

The Royal Borough of Kensington and Chelsea

ICT Scheme for Elected Councillors

Part II – Code of Conduct on Councillors' Use of ICT

1. INTRODUCTION

- 1.1 The Council recognises that the modern Councillor needs to have and to use good ICT facilities in order to be fully effective and best discharge their responsibilities as an elected Member. It similarly recognises that the Member needs to be careful when using ICT facilities, systems and applications to ensure that there is no public perception of misuse of Council systems and that, in addition, no personal or confidential information is disclosed.
- 1.2 This Scheme seeks to clarify, for Members, what is acceptable and unacceptable use of Council ICT facilities; how to handle emails; and how and when the Freedom of Information and Data Protection Acts apply to them.
- 1.3 Some Members have Council supplied or funded ICT equipment at home for which they have paid a proportion of the cost. Those Members are entitled to use that equipment freely for personal, i.e. non-Council, use (in the same way as a Member who has bought their own equipment can) - including, for instance, for party political or business-related communications.
- 1.4 As such the following requirements do **not** apply to a Member's personal use of the ICT **equipment** (the hardware), although Members will wish to bear in mind the potential for embarrassment if any inappropriate non-Council emails or documents were to enter the public domain.
- 1.5 In order to distinguish clearly between Council and personal use, a Member should always (whether working on computer in their home or on Council premises) use a non-Council email address for non-Council purposes.

2. MEMBER USE OF COUNCIL ICT SYSTEMS AND E-MAIL ADDRESSES

- 2.1 When using Council ICT systems or equipment, writing under the name of 'Councillor' or from a Council e-mail address (including internal emails) a Member shall not:
 - (i) access, send, forward, store or publish any material which may be defamatory, discriminatory, indecent or likely to be construed as offensive to others (whether within or outside

the Council), or which may infringe the intellectual property rights of third parties, or which is otherwise illegal or unlawful or likely to pose a threat to the Council's network or bring the Council into disrepute. Any such material that is received should be deleted immediately. If the Member has particular concerns regarding the content of material received it should be reported to the Head of Information Services.

- (ii) use language that might be disrespectful under the terms of the Code or constitute bullying or harrassment
- (iii) commit anything to email he would not be prepared to put into a written paper document. Emails relating to Council business or sent on Council systems to external individuals or organisations are official Council communications and must be treated in the same way as correspondence on Council-headed notepaper. Emails should be business-like and professional at all times.
- (iv) use someone else's account to send email that is not clearly identified as coming from the Councillor, whether by using an unattended computer or other means.
- (v) subscribe to non-Council business related internet sites and forums.
- (vi) send non Council business-related emails to large numbers of people (e.g. spam, chain letters, etc).
- (vii) say anything in either external or internal emails that could compromise the impartiality and integrity of Council officers
- (viii) do anything which could cause the Council to breach its obligations not to publish or assist in publishing material which appears in whole or in part to be intended to affect support for a political group.
- (ix) disclose any confidential or exempt Council information.

Notes in relation to the above:

1. *defamatory – untrue statement which damages the reputation of another person or company and which is published to a third-party*
2. *discriminatory – one which treats a person less favourably than another on the basis of their sex, race, religious belief, sexual orientation, etc.*
3. *offensive – includes but is not limited to material which could be considered to be pornographic, racist or sexist or constitute harassment*
4. *illegal or unlawful – which is a criminal offence or against the non-criminal law, e.g. child pornography; publishing other obscene material for gain; copyright or licensing infringement; fraud.*
5. *Disrespectful/bullying – in contravention of the Members' Code of Conduct which requires Members to treat others with respect and not to bully any person.*

- 2.2 A Member should at all times bear in mind that email is not a secure means of communication and that emails can easily get into the wrong hands. A Member wishing to send sensitive information should put it in a separate document, encrypt that document and attach it to their email. Emails and any attachments may have to be disclosed under the Freedom of Information Act 2000 or in litigation e.g. judicial review. The Member should always consider the possibility of disclosure when composing emails and ensure that they are phrased with this possibility in mind. Potential embarrassment to the Council or the author cannot be used as an argument against an established right to the information under the various access to information rights.
- 2.3 A Member should ensure that all passwords used to access Council equipment and systems are kept secure and not disclosed to anybody. He should contact the Council's IT Service Desk (020 7361 2000) if they suspect that a password has been disclosed.
- 2.4 When posting to blogs and forums the Member should consider, and where appropriate make clear, whether they are acting in a personal capacity or as an elected Member. Where they act, or appear to act, as a Member the Code of Conduct will be relevant and in particular the paragraphs dealing with disrespect, bullying, disclosure of confidential information, disrepute and misuse of local authority resources. In general terms, however, the same standards of conduct apply as in other forms of correspondence.
- 2.5 Where a Councillor is given the facility, by the Council, to use Council systems to post information about themselves direct to the Council's website they should remain mindful of where this information will appear and should be particularly careful to ensure that what they post there relates only to their Councillor role and does not include anything that might bring the Council into disrepute. The Council reserves the right to remove anything that it considers inappropriate.

3. FREEDOM OF INFORMATION AND DATA PROTECTION

- 3.1 Information, including emails and written documents, is subject to the Freedom of Information Act 2000, where it has been received, created or held by a Member acting in their Council capacity, and can be requested by a member of the public or an organisation. The circumstances in which such a request can be refused are very limited (details are in the separate guidance document referred to below).
- 3.2 Any personal data in emails or stored on computers about individuals such as constituents or Council tenants comes under the Data Protection Act 1998. The individuals concerned may ask to see any data a Member has about them, and the Member must make

emails and other documents available (subject to certain restrictions). So care should be taken when referring to individuals in emails. Members also have a duty under the Act to handle personal data in accordance with data protection principles. Care should therefore be taken when forwarding or copying emails with personal data to others; and it is also important to keep such personal information secure, especially when family members and others may have access to the Member's computer.

***Note:** Any Member handling personal information is obliged to register their use of the information with the Information Commissioner under the Data Protection Act. The Council undertakes this annual registration on behalf of each Member and pays the fee.*

- 3.4 Further information and guidance on the two Acts is available in the Members' document library on rbkc.com at <https://sites.google.com/a/rbkc.com/home/home/library>. Hardcopies are available from the Head of Information Services or these can be emailed.

4. INTERPRETATION OF THIS DOCUMENT AND FURTHER ASSISTANCE

- 4.1 Any issues or questions about the interpretation of this Code of Conduct should be directed in the first instance to Barry Holloway, Head of Information Services on 020 7361 3252 or barry.holloway@rbkc.gov.uk

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