

Local Protocol – Members’ IT

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1. Introduction

- 1.1 Torbay Council recognises that members' access to email and internet facilities and access to internal Torbay Council Information Systems from their own home is an essential tool in effectively performing their role and executing their duties as elected representatives.
- 1.2 Torbay Council will offer to provide all councillors with an iPad or Lenovo Miix, software, support and other associated equipment to facilitate the performance of their duties as elected representatives.
- 1.3 The Council will provide the necessary training and support that individual members may require to enable them to use the equipment and services provided. The minimum training requirement for a councillor is to complete the IT Induction, Data Protection and Information Security training.
- 1.4 All equipment provided by the Council is subject to this protocol. Members are required to sign a copy of the iPad/Lenovo Miix Agreement before receiving the equipment.

2. Equipment and registration of equipment

- 2.1 Each councillor will be provided with an iPad Air 2 or Lenovo Miix
- 2.2 Any accessories such as keyboard, case, must be supplied by the Council's IT department.
- 2.3 In order for the iPad to be activated, each member will be required to set up an Apple account which is different to any other Apple accounts they have. This will avoid app's etc being downloaded onto the Council managed iPad which are from other personal devices etc.
- 2.4 Councillors will be required to use their iPad/Lenovo Miix to download agendas and reports for meetings.
- 2.5 As councillors will be able to access their emails on their devices, iPhones will not be automatically provided to members.
- 2.6 All councillors will have access to a shared desktop PC, printer and a photocopier at the Town Hall, Torquay.

- 2.7 No other IT equipment will be issued to members, unless it's required as a reasonable adjustment to meet needs such as a disability.

3 Training and technical support

- 3.1 All members will be required to attend IT training during their induction with ongoing training being available upon request. Support from Governance Support will be available for smaller less technical questions, support from IT Servicedesk will also be available during normal working hours. If a Councillor requires technical support from IT they can either call a dedicated helpline ((20)7711) or email the Servicedesk (servicedesk@torbay.gov.uk). Depending on the complexity of the query IT will arrange an appointment with the Councillor within three working days of them contacting the Servicedesk.
- 3.2 During their term of office, IT Services will assist members with any software updates etc issued by Apple/Microsoft.
- 3.3 IT Services will configure the IT equipment with apps and links to Council systems, such as Mod.gov, Numbers, Keynote, Pages, Docs at Work, Intranet, File Access, Facebook, Twitter. IT Services will also assist members in setting up any personal email accounts onto their IT equipment e.g. Gmail, Yahoo, Hotmail etc.

4. Security of IT Equipment

- 4.1 The councillor accepts responsibility for the safe-keeping of the iPad/Lenovo Miix and any other associated equipment.
- 4.2 The equipment will be covered by the Council's insurance policy for the whole of the councillors term of office. "Good Practice" guidelines should be followed. These can be found in the iPad/Lenovo Miix Security document which is provided to members when they collect their IT equipment. Members must take reasonable precautions to keep the iPad/Lenovo Miix and any other related equipment secure from theft or criminal damage. A variable excess may be payable in respect of an insurance claim where there has been a failure to take reasonable security precautions and the Council may look to the member responsible to meet or contribute to such a cost arising from any failure to comply with this paragraph. Claims are likely to be declined by the insurer if there has been a blatant breach of security whilst equipment is in transit (e.g. equipment kept in full view or left in an unlocked or unattended vehicle).

4.3

4.4 Access to Torbay Council's Information Systems is subject to password security. The councillor shall ensure that no other person is given access to Torbay Council Information Systems and shall not reveal any such password to any other person.

4.5 Failure to act in accordance with this Members IT Protocol when, using Council provided IT equipment, may be considered a breach of the Members Code of Conduct.

4.6 Any loss or breach of personal data/equipment must be reported immediately to infocompliance@torbay.gov.uk in order to comply with Data Protection requirements.

5. Use for Council Business

5.1 The iPad/Lenovo Miix and related equipment is provided to the councillor specifically to assist them in carrying out their role as an elected representative. The councillor must therefore not use the iPad/Lenovo Miix and related equipment in any manner which will interfere with its use for that purpose.

5.2 The use of the iPad and provided equipment is subject to the Council's policies and guidelines relating to the use of IT equipment prevailing at the time.

5.3 Accordingly, the Councillor must not:

- (a) deliberately misuse the iPad/Lenovo Miix in such a manner as to cause it to cease to function; or
- (b) install or add any equipment or software without the written prior consent of the Head of IT.

5.4 The Councillor must:

- (a) report any faults promptly to the IT Service Desk; and
- (b) provide access to Council officers to service, maintain and repair the iPad/Lenovo Miix and any other related equipment.

5.5 The Council provides the iPad/Lenovo Miix and any related equipment and materials required to enable a Councillor undertake their role efficiently and effectively. Accordingly, the Council may decline to provide further equipment or material beyond what is reasonable for Council-related use.

5.6 Councillors should be aware that the personal use of any equipment provided may attract a tax liability.

6. Use of Council Provided Equipment for Personal Purposes

- 6.1 The councillor is permitted to use the iPad/Lenovo Miix for reasonable personal purposes in line with the existing Council's Computer Security Policy which can be found on the Council's Intranet. The councillor may also permit reasonable personal use of the computer by members of his/her immediate family (spouse/partner and children (including step children and adopted children)). Should this Protocol be breached as a result of such use, the Councillor may be in breach of the Members Code of Conduct. Where personal emails are sent using the Council's email address, the email should make it clear to the intended recipient that the message is sent by the user in their personal capacity and not in their capacity as a representative of the Council. All such emails are subject to the Council's email monitoring systems.
- 6.2 The councillor shall not use the iPad/Lenovo Miix or permit its use by others for commercial purposes. It should not be used for activities that are unlawful or which might give rise to a suggestion of impropriety.
- 6.3 The Council is prohibited from publishing material of a party political nature or using the iPad/Lenovo Miix for the preparation of any material of such nature (See further details in Appendix 1). The councillor may use the iPad/Lenovo Miix to send emails of political nature to members of his/own political group/party. But the iPad/Lenovo Miix shall not be used to send any other emails of a political nature and Council provided paper shall not be used for printing of political material.
- 6.4 The Council has obtained the necessary software licenses for the use of the iPad/Lenovo Miix by the councillor in an elected capacity. Reasonable personal use of the supplied software by the councillor is permitted. Use for business or a political purpose is not permitted.
- 6.5 The Council accepts no responsibility for any such personal use of the computer or any loss, costs or liability which the councillor or any other person may suffer as a result of the use of the iPad/Lenovo Miix.
- 6.6 The iPad/Lenovo Miix will be configured to prohibit the installation of software by anyone other than authorised Council staff. The intentional downloading of software from the internet is prohibited.
- 6.7 The councillor will be able to download pre-approved work related apps onto an iPad. Any unapproved apps which are downloaded will stop the iPad from functioning in order to protect the data available on the device.
- 6.8 To protect the data available on the iPad, members will not be permitted to utilise the iCloud facility.
- 6.9 When using the iPad/Lenovo Miix particular attention should be paid to the Council's

Health and Safety policies. The councillor should be familiar especially with the requirements pertaining to Display Screen Equipment and that these apply equally to desktop computers.

7. Inspection and Audit

- 7.1 The Council reserves the right to inspect the iPad/Lenovo Miix at any time. The councillor is required to give Council officers access at any reasonable time for such inspection and audit, which may be undertaken remotely and without notice to the councillor. Councillors are advised that the iPad/Lenovo Miix includes a history file which records its use.
- 7.2 As this equipment is supplied and owned by Torbay Council, a public body, data held on the device may be subject to access under both the Data Protection Law and the Freedom of Information Act 2000. It may also be subject to audit by third parties for unlicensed or illegal copies of installed software (Copyright, Designs & Patents Act 1988).
- 7.3 The Council is permitted, and may, monitor the use of IT equipment and services in particular circumstances. These circumstances are governed by prevailing legislation, but may include use of IT equipment by councillors.
- 7.4 Any material breach discovered as a result of any monitoring, inspection or audit will normally be reported to the Monitoring Officer who will decide if the councillor will be permitted to continue to be provided with these facilities. Breaches of this protocol may also constitute a breach of the Members' Code of Conduct and, as such, will also be reported to the Monitoring Officer.
- 7.5 If, as part of any monitoring, inspection or audit, the Council becomes aware of any lawful reason to inform the Police or other enforcement authorities it will do so.

8. Costs

- 8.1 Members will be provided with 5GB of data per month. If any member exceeds this, all additional costs will be their responsibility (current costs are set out in the iPad/Lenovo Miix Agreement) and will be deducted from their monthly allowance.
- 8.3 The member will be responsible for any payments which are charged to their Apple/Microsoft account for the purchase of approved apps etc.
- 8.4 The cost of the installation of broadband at a councillor's home will be met by the councillor.
- 8.5 The Council will provide charging facilities at the Town Hall to enable members to use their device in meetings. Provision of charging equipment will be available at external venues where Council meetings are being held (eg RICC).

8.6

8.7 The Council will meet any reasonable costs incurred by the Councillor in replacing, repairing or correcting any part of the supplied equipment unless the damage was as a result of deliberate or reckless misuse.

9. Return and Recovery of the IT Equipment

9.1 The iPad/Lenovo Miix and all supplied ancillary equipment, including software, is a Council managed device.

9.2 The Council reserves the right to require the councillor to return the iPad/Lenovo Miix at any time.

9.4 If a member resigns during their term of office all IT equipment and accessories must be returned within a timescale agreed with the Governance Support Manager. . If the IT equipment is not returned to the Council the market value of the device will be deducted from the Councillors' members' allowances or otherwise.

9.5 In the year of an election all IT equipment and accessories must be returned prior to the election in a timescale agreed between the Governance Support Manager, the Head of IT and Group Leaders.

10. Confidentiality

10.1 The councillor will be able to access confidential and/or exempt Council information using the equipment provided. The councillor is responsible for ensuring the continued security of any such information which they receive. The councillor is reminded of their obligations under the Council's Code of Conduct for Members not to disclose such information to any third party. This includes the forwarding of any information by way of email or any other method.

10.2 Some of the data will be personal data relating to individuals. The unauthorised processing or disclosure of such data is prohibited under Data Protection Law and its associated statutory instruments and the councillor is responsible for ensuring that there is no such unauthorised disclosure from the iPad/Lenovo Miix or from the Council's Information Management systems.

10.3 Some of the data available on the iPad/Lenovo Miix may be subject to request under the Freedom of Information Act 2000 or the Data Protection Law. As such the councillor must make available any such data in response to a request received by the Council.

11. Restrictions upon use

11.1 The councillor shall not use the iPad/Lenovo Miix (or knowingly permit its use by

others) for any purposes that might reasonably be thought by an ordinary member of the public to bring the councillor or his/her office or the Council into disrepute.

- 11.2 The councillor shall only use the equipment provided in line with the existing Council policies for IT equipment and service usage. This especially includes the IT Computer Security Policy.
- 11.3 Legislation applies to the use and operation of the computer and associated equipment. Councillors need to be aware that this includes the following statutes and that they should therefore exercise all due care to avoid infringing them:
- (a) Data Protection Law, including the GDPR and Data Protection Act 2018;
 - (b) Freedom of Information Act 2000;
 - (c) Computer Misuse Act 1990;
 - (d) Copyright, Designs & Patents Act 1988;
 - (e) Human Rights Act 1998;
 - (f) Regulation of Investigatory Powers Act 2000;
 - (g) Malicious Communications Act 1988;
 - (h) Anti-Terrorism, Crime & Security Act 2001; and
 - (i) Obscene Publications Acts 1959, 1966.
 - (j) Code of Connection (also known as CoCo compliance)
 - (k) Privacy and Electronic Communications Regulations 2003
- 11.4 The Council reserves the right to restrict the use of the iPad/Lenovo Miix and associated equipment if it has reason to believe that the use of the iPad/Lenovo Miix is likely to offend against any legislative requirement.
- 11.5 The Council reserves the right to restrict the use of the iPad/Lenovo Miix and associated equipment if it has reason to believe that the use of the iPad/Lenovo Miix is likely to offend any provision in this Local Agreement.
- 11.6 In particular the Council reserves the right to:
- (a) remove or disable any software or equipment; and
 - (b) remove any information stored on the computer.

10.7 Special rules apply to the use of Council resources in relation to publicity. These are set out in Appendix 1.

10.8 No auto forwarding of emails is allowed outside of the Torbay Council Network.

12. Breaches of this Protocol

12.1 Breaches of this protocol may also constitute a breach of the Members' Code of Conduct and, as such, be referable to the Monitoring Officer and then the Standards Committee.

Appendix 1

Special rules apply to the use of Council resources in relation to 'publicity' which is defined as 'any communication in whatever form addressed to the public at large or to a section of the public'. This will include press releases and letters to the media (unless clearly marked "not for publication") but does not cover letters or emails to individuals, unless this is on a scale which could constitute 'a section of the public'.

The local authority is prohibited from publishing political material by virtue of section 2 of the Local Government Act 1986. The Act states that:

"Section 2

1. A local authority shall not publish any material which, in whole or in part, appears to be designed to affect public support for a political party.
2. In determining whether material falls within the prohibition regard shall be had to the content and style of the material, the time and other circumstances of publication and the likely effect on those to whom it is directed and, in particular, to the following matters:
 - a. whether the material refers to a political party or to persons identified with a political party or promotes or opposes a point of view on a question of political controversy which is identifiable as the view of one political party and not of another.
 - b. where the material is part of a campaign, the effect which the campaign appears to be designed to achieve.
3. A local authority shall not give financial or other assistance to a person for the publication of material which the authority are prohibited by this section from publishing themselves."

Although Section 2 applies to all publicity produced by the local authority it is obviously particularly important to be sensitive to the provisions of the Act at election time.

Further guidance on the subject of publicity is contained in the Code of Recommended Practice on Local Government Publicity

(<https://www.gov.uk/government/publications/recommended-code-of-practice-for-local-authority-publicity>). ()

The Code also specifically covers activity around elections, referendums and petitions.