

Personnel - Certified/Non-Certified

Rights, Responsibilities and Duties

Electronic Mail

Employee Online Privacy

In order to protect employee privacy, the Board of Education (Board) pursuant to Public Act 15-6, will not request or require District employees or job applicants to provide the Board with a user name and password, password or any other authentication means for accessing a personal online account. A District employee or applicant shall not be requested or required to authenticate or access a personal online account in the presence of a member of the administration. In addition, the District shall not require or request an invitation to join any personal online account of an employee or applicant.

The District shall not discharge, discipline, discriminate against, retaliate against or otherwise penalize any employee who refuses to provide this access or files a complaint, verbally or in writing, with the Board or with the Commissioner of Labor about the staff member's refusing such access. The decision of the Commissioner of Labor may be appealed to the Superior Court.

The District shall not refuse to hire an applicant based on the applicant's refusal to provide access to his/her personal account.

Definitions

1. **"Applicant"** means any person actively seeking employment from the District.
2. **"Employee"** means any person engaged in service to the District.
3. **"Employer"** means any person (Board/District) engaged in business who has employees, including the state and any political subdivision (board of education) thereof, except "employer" shall not include any state or municipal law enforcement agency conducting a pre-employment investigation of law enforcement personnel.
4. **"Electronic communications device"** means any electronic device that is capable of transmitting, accepting or processing data, including, but not limited to, a computer, computer network and computer system, as those terms are defined in section 53a-250 of the general statutes, and a cellular or wireless telephone.
5. **"Personal online account"** means any online account that is used by an employee or applicant exclusively for personal purposes and unrelated to any business purpose of such employee's or applicant's employer or prospective employer, including, but not limited to, electronic mail, social media and retail-based Internet web sites. "Personal online account" does not include any account created, maintained, used or accessed by an employee or applicant for a business purpose of such employee's or applicant's employer or prospective employer.

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Employee Online Privacy (continued)

The Board recognizes, as permitted pursuant to P.A. 15-5, that it may request or require that an employee or applicant provide the District with a user name and password, password or any other authentication means for accessing (1) any account or service provided by the District or by virtue of the employee's employment relationship with the Board or that the employee uses for District purposes, or (2) any electronic communications device supplied or paid for, in whole or in part, by the District.

The District will discharge, discipline or otherwise penalize an employee or applicant who has transferred, without the District's permission, District proprietary information, confidential information or financial data to or from such employee or applicant's personal online account.

The Board may conduct an investigation based upon the receipt of specific information about activity on the personal online account of a staff member or applicant to ensure compliance with applicable state or federal laws, regulatory requirements, or prohibitions against work-related staff misconduct. An investigation may also be conducted by the Board based upon the receipt of specific information about a staff member's or applicant's unauthorized transfer of the Board's proprietary information, confidential information, or financial data to or from a personal online account operated by the staff member, applicant or other source.

The Board, in conducting such an investigation may require an employee or applicant to allow District access to his/her personal online account provided the Board shall not require such employee or applicant to disclose the user name and password, password or other authentication means for accessing such personal online account.

(cf. 4111/4211 – Recruitment and Selection)

(cf. 4112.5/4212.5 – Security/Credit Check)

(cf. 4118.4/4218.4 – Electronic Monitoring)

(cf. 4118.5/4218.5 – Acceptable Computer Network Use (Employee Use of Technology))

Legal Reference: Connecticut General Statutes
P.A. 15-6 An Act Concerning Employee Online Privacy
The Freedom of Information Act
31-48d Employees engaged in electronic monitoring required to give prior notice to employees

Policy adopted: February 25, 2016

MARLBOROUGH PUBLIC SCHOOLS
Marlborough, Connecticut