

BEKESBOURNE WITH PATRIXBOURNE PARISH COUNCIL

COUNCILLOR EMAIL AND COMMUNICATIONS POLICY

MAY 2023

1. Introduction

The aim of this policy is to assist Parish Councillors with email and communications protocol and compliance with the Freedom of Information Act 2000 and GDPR. It sets out best practice for Councillor use of emails when dealing with Council business.

Bekesbourne with Patrixbourne Parish Council works within the framework of the law and local governance. As such, all employees and Parish Councillors are responsible for maintaining a professional approach at all times.

It is not the intention of this policy to curb freedom of speech or to enforce strict rules and regulations. Rather, it provides guidance on how to ensure efficient and effective communications between council members and with third parties.

2. Legal Obligations

The Freedom of Information Act 2000 (FOI Act) and GDPR applies to public bodies. The FOI Act allows members of the public to request information from the Parish Council which must be treated in accordance with GDPR. Information that is held by someone on behalf of a Local (Parish or Town) Council (that is by a Member or Officer) will satisfy the definition in Section 3(2)(b) of the 2000 Act and constitute 'information held by a parish council' which a person is entitled to request under the 2000 Act. Therefore, information that relates to the official business of the Council that is held in personal email accounts (for example Hotmail, Yahoo and Gmail) of Members or the Officer is caught by the 2000 Act.

As data controllers, councils must ensure the confidentiality, integrity and availability of all personal data they hold, even if the data is being processed through personal email accounts or is stored on a privately-owned device.

All users must comply with the relevant licence terms and conditions when copying and/or downloading material.

Users accept that there is no guarantee of delivery of emails unless acceptance of delivery is requested of the recipient.

All users must comply with the Data Protection Act 1998 and the Freedom of Information Act 2000 when placing personal data in messages or attachments.

3. Purpose

The purpose of this policy is to assist Councillors in their use of emails when the information transmitted applies to the official business of the Council. This Policy will help mitigate risks from:

- Damage to the Council's reputation.
- Potential litigation against the Council or Councillors.

The use of dedicated Parish Council email addresses makes it easier for the Parish Council to process personal data securely. The use of personal email accounts make it more complicated for the Parish Council to comply with GDPR and therefore Councillors should use the email address assigned to them when acting in their capacity as a Parish Councillor.

4. The Use of Councillor Emails

The Parish Council has provided all Councillors with a dedicated Parish Council email account for use with Parish Council business.

All Councillors should use their own dedicated Parish Council email address for all Parish Council business.

All correspondence with all external parties will always go to and from the Parish Clerk.

Parish Council email addresses should not be used or accessed by anyone other than the Parish Councillor to whom the email address has been assigned. If this occurs, it is a breach of the Data Protection Laws and General Data Protect Regulations.

Any official Parish Council business held by Councillors in their Councillor emails or own private email accounts is still subject to the FOI Act and therefore their individual account can be searched for requested information. Deleting or concealing information with the intention of preventing its disclosure following receipt of a FOI request is a criminal offence under section 77 of the FOI Act and the person concealing the information is liable to prosecution.

5. Email Content

Much of the information conveyed to Councillors is via email. This is a speedy and efficient method of information exchange from one recipient to another. However, Councillors should take care with the content of any emails they write and send on to others as improper language may lead to claims for discrimination, harassment, defamation, breach of confidentiality or breach of contract.

When acting on Parish Council business Councillors should not:

- Send emails that contain libellous, defamatory, offensive, racist or obscene comments.
- Forward emails or attachments without being assured that the information can be passed on
- Publicise the content of emails that contain confidential information
- Send emails to Parish Council staff, fellow Councillors or members of the public that are condescending in nature.
- Share documentation discussed at Parish Council meetings, as any documentation issued for publication will be available either in the minutes, on the Council website, social media or noticeboard.

Users are informed that email messages have the same status in law as written correspondence and are subject to the same legal implications, e.g. may be required to be disclosed in Court.

Users are required to apply the same high standards to emails as those applied to written correspondence.

6. Inappropriate Use

Users must not use email to abuse or inflame others or to harass or threaten anyone. Responding to abuse, harassment or threatening will not be accepted as an excuse for inappropriate language and/or behaviour.

Recipients of abusive or threatening emails related to the business of the Council must immediately inform the Parish Clerk.

Users must not send emails containing obscene, abusive or profane language.

Users must not send, access, display, download, copy or circulate information containing stories, jokes or anecdotes that contain:

- pornography or sexually orientated images
- gambling
- gaming (playing computer games)
- promotion of unlawful discrimination of any kind
- promotion of racial or religious hatred
- threats including the promotion of violence
- fraudulent or illegal material promotion of illegal and/or unlawful acts
- information considered to be offensive, inappropriate or disrespectful to others
- unauthorised and copyrighted material including music.

If inappropriate material is accessed accidentally, users must report this immediately to the Parish Clerk. It can then be considered as part of the Council's monitoring procedure.

- Bekesbourne with Patricxbourne Parish Council will report to the police all known incidents in which users intentionally send or receive emails containing the following:
 - images of child pornography or child abuse (i.e. images where children are or appear to be under the age of 16 and are involved in sexual activities or posed to be sexually provocative)
 - adult material/pornography that breaches the Obscene Publications Acts (1959 & 1964)
 - criminally racist material
- Users must not send, receive or disseminate proprietary data or any confidential information belonging to Bekesbourne with Patricxbourne Parish Council to or from a third party unless authorised.

7. Parish Council Correspondence

The point of contact for the Parish Council are the Parish Clerk, and it is to the Parish Clerk that all correspondence for the Parish Council should be addressed. The Parish Clerk deals with all correspondence.

No individual Councillor should be the sole custodian of any correspondence or information in the name of the Parish Council, a committee, subcommittee or working party. Councillors do not have a right to obtain confidential information/documentation.

All official correspondence will be sent by the Parish Clerk in the name of the Council using Council letter headed paper or an email with a signatory, making it clear that it is written in their official capacity and has been authorised by the Parish Council.

8. Correspondence With External Parties

Elected members will be regularly approached by members of the community. Enquiries may be in person, by telephone, letter, e-mail or via social media. When in doubt about how to respond to an enquiry, councillors should seek the guidance of the Parish Clerk.

At no time should Councillors make any promises to the public about any matter raised with them other than to say they will investigate the matter and the correspondence should then be sent onto the Parish Clerk to action. The Parish Clerk must be copied into all correspondence.

Depending on the issue, it may be appropriate to request an item on a relevant agenda provided the Parish Clerk considers it legal.

9. Correspondence With Parish Council Staff

No individual Councillor, regardless of whether or not they are the Chair of the council, or other meeting may give instructions to the Parish Clerk which are inconsistent or conflict with council decisions or arrangements for delegated power.

10. Contact With the Media

The Parish Clerk is the first point of contact for the media. Approaches from the media should be referred to Parish Clerk. Individual councillors are not permitted to issue media releases on behalf of the Parish Council.

11. Passwords

Councillors will be responsible for their own passwords.

12. Leaving The Parish Council

Upon departure from the Parish Council, possession of the email account is handed back to the Parish Clerk, who will immediately close the account.

- End of Policy -