

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MOHAVE

FILED

By ARIZONA

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LINDA SEAPY
SUPERIOR COURT CLERK

ADMINISTRATIVE ORDER
98-26

IN THE MATTER OF:)
)
ADOPTION OF ELECTRONIC)
COMMUNICATIONS POLICY)
_____)

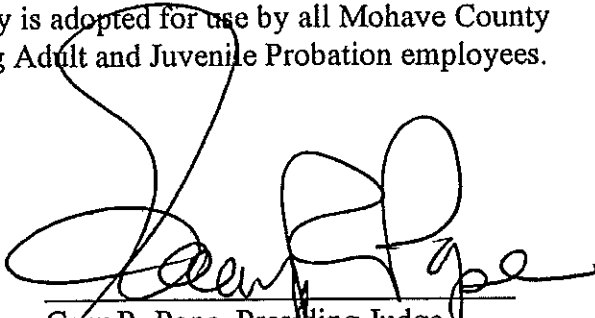
WHEREAS, there is need to establish a court system policy on use of, access to, and management of electronic communications resources; and

WHEREAS, the Superior Court in Maricopa County's policy on electronic communication was referred to in developing the attached policy for the Mohave County Court System; and

WHEREAS, Mohave County judges and court staff have had an opportunity to review and comment on the draft Mohave County Court System Electronic Communications Policy;

IT IS ORDERED that the attached policy is adopted for use by all Mohave County Court System judicial officers and staff including Adult and Juvenile Probation employees.

DATED this 24th day of July, 1998.



Gary R. Pope, Presiding Judge
Mohave County Superior Court

Original filed with the Clerk of the Superior Court in Mohave County.

**Mohave County Court System
Electronic Communications Policy**

INTRODUCTION

This statement sets forth the Mohave County Court System's policy on use of, access to, and management of electronic communications. Pursuant to this policy statement, "electronic communications" may include but is not limited to electronic mail and Internet services used by or sent and received by judicial officers, court employees, and other authorized users, and network systems over which such communications are transmitted.

POLICY

A. AUTHORIZED USE

Judicial officers and employees shall use Court-provided electronic communications resources responsibly for purposes relating to court business and the judicial branch or to enhance the work environment of the Court as set forth in this policy.

B. AUTHORIZED PERSONS

Only judicial officers and employees may use the Court System's communication resources. Use of these resources by non-employees requires prior authorization from the Presiding Judge.

C. APPLICABILITY

The policy applies to all Mohave County Court System judicial officers and staff including Adult and Juvenile Probation employees.

RESPONSIBLE USE OF ELECTRONIC COMMUNICATIONS RESOURCES

A. Guidelines for use of Electronic Communications

1. Professionalism. Electronic communications shall be professional and business-like. Electronic mail messages, whether sent within the Court or outside the Court via wide-area networks or the Internet, should withstand public scrutiny without embarrassment to the Court System, other employees, and the public, both as received by the original recipient and if forwarded beyond the original intended recipient.
2. Professional Use. It is permissible to use the Court System's e-mail system for limited professional purposes upon supervisor approval. Approved professional uses may include participation in professional associations, continuing education, scholarly publication and work-related communications with colleagues. Such use is subject to the approval of the employee's supervisor.

3. **Incoming Messages.** Messages originating outside the Court are in all respects the responsibility of the employees receiving the message. The Court System may not be held responsible for messages originating outside the court received by employees.

B. Prohibited Uses

1. **Commercial Purposes.** Employees may not use electronic communications for commercial purposes, to promote personal business interests, or for monetary gain. Employees may not send "serial" or "claim" messages.

2. **Copyright and Intellectual Property Rights.** Employees shall not use electronic communications to receive or send copies of documents in violation of copyright laws or send or receive software in violation of intellectual property laws or rights.

3. **Harassment.** Employees shall not use electronic communications to intimidate or harass others or interfere with their ability to conduct Court business. Employees shall not use electronic communications in a manner that promotes discrimination on the basis of race, color, religion, sex, age, national origin, or disability.

4. **Identification.** Users shall clearly identify themselves in any electronic communication, and shall not develop and/or send an electronic message or communication that appears to be from someone other than the user.

5. **Unauthorized Access.** Employees may not capture and "open" electronic communications except as required for authorized employees to diagnose and correct delivery problems. Employees shall not obtain access to the files or communications of others to satisfy idle curiosity without substantial business purpose.

6. **Confidentiality.** No message should be considered confidential. Electronic mail, particularly when sent via the Internet, should be regarded as an unsecured medium. It is the employee's responsibility to carefully consider the confidentiality requirements of an electronic communication. Employees should not send confidential or privileged information via electronic mail without prior approval from their supervisor.

7. **Software.** Employees may not use the Court System electronic messaging or communications systems to download software unless they comply with established policies for approval of loading or operating software on Court-provided computers, verification of proper licensing, and scanning for computer viruses.

8. **Adherence to Security Restrictions on Systems and Data.** Employees shall not attempt to gain unauthorized access to data, breach or evade any security measures on any electronic communication system, or intercept any electronic communication transmissions without proper authorization.

ELECTRONIC COMMUNICATIONS TECHNOLOGY MANAGEMENT RESPONSIBILITIES

A. Electronic Communications Management

1. **Management.** The Presiding Judge or designee may acquire and deploy the computers and the internal computer networks on which the Court System's electronic communications are conducted; cooperate with Mohave County in using and administering internal computer networks; and oversee the software and data residing on, developed on, or licensed for the Court System's computers and networks.
2. **Use for Court Purposes.** The Presiding Judge or designee is responsible for promoting, through appropriate policies and procedures, the idea that electronic communications and information technology resources are used to support activities connected with the business of the Court System.
3. **Use of Software and Data Files.** It is the responsibility of each user to learn to apply electronic communications software and data files correctly.
4. **Equitable Use of Resources.** The Presiding Judge or designee is responsible for managing electronic communications and information technology resources so that the Mohave County Court System benefits equitable from their use. The Presiding Judge or designee may occasionally need to restrict inequitable use of shared communications systems including requiring users to refrain from using any software program, communications systems, or database.
5. **Efficient Use of Resources.** Each employee is responsible for using electronic communications media efficiently to avoid wasting or overburdening Court System computing resources. Users should accept limitations or restrictions on file storage space, usage time, or resources consumed when asked to do so by the Presiding Judge or designee. In particular, users should carefully consider and appropriately limit the use of groups to send messages, announcements, and large text or graphic files to multiple recipients.
6. **Policies and Procedures.** Supervisors are responsible for communicating Court System electronic communications and information technology policies and employee responsibilities to all of their employees.
7. **Monitoring Effectiveness of Policies and Procedures.** The Presiding Judge or designee is responsible for monitoring the application and effectiveness of electronic communications and information technology policies and proposing changes in policy as events or technology warrant.

B. Security and Privacy

1. **Protection Against Unauthorized Use.** All court employees are responsible for protecting the Court System's computers, networks, and data from destruction, tampering, and unauthorized inspection and use. Each user should establish appropriate passwords for the user's account, change passwords periodically as may be required by the Presiding Judge or designee, avoid sharing or disclosing passwords to others, and prevent unauthorized or inadvertent access by others to computers and files.

C. Court Access and Disclosure

1. **Monitoring of Electronic Communications.** The Court System will not engage in the systematic monitoring of electronic mail messages, electronic records created through use of e-mail systems, or other electronic files created by employees.

2. **Access.** The Presiding Judge or designee may permit authorized staff to access and disclose the contents of electronic messages provided that it follows appropriate procedures. Such access and disclosure may be appropriate mending an investigation triggered by indications of employee misconduct or as needed to protect public health and safety, prevent interference with the Court System's mission, protect system security, comply with legal process, fulfill Court System obligations to third parties, protect the rights of property of the Court, or locate substantive information required for Court business that is not more readily available by other means.

3. **Limitations on Disclosure and Use of Information Obtained by Means of Access or Monitoring.** The contents of electronic communications, properly obtained for legitimate business purposes, may be disclosed without permission of the employee. The Court will attempt to refrain from disclosure of particular messages if disclosure could create personal embarrassment unless such disclosure serves a specific business purpose, satisfies a legal obligation, or responds to requests for records disclosure under federal or state laws governing public access to records.

D. Public Access and Disclosure

1. **Public Access to Court Records.** The public record status of court records and communications is determined by Arizona Supreme Court Rule 123 as established by Administrative Order R-97-0019 effective December 1, 1997. This rule governs access to the records of all courts and administrative offices of the judicial department of the State of Arizona.

Supreme Court Rule 123 defines a record as: "all existing documents, papers, letters, maps, books, tapes, photographs, films, sound recordings or other materials, regardless of physical form or characteristics, made or received pursuant to law or in connection with the transaction of any official business by the court, and preserved or appropriate for preservation by the court as evidence of the organization, functions, policies, decision, procedures, operations or other governmental activities.

POLICY ENFORCEMENT

1. Upon direction of the Presiding Judge or designee, network connections by certain computers may be disabled, require adequate identification of computers and network users, undertake audits of software or information on shared systems, or secure compromised computers connected to the network to enforce the Court System's rules or policies.
2. Appropriate disciplinary action may be taken against individuals found to have engaged in prohibited use of the Court System's electronic communications systems. Such action may include but is not limited to loss of access to electronic communications, computer, or network resources, and any action appropriately imposed under the Judicial Employee Merit System Rules.
3. Users are expected to cooperate with authorized investigation of technical problems and possible unauthorized or irresponsible use of electronic communications systems as defined in this policy. Failure to adhere to this policy may be grounds for disciplinary action up to and including termination of employment.