

EXECUTIVE ORDER 91-10

ESTABLISHING THE GOVERNOR'S POLICY ON ELECTRONIC MESSAGE SYSTEMS

WHEREAS, agencies of Washington state government use electronic message systems such as electronic mail systems, voice mail systems, and other electronic media that generate, transmit and display correspondence for internal and external business communication purposes; and

WHEREAS, the state, as an employer, must ultimately control employees' use of electronic message systems, as it does other state-provided computing resources, and must have access to its own business records; and

WHEREAS, the state, as well as third parties, such as law enforcement officials, may have rights or needs to access information contained in electronic files of state employees; and

WHEREAS, the state has an interest in creating a work environment that respects its employees' rights;

NOW, THEREFORE, I, Booth Gardner, Governor of the State of Washington, by virtue of the power vested in me, do hereby order the following actions to ensure that state government properly manages this electronically stored information:

I. Agencies that use electronic message systems shall develop individual policies that address their unique data, specific security requirements, and business environments. The policies shall apply to: computerized electronic mail systems that store and transmit typed communication; voice mail systems that store and transmit voice recordings; and other electronically stored data typically under the control of an individual state employee, whether it resides on a hard disk, compact disk, tape or other storage media. These policies shall conform to all applicable public disclosure statutes and regulations, and shall address, at a minimum, the following issues:

- A. Permissible uses of the agency's electronic message systems;
- B. Whether the agency monitors the contents or transactional records of electronic message systems and if so, for what purposes;
- C. Duration of message storage and media used for storage; and
- D. Under what circumstances the agency will obtain access to the contents of electronically communicated messages without the consent of the sender or recipient.

II. Agencies that use electronic message systems shall assume the affirmative obligation of notifying their employees in writing of their policies regarding its use. Additionally, employees will be advised that electronic messages sent to others cannot be protected from unauthorized access caused by:

- User failure to maintain pass word/code security; or
- Devices logged onto the system but left unattended by users.

Employees will also be advised that electronic messages they send may be:

- Forwarded to others by a recipient;
- Printed in a location where individuals other than the intended recipient may view messages; or
- Directed to the wrong recipient.

III. In the absence of specific agency electronic message system policies, the following broad principles shall apply:

A. Employees shall use state-provided electronic message systems only for state business purposes.

B. State-provided electronic message systems shall not be used for transmission of information that promotes:

- Discrimination on the basis of age, sex, marital status, race, creed, color, national origin, sensory, mental, or physical handicap, or sexual preference;
- Sexual harassment; - Copyright infringement; - An employee's personal political beliefs or personal business interests; or - Any unlawful activity.

C. Agency management may access data usually under an individual employee's control when necessary to carry out normal business functions.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia this 16th day of December A.D., Nineteen hundred and ninety-one.

Booth Gardner
Governor of Washington

BY THE GOVERNOR:

Assistant Secretary of State
