

Local Law Filing

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Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

Village of Minoa

Local Law No. Three (3) of the year 2010.

A local law adding a new Chapter 85, entitled “Internet and Communications Systems Usage and Privacy Policies,” to the Code of the Village of Minoa, setting forth the Village of Minoa’s policies regarding the use of its computers, computer networks, electronic mail (e-mail) systems, telephone systems (including voicemail) and other electronic communications systems (including social networking means and sites), and in addition, with respect to security and privacy relative to the Village’s network system and website.

Be it enacted by the Village Board of the Village of Minoa as follows:

Section One. Chapter 85, entitled “Internet and Communications Systems Usage and Privacy Policies” is hereby added, reading in its entirety as follows:

CHAPTER 85

Internet and Communications Systems Usage and Privacy Policies

§85-1. Title.

This Chapter 85 shall be known as “Internet and Communications Systems Usage and Privacy Policies.”

§85-2. Legislative Intent and Purpose.

These policies set forth the Village’s policies regarding the use of its computers, computer networks, electronic mail (e-mail) systems, telephone systems (including voicemail) and other electronic communication systems, and its privacy practices regarding information collected from users of its network system and website, including the information collected and how same is used.

§85-3. Statutory Village/Applicability.

These policies are consistent with the provisions of State Technology Law §208, the Internet Security and Privacy Act, the Freedom of Information Law, and the Personal Privacy Protection Law.

These policies shall apply to all Village officers and employees and to all the Village computers, the Village website, computer networks, e-mail systems, telephone systems and other electronic communication systems.

§85-4. Definitions.

In this local law:

“Employee(s)” shall mean Village of Minoa employees and public officers.

"Personal Information" shall mean any information concerning a natural person, as opposed to a corporate entity, which, because of name, number, symbol, mark, or other identifier, can be used to identify that natural person. The Village will only collect personal information about you when you provide that information voluntarily by sending an e-mail or by initiating an online transaction, such as a survey, registration or order form.

§85-5. Inspection and Monitoring.

The Village reserves the right to inspect, examine and monitor the use of its computers, computer networks, e-mail systems, telephone systems (including voicemail), and all other electronic communications systems at any time and without notice.

§85-6. General Policies.

- A. Voice mail, e-mail, computers, computer networks, computer files, software programs, all communications created on, received by, stored on or transmitted through those systems are the sole and exclusive property of the Village. Records, data, files, software, and all electronic communications contained in these systems likewise are the property of the Village. These systems and their contents are subject to inspection, examination and/or monitoring by authorized Village personnel (or authorized third party contractors) at any time and without notice. The authorized personnel are your respective supervisor or department head, the Village Mayor and Deputy Mayor (or their designee) and/or the Village Clerk-Treasurer.
- B. These systems and equipment should not be used for personal reasons and should remain on Village property at all times unless specific authorization is given to do so.
- C. Examples of reasons for which the Village may access employee voice mail, e-mail, computer files, computer networks or other Village property include, but are not necessarily limited to:
 1. Instances when an employee is unavailable, but the Village must access a system to operate its business.
 2. Instances when the Village management suspects that its property is being used in an unauthorized or illegal manner.
 3. For quality control purposes or for training activities.
 4. To monitor job performance.

5. For any other appropriate business purpose.
- D. Village employees are advised to use voice mail and e-mail as cautiously as they would use any other type of communication medium such as a memorandum or letter. Employees must realize, for example, those electronic messages:
 1. May be copied, saved and read by the Village or other third parties.
 2. May be retrieved even after having been deleted.
 3. May be accessed by authorized Village personnel for business purposes.
 - E. Employees are advised that the computers, computer networks, e-mail systems, telephone systems (including voice mail), and other electronic communication systems (and all communications created on received by, stored on or transmitted through those systems) are the sole and exclusive property of the Village. Accordingly, employees should have no expectation of privacy regarding any such communications.
 - F. Passwords are only intended to prevent unauthorized access to e-mail, computer files or voice mail. The Village reserves the right to allow authorized Village personnel to access messages and files on the Village's systems at any time. All employees must supply their current passwords to the Village Clerk-Treasurer.
 - G. Voicemail and e-mail should be deleted if not needed.
 - H. Communications created, received, stored on or transmitted through the Village's electronic communications systems may not contain content that could be reasonably considered offensive or disruptive to any employee. Offensive content would include, but is not limited to, sexual comments or images, racial slurs, gender-specific comments or any comments that would offend someone on the basis of his or her age, sexual orientation, religious or political beliefs, national origin or disability.
 - I. Department Heads and Supervisors are responsible for their respective subordinates' use of the Internet, e-mail, computer systems, etc. Employees who learn of any misuse of the Village's voice-mail, e-mail or similar systems or other violations of this policy shall notify the Village immediately.

§85-7. Internet Policy.

- A. The term "Internet" includes for purposes hereof the networks historically referred to as the "internet" and "world wide web" and includes the Village network, its website, and similar means provided to certain employees for the benefit of the Village and also includes any social networking, blogging, bulletin, news or comment boards accessible there from. Every employee has a responsibility to maintain and enhance the Village's public image and to use the Internet in a productive manner.
- B. Acceptable uses of the Internet. Employees accessing the Internet are representing the Village. All communications should be for business reasons. Employees are responsible for seeing that the Internet is used in an effective, ethical and lawful manner.
- C. Unacceptable uses of the Internet. The Internet must not be used for personal reasons. Solicitation of non-Village business, or any use of the Internet for personal gain is strictly prohibited. Accessing social networks, blogs, bulletin, news or comment boards, or similar means is likewise strictly prohibited including comment relating to Village business. Use of the Internet must not disrupt the operation of the Village network or the networks of other users.

- D. **Communications.** Each employee is responsible for the content of all text, audio or images that he/she places or sends over the Internet. Fraudulent, harassing or obscene messages are prohibited. All messages communicated on the Internet must have the employee's name attached. No messages will be transmitted under an assumed name. Users may not attempt to obscure the origin of any message. Information published on the Internet should not violate or infringe upon the rights of others. No abusive, profane or offensive language is to be transmitted through the system.
- E. **Authorized Software.** All software installed on the Village's computers must be authorized software. Authorized software is that software purchased by and licensed to the Village. Confirmation of whether certain software is authorized can be obtained from the Village Clerk-Treasurer. Employees are not permitted to load any unauthorized software. The only media (CD, DVD, zip disk, memory card, etc.) that is authorized for use is that which was purchased and provided by the Village. An employee in conjunction with any Village computer may use no unauthorized media. To prevent computer viruses from being transmitted through the system, there will be no unauthorized downloading of any software or the utilization of unauthorized media. All software downloads must be first approved by and implemented through the Village Clerk-Treasurer.
- F. **Copyright Issues.** Copyrighted materials belonging to entities other than the Village may not be downloaded or transmitted by employees on the Internet. Users are not permitted to copy, transfer, rename, add or delete information or programs belonging to other users unless given express permission to do so by the owner. Failure to observe copyright or license agreements may result in disciplinary action from the Village or legal action by the copyright owner.
- G. **Security.** All messages created, sent or retrieved over the Internet are the property of the Village and should be considered public information. The Village reserves the right to access and monitor all messages and files on the computer system as deemed necessary and appropriate. Internet messages are public communications and are not private. All communications, including text and images, can be disclosed to law enforcement or other third parties without prior consent of the sender or the receiver.
- H. **Programs and Databases.** Employees are not permitted to make programming changes to any software programs. Only authorized individuals whose primary responsibility it is to administer or maintain particular aspects of the Village's business are permitted to make changes to the databases for which they have responsibility.
- I. **Violations.** Violations of this policy may result in disciplinary action up to and including termination. If necessary, the Village will advise appropriate legal officials of any illegal activity.
- J. **Notification.** For purposes hereof, notification to the Village shall mean notification in writing to the employee's immediate Supervisor or Department head and to the Village Mayor or Deputy Mayor, with a copy to the Village Clerk-Treasurer. If a particular employee is concerned with notification relative to a supervisor/department head or fellow employee's acts, same may be given anonymously in writing and delivered in an envelope marked "Personal-Confidential" to the Village Mayor or Deputy Mayor.

§85-8. Village Website Privacy Policy.

- A. **Information Collected Automatically When Visiting Village Website.** When visiting the Village website the Village may automatically collect and store the following information about your visit:
 - 1. The Internet Protocol Address and domain name used, but not the e-mail address. The Internet Protocol Address is a numerical identifier assigned either to your Internet service provider or directly to your computer;

2. The type of browser and operating system you used;
3. The date and time you visited this site;
4. The web pages or services you accessed at this site;
5. The web site you visited prior to coming to this web site;
6. The web site you visit as you leave this web site; and
7. If you downloaded a form, the form that was downloaded. None of the foregoing information is deemed to constitute Personal Information.

This information that is collected automatically is used to improve this website's content and to help the Village understand how users are interacting with the website. This information is collected for statistical analysis, to determine what information is of most and least interest to our users, and to improve the utility of the material available on the website. The information is not collected for commercial marketing purposes and the Village is not authorized to sell or otherwise disclose the information collected from the website for commercial marketing purposes.

- B. **Cookies.** Cookies are simple text files stored on your web browser to provide a means of distinguishing among users of this website. The use of cookies is a standard practice among Internet websites. To better serve you, we may use "session cookies" to enhance or customize your visit to this website. Session cookies can be created automatically on the device you use to access this website. These session cookies do not contain personal information and do not compromise your privacy or security. We may use the cookie feature to store a randomly generated identifying tag on the device you use to access this website. A session cookie is erased during operation of your browser or when your browser is closed. The software and hardware you use to access the website allows you to refuse new cookies or delete existing cookies. Refusing or deleting these cookies may limit your ability to take advantage of some features of this website.
- C. **Information Collected Automatically When E-mail or Initiating an Online Transaction Through Village Website.** During your visit to this website you may send an e-mail to the Village. Your e-mail address and the contents of your message will be collected. The information collected is not limited to text characters and may include audio, video, and graphic information formats included in the message. Your e-mail address and the information included in your message will be used to respond to you, to address issues you identify, to improve this website, or to forward your message to another government agency for appropriate action. Your e-mail address is not collected for commercial purposes and the Village is not authorized to sell or otherwise disclose your e-mail address for commercial purposes.

During your visit to this website you may initiate a transaction such as a survey, registration, or order form. The information, including personal information, volunteered by you in initiating the transaction is used by the Village to operate Village programs, which include the provision of goods, services, and information. The information collected by the Village may be disclosed by the Village for those purposes that may be reasonably ascertained from the nature and terms of the transaction in connection with which the information was submitted.

The Village does not knowingly collect personal information from children or create profiles of children through this website. Users are cautioned, however, that the collection of personal information submitted in an e-mail or through an online transaction will be treated as though it was submitted by an adult, and may, unless exempted from access by federal or State law, be subject to public access. The

Village strongly encourages parents and teachers to be involved in children's Internet activities and to provide guidance whenever children are asked to provide personal information online.

- D. **Information and Choice.** As noted above, the Village does not collect any Personal Information about you during your visit to this website unless you provide that information voluntarily by sending an e-mail or initiating an online transaction such as a survey, registration, or order form. You may choose not to send us an e-mail, respond to a survey, or complete an order form. While your choice not to participate in these activities may limit your ability to receive specific services or products through this website, it will not prevent you from requesting services or products from the Village by other means and will not normally have an impact on your ability to take advantage of other features of the website, including browsing or downloading most publicly available information.
- E. **Disclosure of Information Collected.** The collection of information through this website and the disclosure of that information are subject to the provisions of the Internet Security and Privacy Act. The Village will only collect Personal Information through this website or disclose Personal Information collected through this website if the user has consented to the collection or disclosure of such Personal Information. Participation in an online transaction resulting in the disclosure of Personal Information to the Village by the user, whether solicited or unsolicited, constitutes consent to the collection and disclosure of such information by the Village for the purposes reasonably ascertainable from the nature and terms of the transaction.

The foregoing notwithstanding, the Village may collect or disclose Personal Information without user consent if the collection or disclosure is: (1) necessary to perform the statutory duties of the Village, or necessary for the Village to operate a program authorized by law, or authorized by state or federal statute or regulation; (2) made pursuant to a court order or by law; (3) for the purpose of validating the identity of the user; or (4) of information to be used solely for statistical purposes that is in a form that cannot be used to identify any particular person.

Further, the disclosure of information, including personal information, collected through the Village website is subject to the provisions of the Freedom of Information Law and the Personal Privacy Protection Law.

The Village may disclose Personal Information to federal or state law enforcement authorities to enforce the Village's rights against unauthorized access or attempted unauthorized access to the Village's information technology assets or against other inappropriate use of this website.

- F. **Retention of Information Collected.** In general, the Internet services logs of the Village's web site, comprising electronic files or automated logs created to monitor access and use of Village services provided through this website, are retained for 90 days and then destroyed. Information, including Personal Information, that you submit in an e-mail or when you initiate an online transaction such as a survey, registration form, or order form is retained in accordance with the records retention and disposition schedule established for the records of the program unit to which you submitted the information. Information concerning these records retention and disposition schedules may be obtained through the Internet privacy policy contact listed in this policy.
- G. **Access To and Correction of Personal Information Collected.** Any user may submit a request to the Village privacy compliance officer to determine whether Personal Information pertaining to that user

has been collected through this website. Any such request shall be made in writing to the address below and must be accompanied by reasonable proof of identity of the user. Reasonable proof of identity may include verification of a signature, inclusion of an identifier generally known only to the user, or similar appropriate identification. The address of the privacy compliance officer is:

Village of Minoa
Attn: Privacy Compliance Officer
240 North Main Street
Minoa, New York 13116

The privacy compliance officer shall, within five (5) business days of the date of the receipt of a proper request: (i) provide access to the Personal Information; (ii) deny access in writing, explaining the reasons therefore; or (iii) acknowledge the receipt of the request in writing, stating the approximate date when the request will be granted or denied, which date shall not be more than thirty (30) days from the date of the acknowledgment.

In the event that the Village has collected Personal Information pertaining to a user through the Village's website and that information is to be provided to the user pursuant to the user's request, the privacy compliance officer shall inform the user of his or her right to request that the personal information be amended or corrected under the procedures set forth in section 95 of the Public Officers Law.

- H. **Confidentiality and Integrity of Information Collected.** The Village is strongly committed to protecting Personal Information collected through this website against unauthorized access, use, or disclosure. Consequently, the Village limits employee access to Personal Information collected through this website to only those employees who need access to the information in the performance of their official duties. Employees who have access to this information are required to follow appropriate procedures in connection with any disclosures of personal information.

In addition, the Village has implemented procedures to safeguard the integrity of its information technology assets, including, but not limited to, authentication and monitoring. These security procedures have been integrated into the design, implementation, and day-to-day operations of this website as part of our continuing commitment to the security of electronic content as well as the electronic transmission of information.

For website security purposes and to maintain the availability of the website for all users, the Village employs software to monitor traffic to identify unauthorized attempts to upload or change information or otherwise damage this website.

- I. **Disclaimer.** The information provided in this privacy policy should not be construed as giving business, legal, or other advice, or warranting as fail proof, the security of information provided through this website.
- J. **Links.** In order to provide users with certain information, the Village may provide links to the websites of local, State, and federal government agencies, and to the websites of other organizations. A link does not constitute an endorsement of the content, viewpoint, accuracy, opinions, policies, products, services,

or accessibility of that website. Once you link to another website from this website, you are subject to the terms and conditions of that website, including, but not limited to, its Internet privacy policy.

K. Contact Information. For questions regarding this policy, please contact:

Village of Minoa
240 North Main Street
Minoa, New York 13116
(315) 656-3100

§85-9. Severability.

If any clause, sentence, paragraph, subdivision, section or part of this local law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstances is adjudged invalid or unconstitutional by any court of competent jurisdiction, such order or judgment shall be confined in its operation to the clause sentence, paragraph, subdivision, section or part of this law or in its application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law or the application thereof to other persons or circumstances. Further, in adjudging such invalid provision, the court shall attempt to modify same to a provision which is not invalid or unconstitutional and which best achieves the intent of the invalid provision.

Section Two (2). Effective Date.

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as Local Law No. 3 of 2010 of the ~~(County)~~(City)(Village)(Village) of Minoa was duly passed by the Village Board of the Village of Minoa on June 7, 2010 in accordance with the applicable provisions of law.

~~2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)~~

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19__ of the ~~(County)~~(City)(Village)(Village) of _____ was duly passed by the _____ on _____, 19__, and was ~~(approved)~~(not approved)(repassed

~~(Name of legislative Body)~~
disapproval) by the _____ and was deemed duly adopted on _____, 199__
~~(Elective Chief Executive Officer*)~~

in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No _____ of 199__ of the (County)(City)(Village)(Village) of _____ was duly passed by the on _____, 19__, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 19__. Such local law was _____ (Elected Chief Executive Officer)

to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 19__, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No _____ of 19__ of the (County)(City)(Village)(Village) of _____ was duly passed by the _____ on _____ 19__, and was (approved)(not approved)(repassed after _____ (Name of Legislative Body)

disapproval) by the _____ on _____ 19__. Such local law was subject to _____ (Elected Chief Executive Officer*)

permissive referendum and no valid petition requesting such referendum was filed as of _____ 19__, in accordance with the applicable provisions of law.

5. (City local law concerning Charter revision proposed by petition.)

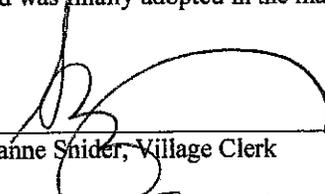
I hereby certify that the local law annexed hereto, designated as local law No _____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 19__, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No _____ of 19__ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 19__, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the Villages of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph one (1) above.



Suzanne Shider, Village Clerk
Date: June 15, 2010

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF ONONDAGA

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.



Signature
Steven J. Primo

Attorney for the Village
Title
County
City of Minoa
Village ~~Town~~

Date: June 10, 2010

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a countywide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a Village where such officer is vested with the power to approve or veto local laws or ordinances.