right of the College to access messages and files which have been deleted, but not fully erased from systems.

Notwithstanding the right of the College to view, retrieve, and read any and all electronic messages, records, or files within College systems; electronic messages, records and files must otherwise be treated as confidential by employees and accessed only by the author or intended recipient. Employees may not attempt to gain access to another employee's electronic messages, records, or files without authorization or the permission of the employee.

LTC policy also requires that its employees take necessary precautions to protect the confidentiality of personal information encountered either in the performance of their duties or otherwise (see LTC Policy on Protection of Electronically Stored Personal Information). Users of electronic communications systems and services shall not disclose information about students in violation of the federal Family Educational Rights and Privacy Act of 1974 (FERPA), and the LTC policies that provide guidance in meeting FERPA requirements. See LTC Policy on Student Records Confidentiality.

### **Archive/Retrieval**

LTC does not currently maintain electronic archives of all electronic communications records sent or received. Electronic communications records are normally backed up, if at all, only to assure system integrity and reliability, not to provide for future retrieval, although back-ups may at times serve the latter purpose incidentally. As such, IT is not required by this Policy to routinely retrieve electronic communications records from such back-up facilities for individuals who may have deleted electronic communications records from their computer. IT shall provide information about back-up procedures to users of those services upon request.

### **Records Retention**

Electronic communications records, and specifically email messages, are subject to LTC records management policies as stated in LTC Policy FS-681 (Records Management Policy) and Procedure FS-682(Records Management), which provide guidance for administering the retention and disposition of all records, regardless of the medium on which they are stored. LTC staff members who have been granted access to LTC Electronic Communications Services or Systems are responsible for preserving for retention public records in these Services or Systems.

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### **Reason for Policy**



To this end, LTC supports and provides interactive electronic communications services and facilities for telecommunications, mail, publishing, and broadcasting. Recognizing the convergence of technologies based on voice, video, and data networks, the LTC Electronic Communications Policy establishes principles, rules, and procedures applying to all members of the LTC community to specifically address issues particular to the use of electronic communications. It clarifies the applicability of law to electronic communications and references other College guidelines to ensure consistent application of the Electronic Communications Policy on all LTC campuses.

**Historical Data, Cross References and Legal Review**

**Reviewed/Revised:** 1/9/2019

**Legal Counsel Review and Approval:**

**Board Policy: III.A. General Executive Constraint, III.B. People Treatment**

**Definitions**

**Electronic Communications:** Any transfer of signals, writings, images, sounds, data or intelligence that is, created, sent, forwarded, replied to, transmitted, distributed, broadcast, stored, held, copied, downloaded, displayed, viewed, read, or printed by one or several electronic communications systems. For purposes of this Policy, an electronic file that has not been transmitted is not an electronic communication.

**Electronic Communications Records:** The contents of electronic communications created, sent, forwarded, replied to, transmitted, distributed, broadcast, stored, held, copied, downloaded, displayed, viewed, read, or printed by one or several electronic communications systems or services. This definition of electronic communications records applies equally to attachments to such records and transactional information associated with such records.

**Electronic Communications Resources:** Telecommunications equipment, transmission devices, electronic video and audio equipment, encoding or decoding equipment, computers and computer time, data processing or storage systems, computer systems, servers, networks, input/output and connecting devices, and related computer records, programs, software, and documentation that supports electronic communications services.

**Electronic Communications Systems or Services:** Any messaging, collaboration, publishing, broadcast, or distribution system that depends on electronic communications resources to create, send, forward, reply to, transmit, distribute, broadcast, store, hold, copy, download, display, view, read, or print electronic records for purposes of communication across electronic communications network systems between or among individuals or groups, that is either explicitly denoted as a system for electronic communications or is implicitly used for such purposes.

**Public Record:** All books, papers, maps, photographs, films, recordings, optical disks, electronically formatted documents or other documentary materials, regardless of physical form or characteristics, made, or received by any state agency or its officers or employees in connection with the transaction of public business, and documents of any insurer that is liquidated or in the process of liquidation under ch. 645 (Wis. Stat. §16.61 (1)(b)). As per guidelines developed by the Wisconsin Public Records Board, records generally do one or more of the following:

- Interpret or execute policy



- Record substantive meetings
- Document accountability
- Facilitate organization action or process
- Convey an action
- Support a transaction
- Support or convey a decision

**Transactional Information:** Information, including electronically gathered information, needed either to complete or to identify an electronic communication. Examples include but are not limited to: electronic mail headers, summaries, addresses and addressees; records of telephone calls; and IP address logs.

**LTC Electronic Communications Record:** A Public Record in the form of an electronic communications record, whether or not any of the electronic communications resources utilized to create, send, forward, reply to, transmit, distribute, broadcast, store, hold, copy, download, display, view, read, or print the electronic communications record are owned by LTC. This implies that the location of the record, or the location of its creation or use, does not change its nature (i) as an LTC electronic communications record for purposes of this or other College policy, and (ii) as having potential for disclosure under an open records request.

**Use of Electronic Communications Services:** To create, send, forward, reply to, transmit, distribute, broadcast, store, hold, copy, download, display, view, read, or print electronic communications with the aid of electronic communications services. An Electronic Communications User is an individual who makes use of electronic communications services.

- The act of receipt of electronic communications as contrasted with actual viewing of the record by the recipient is excluded from the definition of "use" to the extent that the recipient does not have advance knowledge of the contents of the electronic communications record.

See: [Protection of Electronically Stored Personal Information Policy](#)  
[Student Records Confidentiality Policy](#)  
[Records Management Policy](#)  
[Records Management Procedure](#)  
[Computer Use Policy for College Employees](#)