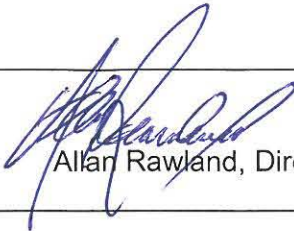


**County of San Bernardino
Department of Behavioral Health**

Electronic Mail Policy

Effective Date 05/12/2009
Revision Date 10/26/2010



Allan Rawland, Director

Policy It is the policy of the Department of Behavioral Health (DBH) to utilize Behavioral Health and/or County electronic mail (e-mail) systems as a means of communication for legitimate department business purposes only.

Purpose E-mail is a useful communication tool that is necessary in order to conduct department and County business. Staff shall carry out their duties while using e-mail in a professional and courteous manner in accordance with department and County policies.

Privacy Staff should have no expectation of privacy in any e-mail created, stored, sent or received on County e-mail systems. DBH and the County reserve the right without advance notice to staff to monitor, access, copy or delete any messages stored in its e-mail systems.

Staff is expected to respect the privacy of e-mail messages sent to others using the County's e-mail systems. Unless staff are authorized to do so, employees are prohibited from performing the following acts to another employee's information or e-mail without that employee's permission:

- Accessing
 - Viewing
 - Retrieving
 - Listening to
 - Tampering with
 - Copying
 - Changing
 - Printing
 - Deleting
-

Use Limited, occasional or incidental use of the e-mail systems for personal purposes may be acceptable, if done in a professional and appropriate manner as follows:

- Not used on County time
- Not violating prohibited activities contained in this policy
- Not interfering with the conduct of County business or the performance of the employee's duties

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Electronic Mail Policy, Continued

Use (continued) E-mail messages sent using the County e-mail systems for personal purposes shall be treated as business messages and may become public records in accordance with the Public Records Act.

Prohibited Activities It is a violation of this policy to use e-mail to violate existing law, regulation, County or department policy or County Personnel Rules. Other prohibited uses of the County e-mail systems include, but are limited to:

- Activity that could expose the County to civil or criminal liability
- Sending Protected Health Information (PHI) and/or Personally Identifiable Information (PII) in the body of or an attachment to an e-mail outside the County network that does not meet a minimum of 256-Bit encryption
- Sending PII retrieved from the Medi-Cal Eligibility Data System (MEDS) in the body of or an attachment to an e-mail that does not meet the minimum of 256-Bit encryption
- Representing oneself as a spokesperson and/or making commitments on behalf of the County or a department without authorization
- Use intended for personal or commercial financial gain or participating in any gaming, wagering or gaming activities
- Any use of e-mail for the purpose of distributing materials, promoting causes or beliefs or soliciting membership in, support for, or donations to any organization, group or entity including, but not limited to, those of a commercial, political, charitable or ideological nature unless officially sanctioned by the County
- Use of e-mail to prepare, solicit, distribute or transmit offensive, abusive, threatening, pornographic, sexually explicit or hate messages or images
- Utilization of e-mail to prepare, solicit, distribute or transmit obscene, offensive, harassing, derogatory, or disparaging comments, jokes or slurs related to race, color, ethnicity, gender, age, sex, religion, disability or political affiliation
- Use of e-mail to commit illegal, fraudulent or malicious activities
- Originating or intentionally propagating computer viruses and/or chain letters or petitions
- Disclosing confidential and/or personal information without appropriate authorization or sharing County e-mail accounts or passwords to access those accounts with others
- Personal use that results in any charges or other costs to the County
- Subscribing to external mailing lists, notification services or other e-mail services not reasonably related to the performance of assigned job duties
- Using animation, specialized graphics or colored backgrounds in e-mails

Important Note: County and departmental policies prohibiting sexual and other harassment are applicable to the use of the County's e-mail systems.

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Electronic Mail Policy, Continued

Attorney-Client Privileged Communication E-mails between DBH, County Counsel and/or its outside attorney(s) constitute as confidential and privileged communication. The content of the e-mail(s) cannot be forwarded without counsel's authorization.

E-mail Broadcasts E-mail shall not be used to announce, advertise or otherwise promulgate any event, cause, organization or activity that is not an official County of San Bernardino or Department of Behavioral Health function or program. Any use of the e-mail system to promulgate a legitimate event countywide or department wide must be approved by the DBH Public Information Officer.

Consequences of Violations Violations of this policy may result in disciplinary action, up to and including termination.

References Code of Federal Regulations 42, Part 431.300, Section 2.1 et seq.
Code of Federal Regulations 45, Parts 160 and 164.
California Civil Code 56 et seq. (The Confidentiality of Medical Information Act)
California Health and Safety Code (Information Practices Act of 1977), Section 1798 et seq., Section 123100 et seq. (Client Access to Health Records)
California Welfare and Institutions Code, Sections 5328 et seq., 14100
Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, Privacy Rule (HIPAA)
Department of Behavioral Health Medi-Cal Privacy and Security Agreement

Related Policy or Procedure County of San Bernardino Policy Manual 14-01: [Electronic Mail \(E-mail\) Policy](#)
County of San Bernardino Policy Manual 14-04: [Internet/Intranet Use Policy](#)
County of San Bernardino Policy Manual 16-02: [Protection of Individually Identifiable Health Information](#)
County of San Bernardino Policy Manual 16-02SP1: [Protections of Individually Identifiable Health Information](#)
DBH Standard Practice Manual IT5003: [Internet Account Policy](#)
DBH Standard Practice Manual IT5004: [Computer and Network Appropriate Use Policy](#)
DBH Standard Practice Manual IT5006: [Remote Access Policy](#)
DBH Standard Practice Manual IT5008: [Device and Media Controls Policy](#)
DBH Standard Practice Manual IT5009: [User I.D. and Password Policy](#)
