CITY OF ROHNERT PARK

CITY COUNCIL POLICY

SUBJECT	POLICY NO.	RESO. NO.	EFF. DATE	PAGE 1 OF 5
WEBSITE USAGE AND PRIVACY POLICY	490.14	2011-111	11/22/2011	

PURPOSE

The City of Rohnert Park ("City") provides websites as a public service to provide information about City departments, services, officials, news, and events. These websites are a supplement to, and not a replacement for, information available from City offices. The City exclusively controls the content of all City websites and reserves the right to determine what information shall and shall not be placed on these websites. City websites are a public information resource that gives a high level overview of the organizational mission, structure, and operation.

The purpose of this Policy is to ensure that City websites do not become public forums or limited public forums, but rather are maintained for the exclusive use of the City in communicating matters of general public interest.

A. External Links

City websites may provide hyperlinks (hereinafter "links") to external websites that provide additional information on selected topics. Links shall be posted at the City's sole discretion, and shall not be posted at the request of third parties. The City Manager has overall responsibility for determining which individual links to third party websites shall be posted. Department Directors shall submit recommendations to the City Manager's Office to post links they believe are consistent with the purposes and provisions of this Policy. The City Manager or his/her designee shall review all Department recommendations to post specific links, and shall publish links only when they are determined to: (1) fall within the categories described below; and/or (2) be consistent with the purposes of this Policy as stated above. No external links shall be construed as an endorsement of, and the City is not responsible for, the content of any such external websites. An external link is not intended to create a designated or limited public forum on any portion of a City website. If the City decides to post an external link on one of its websites, the City alone shall determine how, when and where links are located on its websites.

1. The City Manager or his/her designee may approve links within the following categories:
   a. The State of California, the federal government or any other governmental agency serving Rohnert Park residents and businesses;
   b. Educational institutions as defined in the Education Code that serve the Rohnert Park residents;
   c. Museums, public libraries, historical organizations, or other legally established non-profit or community service organizations serving Rohnert Park residents;

d. Events sponsored by employee labor organizations that are held within the City of Rohnert Park and are open to members of the public;
e. Public utilities that serve the City (e.g. cable company, refuse company, electric company, etc.);
f. Links to corporate or company sites that provide web-based automated solutions specifically designed for use by the City and/or the public through City websites (e.g. online utility bill payment software). These applications may be hosted internally or externally;
g. Organizations that (a) have a direct contractual relationship with the City and (b) either receive City funding or donate to City in the form of either monetary or in-kind contributions that promote the economic and cultural development of the City; and
h. Such other entities and/or organizations that the City Manager deems appropriate for purposes of economic development.

2. The City Manager or his/her designee shall not approve links to websites that contain:
   a. Profane language or content;
   b. Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability, sexual orientation or any other basis protected by state or federal law;
   c. Sexual content or links to sexual content;
   d. Solicitations of commerce and other pure commercial speech
   e. Conduct or encouragement of illegal activity;
   f. Comments in support of or opposition to political campaigns or ballot measures;
   g. Information that may compromise the safety or security of the public or public systems or employees;
   h. Content that violates a legal ownership interest of any other party;
   i. Content that is personal in nature and/or operated by individuals (including blogs and chat groups.); and/or
   j. Content that does not comply with the intent of this Policy.

B. Privacy

The City is committed to protecting the privacy of the individuals utilizing the City websites. However, personal information submitted to the City websites may be subject to disclosure pursuant to various California laws, including, but not limited to, the Information Practices Act of 1977 (Civil Code Section 1798 et seq.), the California Civil Discovery Act of 1986 (Code of Civil Procedure Sections 2016-2036), the California Public Records Act (Government Code Section 6250 et seq.),

Government Code Sections 11015.5 and 11019.9, and with other applicable laws pertaining to information privacy. The City may share such information with other government agencies: (1) if the information relates to that agency; (2) to protect the interests of others; (3) to protect and defend the rights or property of the City; or (4) as otherwise provided by state or federal law.

As a governmental agency, the City is governed by California's open records laws. It is important for users of City websites to understand that most business conducted with the City, as well as with state and county governments, becomes a public record. Public records subject to disclosure, as defined by state law, may be posted for electronic access through City websites. All information on City websites is public information.

C. Accessibility

The City of Rohnert Park is committed to compliance with the Americans with Disabilities Act (ADA). It does not discriminate on the basis of disability in the admission or access to, or treatment or employment in, its services, programs or activities. Upon request, reasonable accommodation will be made to allow individuals with disabilities access to the communications regarding City services, programs or activities set forth on the City websites. The design of City websites shall meet the standards outlined in the U.S. Section 508 accessibility guidelines.

D. Service Marks, Trademarks and Copyright

All intellectual and proprietary property rights, including copyrights and rights to service marks and trademarks, as to any and all text, material, images and/or content appearing on or accessible through the City websites, belong to the respective owners of these rights. The City owns all other intellectual and proprietary property rights, including copyrights and rights to service marks and trademarks, as to the City Seal, all City logos, symbols, emblems, and any and all other images, designs, content and materials created by or on behalf of the City that appear on or are accessible through the City website. No person or entity shall: modify and or use the text, images or other City website content from a web server; distribute the City's web content; or "mirror" the City's information on a non-City server without written permission from the City Manager or his/her designee.

E. E-mail, E-mail Subscription Lists and Communication with the City

Information that allows for the personal identification of a website user contained in a communication sent to the City in an e-mail message or in an online form submitted to the City will be used by the City to respond to the request. The City may redirect the message to another City department or person who is in a better position to answer the question. City websites may provide users the opportunity to subscribe

to and unsubscribe from informational e-mailing lists. E-mail addresses will only be used by the City to send messages related to categories of information requested by the subscriber. To the extent authorized by law, information from email subscription lists that allows for the personal identification of a website user shall be kept private if the individual submitting the information has indicated a wish that the information remain private. E-mail addresses are not, and shall not be, visible or available to other list members. Communication made through City websites shall in no way be deemed to constitute legal notice to the City or any of its departments, officers, employees, agents, or representatives, with respect to any existing or potential claim or cause of action against the City or any of its departments, officers, employees, agents, or representatives, where notice to the City is required by any federal, state or local laws, rules, or regulations. The City does not accept service of notice or process through its website.

F. Links Disclaimer

City websites also contain links to other sites. The City is not responsible for the privacy practices of such other sites. Users should be aware read the privacy statements of each and every website that collects personally identifiable information. This privacy statement applies solely to information collected by City websites.

The City is not responsible for the content, quality, accuracy or completeness of any off-site materials referenced or linked through the City websites. By using City websites, the user acknowledges and accepts that the City is not responsible for any materials stored on other websites, nor is it liable for any inaccurate, defamatory, offensive or illegal materials found on other websites, and that the risk of injury or damage from viewing, hearing, down-loading or storing such materials rests entirely with the user. The views and opinions of the authors of documents published on or linked to City websites do not necessarily state or reflect the opinion, policy or position of the City.

H. Disclaimer of Endorsement

Reference in a City website to any specific commercial product, process, or service by trade name, trademark, manufacturer or otherwise, does not constitute or imply an endorsement, recommendation, or favoring by the City. The views and opinions of the authors of documents published on City websites do not necessarily state or reflect the opinion of the City, and shall not be used for advertising or product endorsement purposes.

I. Disclaimer of Liability

The City shall not be held liable for any improper or incorrect use of the materials or information contained on this site and assumes no responsibility for any user's use of them. In no event shall the City be liable for any damages, whether direct, indirect, incidental, special, exemplary or consequential (including, but not limited to, business interruption or loss of use, data, or profits) regardless of cause, and on any theory of liability, whether in contract, strict liability, or tort (including negligence or otherwise) arising in any way out of the use of this site or the materials and information contained on this site, even if advised of the possibility of such damage. This disclaimer of liability applies to any damages or injury, including but not limited to those caused by any failure of performance, error, omission, interruption, deletion, defect, delay, computer virus, communication line failure, theft, or destruction of data, whether for breach of contract, tortuous behavior, negligence, or under any other cause of action.