

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 Members with appropriate Information Technology (IT) equipment, 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 Member 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 IT Agreement before receiving the equipment.

2. Equipment and Registration of Equipment

- 2.1 Each Member will be provided with appropriate IT equipment.
- 2.2 Any accessories such as keyboard, case, must be supplied by the Council's IT department.
- 2.3 Where an iPad is provided, in order for it to be activated, the 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 Members will be required to use their IT equipment to download agendas and reports for meetings.
- 2.5 As Members will be able to access their emails on their devices, iPhones will not be automatically provided to Members.
- 2.6 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 Member 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 Member 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, where required. Members are expected to ensure that their devices are updated regularly as required.
- 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, Teams etc. 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 Council Provided IT Equipment

- 4.1 The Member accepts responsibility for the safe-keeping of the IT equipment and any other associated equipment.
- 4.2 The equipment will be covered by the Council's Insurance Policy for the whole of the Members' term of office. "Good Practice" guidelines should be followed. These can be found in the IT Security document which is provided to Members when they collect their IT equipment. Members must take reasonable precautions to keep the IT equipment 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 Access to Torbay Council's Information Systems is subject to password security. The Member 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.
- 4.4 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.
- 4.5 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 IT equipment and related equipment is provided to the Member specifically to assist them in carrying out their role as an elected representative. The Member must therefore not use the IT equipment and related equipment in any manner which will interfere with its use for that purpose.
- 5.2 The use of the Council IT 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 Member must not:

- (a) deliberately misuse the IT equipment 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 Member must:

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

5.5 The Council provides the IT equipment and any related equipment and materials required to enable a Member to 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 Members 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 Member is permitted to use the IT equipment for reasonable personal purposes in line with the existing Council's Computer Security Policy which can be found on the Council's Intranet. The Member 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 Member 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 Member shall not use the IT equipment 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 IT equipment for the preparation of any material of such nature (See further details in Appendix 1). The Member may use the IT equipment to send emails of political nature to members of his/own political group/party. But the IT equipment 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 IT equipment by the Member in an elected capacity. Reasonable personal use of the supplied software by the Member 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 Member or any other person may suffer as a result of the use of the IT equipment.

- 6.6 The IT equipment 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 Council has systems in place to make sure that its equipment is secure and that all hardware and software are compatible and protected from cyber-attacks. Members are permitted to download pre-approved work related apps onto an iPad (where provided) but are not permitted to download apps from the Microsoft Store on a laptop. Members **must not** download any unapproved apps or software or use unauthorised non-compliant hardware, as this leaves the Council exposed to security risks.
- 6.8 To protect the data available on an iPad (where provided), Members will not be permitted to utilise the iCloud facility.
- 6.9 When using the IT equipment particular attention should be paid to the Council's Health and Safety Policies. The Member 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 IT equipment at any time. The Member 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 Member. Members are advised that the IT equipment 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 Members.
- 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 Member 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, any additional costs incurred by the Council will be their responsibility (current costs

are set out in the IT equipment 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 Member's home will be met by the Member.
- 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 e.g. Riviera International Conference Centre (RICC).
- 8.6 The Council will meet any reasonable costs incurred by the Member 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 IT equipment and all supplied ancillary equipment, including software, is a Council managed device.
- 9.2 The Council reserves the right to require the Member to return the IT equipment 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 Head of Governance Support. If the IT equipment is not returned to the Council, the market value of the device will be deducted from the Members' members' allowances or otherwise recouped by other action(s).
- 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 Head of Governance Support, the Head of IT and Group Leaders.

10. Confidentiality

- 10.1 The Member will be able to access confidential and/or exempt Council information using the equipment provided. The Member is responsible for ensuring the continued security of any such information which they receive. The Member 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 Member is responsible for ensuring that there is no such unauthorised disclosure from the IT equipment or from the Council's Information Management systems.

- 10.3 Some of the data available on the IT equipment may be subject to request under the Freedom of Information Act 2000 or the Data Protection Law. As such the Member must make available any such data in response to a request received by the Council.

11. Restrictions upon use

- 11.1 The Member shall not use the IT equipment (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 Member or his/her office or the Council into disrepute.
- 11.2 The Member 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. Members 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 General Data Protection Regulation (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;
 - (i) Obscene Publications Acts 1959, 1966;
 - (j) Code of Connection (also known as CoCo compliance); and
 - (k) Privacy and Electronic Communications Regulations 2003.
- 11.4 The Council reserves the right to restrict the use of the IT equipment and associated equipment, if it has reason to believe that the use of the IT equipment is likely to offend against any legislative requirement.
- 11.5 The Council reserves the right to restrict the use of the IT equipment and associated equipment, if it has reason to believe that the use of the IT equipment 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.

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

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

12. Overseas Travel

12.1 Before a Member requests to take their IT equipment overseas, they shall consider if their work could be carried out by a fellow Ward Member or if a neighbouring Ward Member can pick up any issues in their absence and, for those Members who hold positions of Special Responsibility, a fellow Cabinet Member, Scrutiny Lead or Chair/Vice-Chair.

12.2 If a Member requires use of their IT equipment abroad to fulfil their Member duties, they shall email IT ServiceDesk at ServiceDesk@torbay.gov.uk at least five days before they travel abroad, setting out which countries they need IT access from, and between which dates. IT Services' approval shall be obtained before the Member travels abroad and the Member will only be permitted to use their equipment in countries which are deemed by IT Services to provide secure access. If the Member does not obtain permission prior to travel, their IT access will be denied.

12.3 The Member is responsible for the safe transport of any Council equipment when travelling overseas.

13. Breaches of this Protocol

13.1 Breaches of this Protocol may also constitute a breach of the Members' Code of Conduct and, as such maybe referred to the Monitoring Officer and then the Standards Committee.

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.