

E-MAIL POLICY FOR GREENWICH TOWNSHIP ELECTED AND APPOINTED OFFICIALS

WHEREAS, New Jersey law impacts e-mails to and from elected officers and appointed officials among others where they act on behalf of a Township; and

WHEREAS, the Township Committee of the Township of Greenwich takes seriously its obligation to attempt to provide open government and comply with all applicable laws and government directives; and

WHEREAS, the New Jersey Open Public Records Act pursuant to N.J.S.A. 47:3-16 speaks to official e-mail records and it is the desire of the Greenwich Township Committee to implement a policy whereby the Open Public Records Act and the Records Retention Guidelines set forth by the New Jersey Division of Archives and Records Management (DARM) are abided by;

AND THEREFORE, it is the decision of the Township Committee of the Township of Greenwich on recommendation by the Solicitor and Municipal Clerk, upon consideration of the law applicable to the Open Public Records Act and DARM, that the following shall provide guidance to elected officers, employees and appointees of the Township of Greenwich;

All elected officers, appointees and employees of the Township of Greenwich are discouraged from using their personal e-mail accounts for transaction of township business. Should it become necessary and appropriate for e-mails to be retrieved under the Open Public records Act, it may be necessary for a period of time for the Township Clerk to have access to e-mails after someone leaves the employ, volunteer position or elected office on behalf of Greenwich. It shall be the policy of Greenwich Township that all elected officers, appointees and employees shall adopt, if they have not already done so, an e-mail account through a service available for free such as G-Mail, Yahoo or MSN (Microsoft) Mail and use a name such that they are identifiable in the contest of their role with the Township of Greenwich including by way of example and not limitation: "townshipcommitteemansmith@gmail.com" and such individual shall use that e-mail address as their primary point of contact for all e-mail coming and going related to their position with the town. Such e-mail address shall be with the understanding that e-mails shall be archived, searchable and recoverable by the Township Clerk in context of any Open Public Records Act or litigation related demand. At any time during the individual's association with the Township of Greenwich, it shall be required that the individual's password be provided to the Municipal Clerk for retention and not for access on a day to day basis but for access in the event of separation from the Township so that the Municipal Clerk can provide responsive information in compliance with State law to any document request. The password shall be provided no later than separation from the township from employment, elected position or volunteer position as may be applicable.

All elected officers, appointees and employees of the Township of Greenwich are specifically required to adhere to State Document Retention Policies issued under the Division of Archives and Records Management (NJ DARM) at present as same may be updated from time to time and shall further remain compliant with any related governmental policy issued by any authority governing the retention of all records including e-mail and documentary.

Failure to abide by this Township policy as to e-mails, shall result in personal responsibility by an affected individual for production of e-mails in compliance with State law both during and after separation from Greenwich Township.

Lastly, under no circumstances shall the Municipal Clerk use the password provided to access the e-mail account of an affected individual without notice to the affected individual in advance no less than 24 hours prior to accessing the account. Notice shall be by phone (if known) and by e-mail.

By Order of the Township Committee