

CODE OF CONDUCT – ICT PROTOCOL – AMENDMENT TO THE CONSTITUTION

Report written and submitted by: Nansi Salkeld, Acting Head of Democratic Services

1. Area Affected

1.1 County Borough wide.

2. Purpose of Report

2.1 To seek Council approval to suggested amendments to the Code of Conduct for Councillors including the members ICT protocol.

3. Recommendation

3.1 That Council approves the amendments to the Code of Conduct for Councillors, including the ICT Protocol as set out in Appendix One.

3.2 That Council agrees that the Monitoring Officer in consultation with the Members Constitution Working Party be granted delegated authority to amend the constitution to reflect the above changes.

4. Background

4.1 At its meeting held on 24th January 2019, the Democratic Services Committee considered a report on 'Amendments to the Code of Conduct for Councillors including the Members ICT Protocol.' This report had previously been submitted in September 2017 and had been forwarded on to Ethics and Standards Committee who considered the changes at their meeting in January 2018 and endorsed the updates before submission to Council for approval

4.2 At its meeting held on 26 June 2018, Council considered the report and a discussion took place around the suitability of equipment that had been supplied to members. Due to the lack of clarity, Council agreed unanimously to defer the recommendation around the amendments to the ICT Protocol back to the Democratic Services Committee for further consideration

5. Issues and Findings

5.1 Since the Council meeting that took place on 26 June 2018, the following steps have been taken to address concerns raised by Members:-

- 500mb of data has been added to the Members' mobile phone packages.

The code of conduct / ICT protocol has been made clearer about members using their own ICT equipment to access the Council's systems.

5.2 The areas for discussion are highlighted in appendix one to this report and are in summary:

- Some highlights are simply as a result of changes to the Council's staffing structure and as such need to be updated with appropriate officer job titles.
- References to the additional non-mandatory guidance for members need to be removed as this no longer exists.
- The use of Council ICT equipment by family members is no longer permitted so this reference needs to be removed.
- Given the portable nature of the ICT equipment provided, the reference to home visits for portable appliance tests needs to be removed.
- The code of conduct / ICT protocol has been made clearer about members using their own ICT equipment to access the Council's systems.
- The support section now refers to the shared resource service for resolving operational issues.

6 Consultation

- 6.1 The Democratic Services Committee considered the information set out in appendix one to this report, agreed the required amendments and proposed that they be forwarded for consideration by the Council's Ethics and Standards Committee.
- 6.2 The Ethics and Standards Committee held on 6th March 2019 considered the information set out in appendix one to this report, agreed the required amendments and proposed that they be forwarded to full Council for approval.

7 Recommendations

- 7.1 That Council approves the amendments to the Code of Conduct for Councillors, including the ICT Protocol as set out in Appendix One
- 7.2 That Council agrees that the Monitoring Officer in consultation with the Members Constitution Working Party be granted delegated authority to amend the constitution to reflect the above changes

Appendices	Appendix One - Extracts of the Council's Constitution version 48 (issued on September 2017) including the existing members ICT protocol
Background papers	Members ICT Protocol approved and added to constitution in October 2005 http://moderngov.torfaen.gov.uk/Data/Council/20051018/Agenda/Agenda-18-10-2005.pdf Amendment to protocol in April 2006 http://moderngov.torfaen.gov.uk/Data/Council/20060404/Agenda/Agenda-04-04-2006.pdf
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APPENDIX 2 OF THE COUNCIL'S CONSTITUTION – CODES OF CONDUCT AND PROTOCOLS
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This Appendix is reserved for the inclusion of any Codes of Conduct or Protocols developed to assist Councillors in the specific roles they perform.

MEMBERS ICT PROTOCOL

This document sets out specific requirements in relation to the operation of ICT equipment, software and services provided by the Council. Members are required to conform to all aspects of this protocol AND the relevant sections of the ICT Security Policy, the main points of which are attached for ease of reference.

A breach of the ICT Security Policy^{#1} or this Protocol is a breach of the Code of Conduct for Elected Members.

~~Additional guidance for members is attached which is not mandatory.~~

You may use the equipment, software and services only in accordance with the uses permitted under this Protocol and you must not use it for any other purposes whatsoever.

If you have any doubt about the application of the Protocol or the ICT Security Policy you should seek clarification and advice from the ~~Chief Legal and~~ Monitoring Officer.

You must at all times meet the following conditions for using the equipment and software provided.

- You comply with any specific guidelines issued by the ~~Chief Legal and~~ Monitoring Officer during any election period and at no time use the equipment for publishing^{#2} any material which in whole or in part appears designed to effect public support for a political party.
- You are permitted to use the equipment, software and services for the purposes of carrying out Council business and the business of an organisation on which you represent the Council.
- You are permitted to make ancillary use of the equipment, software and services for personal, business and political purposes but the following conditions apply:
 - The use is genuinely ancillary to your use for Council business
 - Use for personal, business or political purposes is only “ancillary” if you are making regular significant use of the equipment, software and services for Council business and that your use for any other purposes does not interfere with Council business.
 - There is no additional cost to the Council
 - ~~The provision of IT hardware and software is for Council business purposes but the member and his / her family are to use the equipment for personal use. Members however, must ensure that anyone utilising the equipment must comply this protocol and the Council's ICT Security Policy~~

^{#1} ICT Security Policy is stored on Members Intranet site under Useful Documents

^{#2} Please refer to ‘Publishing’ Note at the end of this Protocol

- Personal use is allowed but it must not interfere with Council needs and members should therefore keep personal use to a minimum.
- The provision of Broadband is considered to be a vital business tool for Council. It is thus provided for business purposes and must be kept available for such work.
- You must lock your computer if it is left unattended and you must not allow it to be used by an unauthorised person.
- You must take all reasonable steps to safeguard the system against accidental or deliberate damage, theft, vandalism, misuse and loss.
- If equipment is either stolen or damaged by intruders while at the home of a member, then you must be able to demonstrate a forced entry to the home (to ensure that the insurance cover operates).
- If left in a vehicle between office, home, etc, then the equipment must be stored in the boot of the vehicle where it is not visible to a potential thief.
- If left in a vehicle overnight, then the vehicle must be kept in a secure compound. As a garage, in most circumstances, would probably not meet this description, members are strongly advised not to leave equipment in a vehicle overnight.
- Any equipment stored or affixed in a member's home must be protected against extremes of temperature and dust.
- In accessing any information relating to individual persons you must ensure that you comply with the provisions of the Data Protection Act 1998 and you should ensure that you obtain the consent of any individual before you store any personal information about them.
- Equipment will need to be Portable Appliance Tested (PAT) on an annual basis to conform to current I.E.E. regulations and prevailing legislation. ***You will be expected to present your equipment at the Civic Centre when requested for testing.***

~~If a visit is required to your home by the PAT engineer you must give them access to carry out this test.~~

- You must make the equipment available for audit if necessary.
- You must return the equipment to the Council on request.

When using the Council's equipment and software you must not:

- ~~Use any equipment that you already own or operate to access the Council network but use the equipment that we provide.~~
- Alter the technical setup of the equipment or add any additional software or hardware without the written consent of ***the Council's Senior Information Risk Owner (SIRO)***

~~Head of Information Services and Standards or the Services and Technical Manager.~~

- Access the Council's information data systems except for the purposes of carrying out the Council's business.
- Send on the Internet confidential information about the Council or any of its partner agencies or associates
- Send, receive or copy copyright; sensitive or personal material via the internet unless it is encrypted.
- Engage in online gambling.
- Use the equipment for any illegal purposes including the posting or sending of information that may tend to disparage or harass others on the basis of gender, race, age disability, religion, sexual orientation or nation of origin or for the purposes of accessing, displaying or disseminating pornography or obscene material.

SUPPORT

Support to members on the operational use of ICT equipment will be provided through the Shared Resource Service in connection with the SIRO.

~~on the basis set in the **Members Additional Guidance document** attached.~~

HEALTH & SAFETY

Working at home is subject to Health and Safety requirements.

~~**Ensure that you comply with the instructions set out in the Members Additional Guidance document attached.**~~

TRAINING

Provision of equipment is conditional on each individual member's ability to use it. Member training is therefore a key element in ensuring the best use of systems and the delivery of potential benefits.

It is a responsibility of members to use reasonable endeavours to make themselves available for any training which has been jointly identified. Periodically the levels of use and proficiency will be reviewed to ensure that the necessary capabilities are in place.

COST AND CHARGES

Equipment and services will be provided to members free of charge for the duration of their tenure.

~~**Information on any tax implications are detailed in the Members Additional Guidance document attached.**~~

USE OF PERSONAL ICT EQUIPMENT

Members may use their personal ICT equipment / smart phones to access their Council accounts through the Outlook Web App (OWA). This can be used for outlook services such as email, calendar and for viewing attachments.

However, no business information including attachments in emails should be saved to personal devices as this is not secure. It is not permitted to access the Council's networks using personal ICT equipment. This includes the council's drives including the I drive; U drive; M drive or any other common drive.

Note: #2 Publishing Material

For the purposes of defining what is meant by the phrase "publishing material which in whole or in part appears designed to affect public support for a political party" the following apply:

- You must not use the Council's e-mail address provided to you for the purpose of publishing any material which in whole or in part appears designed to effect public support for a political party.
- You must not use the equipment to canvass members of the public for political support
- You may use the equipment to communicate with your colleagues within your own political group (including party members who are not elected members)
- You may not circulate materials provided to you by your political party which are designed or appear to be designed to effect public support
- You may use the equipment to communicate with your own constituents on matters that are politically contentious and which relate to the Council's decision making or functions provided and to explain your views provided in doing so you do not explicitly seek their support for a political party or its political position on that issue.
- You may use the equipment for carrying out your responsibilities as a Ward representative including constituency casework and make representations on behalf of the Constituents provided that these are not of a party political nature