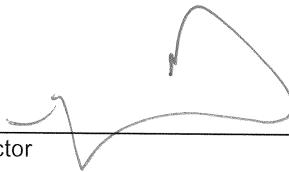

Chapter: **DIRECTLY-OPERATED PROGRAM MANAGEMENT**
Title: **EXPECTATION OF PRIVACY, MONITORING, PROHIBITED CONTENT
AND USE OF ELECTRONIC AND TELEPHONIC COMMUNICATIONS**

Prior Approval Date: 12/21/09
Current Approval Date: 9/9/10

Approved by: _____

Executive Director



09/09/10

Date

I. Abstract

This policy establishes the standards and procedures of the Macomb County Community Mental Health Board (MCCMH) regarding the use, retention, prohibited content, and expectation of privacy of electronic and telephonic communications.

II. Application

This policy shall apply to the MCCMH administrative offices and to all directly-operated network providers of the MCCMH Board.

III. Policy

It is the policy of the MCCMH Board to:

- A. Promote the use of electronic and telephonic communications for the efficient exchange of information, data gathering, and the completion of assigned responsibilities consistent with MCCMH's statutory purposes;
- B. Ensure that MCCMH uses electronic and telephonic communications to its best advantage in delivering mental health services;

- C. Mitigate the risks and costs to MCCMH while realizing the potential of its electronic and telecommunications systems;
- D. Assure MCCMH employees, contractors, volunteers, interns, and the public that the level of privacy and confidentiality required under law, or as part of Macomb County's confidential policy, is maintained in MCCMH electronic and telephonic communications.

IV. Definitions

- A. **Electronic and Telephonic Communications**
Includes, but is not limited to, e-mail, the Internet, answering machines, and voice mail. It does not include facsimile (fax) machines. (Standards and procedures for the use of fax machines are set forth in MCCMH MCO Policy 6-004, "Facsimile Document Transmission.")
- B. **Electronic Mail (E-mail)**
The electronic transfer of information, typically in the form of electronic messages, memoranda, and attached documents, from a sending party to one or more receiving parties via an intermediate telecommunications system such as the Internet or the FOCUS electronic medical record system. (Standards and procedures for the retention and disposal of e-mail are set forth in MCCMH MCO Policy 10-015, "Retention and Disposal of Non-Clinical Records.")
- C. **Internet**
A worldwide telecommunications network that allows access to text, graphic and audio information, and provides for resources such as e-mail.
- D. **Voice Mail**
An electronic communications system that routes voice messages interactively to appropriate recipients, stores the messages in digitized form, and notifies the recipients that the messages are available for playback through the system.
- E. **Confidential Information**
 - 1. All information in MCCMH clinical records;
 - 2. Other information concerning MCCMH consumers (and their families), providers, quality improvement, and peer review records;
 - 3. Personnel records, including records kept by the MCCMH Administrative Office, that identify employees, independent contractors, volunteers, and interns (and their families) to the extent that the records are used or have been used, or may affect or be used relative to the individuals' qualifications for employment, contracting, promotion, transfer, additional compensation or disciplinary action; and

4. Administrative information concerning the MCCMH infrastructure, business relationships, methods, operations, financials, or services of MCCMH not available through the Freedom of Information Act.

F. Personnel Information

1. Employee references;
2. Medical reports, if they are available to the employee from the doctor involved in treatment;
3. Personal information about a third party, if disclosure of such would be an unwarranted invasion of that person's privacy;
4. Information pertaining to an investigation by Macomb County of an employee's suspected criminal activity;
5. Records pertaining to grievance investigations (these must be kept in a separate administrative file); and
6. Records made and kept solely by an executive, administrative, or professional employee if such records are never shared with another person.

G. Offensive Language

Written, verbal, graphic, drawn/cartoon, or electronically generated communications that denigrate or show hostility or aversion toward an individual because of his/her race, color, religion, gender, national origin, marital status, age, political affiliation, height, weight, disability, or other legally protected status. This includes, but is not limited to:

1. Epithets;
2. Slurs;
3. Negative stereotyping; and
4. Threatening, intimidating or hostile language.

V. Standards

- A. All electronic and telephonic communications systems and all communication and information transmitted by, received from, or stored in MCCMH systems, including confidential information, are the property of MCCMH and may be audited pursuant to Executive Director or Deputy Director authorization.
- B. E-mail and Internet use shall be for the sole purpose of furthering the business or service activity of MCCMH. Other activities, including unauthorized commercial activities, illegal activities, solicitation of funds, political messages, harassing messages, and personal use, are prohibited.

- C. MCCMH shall take reasonable cautions to protect the privacy of all communications. However, MCCMH Information Technology (IT) staff may access staff's electronic and telephonic communications:
1. For legitimate business purposes (e.g., the need to access information when an individual is absent for an extended period of time);
 2. To diagnose and resolve technical problems involving system hardware, software, or communications;
 3. To ensure efficient performance and appropriate use of electronic and telephonic communications.
 4. To investigate possible misuse of electronic and telephonic communications in conjunction with an investigation that has been pre-approved by the MCCMH Executive Director or Deputy Director.
- D. Electronic and telephonic communications which relate to illegal activities shall be reported to the MCCMH Executive Director and Deputy Director.
- E. Employees, independent contractors, volunteers, and interns ("all individuals") shall abide by:
1. Copyright laws when downloading, copying, printing, or transmitting any copyright-protected resources via electronic and telephonic communications.
 2. Other federal laws, regulations, state laws and administrative rules.
 3. MCCMH MCO Policies, 10-020, "Compliance with Software Licenses and Laws," 10-015, 10-030, "Protection of Electronic Confidential Information," "Retention and Disposal of Non-Clinical Records," 6-001, "Release of Confidential Information - General," and 9-610, "Privileged Communications," while using electronic and telephonic communications.
- F. Unauthorized use or disclosure of electronic and telephonic communications by all individuals shall be prohibited.
- G. Improper use or disclosure of MCCMH electronic and telephonic communications by all individuals shall be prohibited. Improper use includes, but is not limited to:
1. Disclosing confidential information (see IV.E.1.-4., F.1.-6.), or other personnel information;
 2. Using offensive or threatening language;

3. Sharing accounts or passwords with other persons without authorization.
 4. Accessing another user's electronic or telephonic communications without his or her permission.
 5. Using or developing programs to infiltrate computers or computing systems and/or damage or alter the software components of computers or computing systems;
 6. Misrepresenting, slandering, or otherwise jeopardizing the legitimate interests of MCCMH.
 7. When replying to listservs, chat rooms, bulletin boards, e-mail, or other interactive communication, attributing opinions or comments to MCCMH.
 8. Using electronic and telephonic communications for:
 - a. Illegal, disruptive, unethical, or unprofessional activities;
 - b. Solicitation for religious and political causes;
 - c. Unauthorized business activities;
 - d. Private advertising of products or services; or
 - e. Personal gain.
- H. Proper use of MCCMH electronic and telephonic communications by all individuals includes, but is not limited to:
1. Respecting the privacy of other users; for example, users shall not intentionally seek information on, obtain copies of, or modify files or data belonging to other users, unless explicit permission to do so has been obtained.
 2. Respecting the legal protection provided to programs and data by copyright and license.
 3. Protecting data from unauthorized use or disclosure as required by state and federal laws and MCCMH policies.
 4. Respecting the integrity of computing systems.
 5. Safeguarding their accounts and passwords, e.g., reporting any observances of attempted security violations.

I. E-Mail Use

1. Prohibited methods of accessing e-mail belonging to others include, but are not limited to, unauthorized codes and passwords.
2. E-mail messages are similar to printed communication and should be written with the same care. E-mail messages may be releasable to the public under the Freedom of Information Act and subject to discovery proceedings in legal actions.
3. E-mail created in the normal course of official business and retained as evidence of official policies, actions, decisions, or transactions are records subject to the records management requirements of MCCMH MCO Policy 10-015, "Retention and Disposal of Non-Clinical Records."
4. Generally, e-mail messages shall be retained at the discretion of the user. However, e-mail records must be retained according to MCCMH MCO Policy 10-015, "Retention and Disposal of Non-Clinical Records." Users should consider the transient nature of the messages and the storage capabilities of their computers when retaining e-mail messages. Users should remove all obsolete e-mail messages in a timely fashion.
5. E-mail users should consider organizational access before sending, filing, or destroying e-mail messages.
6. MCCMH retains the right to access, examine, or disclose any material transmitted or stored on its systems, including e-mail sent, or deleted but recoverable.
7. Misuse of e-mail may result in disciplinary action up to and including termination of employment or contract.

J. Internet Use

1. The MCCMH Board shall hold individuals responsible for their own actions and expect them to exercise good judgment when using the Internet.
2. All individuals must properly identify themselves in any electronic correspondence, and provide valid and accurate traceable identification if required by Macomb County's network, an application system, or other network.
3. Confidential information shall be maintained and transmitted in a secure manner. All individuals shall only use those facilities for which they have authorization. Sharing of access codes, account numbers, passwords, or other authorizations which have been assigned is not permitted. As

network users, all individuals will not use the identity of others and are presumed to be responsible for any activity carried out under their accounts.

4. All individuals are required to respect all software licensing agreements and MCCMH resolutions with respect to PC software loading. Transmission of any material in violation of any U.S. or Michigan laws or regulations is prohibited, and may result in disciplinary action up to and including termination of employment or contract.
 5. Use of the Internet should in no way adversely affect the operations of MCCMH. This includes, but is not limited to, the types of information accessed, the resources expended doing research on the Internet, and the resources expended downloading or printing large files.
 6. All individuals shall not access material or websites which are pornographic or comprised of offensive language.
 7. All individuals shall check with their supervisors before downloading large files (e.g., video files) to ensure that the material is worth obtaining.
- K. Voice Mail / Answering Machine Use
1. Greetings placed on an answering machine or voice mail system should indicate that a caller has reached a MCCMH office.
- L. All individuals who violate this policy may be subject to discipline up to and including discharge or contract termination.

VI. Procedures

- A. The IT staff shall provide training in the appropriate use of, and be responsible for ensuring the security of, and proper usage of, electronic and telephonic communications.
- B. Management and technical staff shall access electronic and telephonic communications pursuant to the provisions of V. C. 1-4 herein.
- C. Management and technical staff shall report evidence of unauthorized and improper usage of electronic and telephonic communications to the MCCMH Executive Director and Deputy Director, who shall take appropriate action, as warranted.

VII. References / Legal Authority

- A. Macomb County Personnel Manual (October 15, 2009), "Computer Usage, E-Mail and Internet Policy," 4.4, and "Confidential Information," 4.9

- B. Macomb County Board of Commissioners MIS PC-Computer Hardware and Software Policies, adopted June 26, 1997
- C. Hoffman, Netscape® and the Worldwide Web for Dummies: (Foster City, California: IDG Books Worldwide 2d ed, 1996), p 338
- D. Random House Webster Electronic Dictionary and Thesaurus, College Edition
- E. Commission on Accreditation of Rehabilitation Facilities (CARF) 2010 Standards Manual, § 1.K., "Rights of Persons Served," 2., 8., pp 84, 87-88
- F. MCCMH MCO Policy 10-020, "Compliance with Software Licenses and Laws"
- G. MCCMH MCO Policy 10-015, "Retention and Disposal of Non-Clinical Records"
- H. MCCMH MCO Policy 6-001, "Release of Confidential Information - General"
- I. MCCMH MCO Policy 10-030, "Protection of Electronic Confidential Information"
- J. MCCMH MCO Policy 9-610, "Privileged Communications"
- K. MCCMH MCO Policy 10-003, "Anti-Discrimination and Harassment"

VIII. Exhibits

- A. None