

**ADMINISTRATIVE DIRECTIVE  
OF THE  
PRESIDENT JUDGE OF THE SUPERIOR COURT  
OF THE STATE OF DELAWARE**

**NO. 2001-2**

**USE OF THE INTERNET AND  
OTHER ELECTRONIC COMMUNICATION TOOLS**

This 22nd day of May, 2001,

The Superior Court provides a variety of electronic tools such as computers, facsimile machines, pagers, electronic mail (e-mail) systems, Internet access and a browser for employees whose job performance would be enhanced by the technology. We face the challenge of making maximum use of the benefits of such tools, meeting legal requirements for access to information, and providing adequate protection for proprietary information. This policy governs access to and the appropriate use of this technology during work times as well as time periods before and after work and during break periods.

**I. ACCESS TO AND USE OF ELECTRONIC TOOLS**

Access to and use of electronic tools such as e-mail and the Internet is intended for business-related purposes. Limited and reasonable use of these tools for occasional personal purpose that does not result in any additional costs from loss of time or diversion of resources from their intended business purpose is permitted.

**II. RESPONSIBILITY**

Superior Court Judges and staff are responsible for appropriate use of the Internet and other electronic communication tools in accordance with this policy. We are expected to adhere to the highest ethical standards when conducting State business.

Managers and supervisors are responsible for ensuring the appropriate use of all electronic communication tools, including e-mail and Internet access, through training, supervising, coaching and taking disciplinary action, when necessary.

**ADMINISTRATIVE DIRECTIVE NO. 2001-2**  
**USE OF THE INTERNET AND OTHER**  
**ELECTRONIC COMMUNICATION TOOLS**  
May 22, 2001

**III. APPROPRIATE USE**

The Internet and other electronic communication tools are to be used for business purposes that increase timely and effective business communications of the Superior Court. Except as otherwise prohibited by this or another Judicial Branch policy, an employee may use state property or equipment to communicate electronically for private purposes, provided this use, including the value of the time spent, results in no incremental cost to the State or results in an incremental cost that is so small as to make accounting for it unreasonable or administratively impracticable.

**IV. INAPPROPRIATE USE**

Uses of the Internet and other electronic communication tools that will not be tolerated include, but are not limited to:

- \$ illegal activities;
- \$ wagering, betting or selling chances;
- \$ harassment;
- \$ commercial activities;
- \$ solicitation, except on Court sanctioned activities;
- \$ promotion of political or private causes, positions or activities, and/or other unethical activities;
- \$ activities that demean the dignity of the court.

**V. TRANSMITTING CONFIDENTIAL INFORMATION**

Physical security of messages cannot be guaranteed in most e-mail systems. The content of the message determines whether the message is accessible to the public under Administrative Directive No. 2000-5, Policy on Public Access to Superior Court Judicial Records ("Access Rules") and other applicable statutes and court rules. Data that is not accessible to the public under the Access Rules and other applicable statutes and court rules may not be transmitted in clear text on Internet e-mail.

**ADMINISTRATIVE DIRECTIVE NO. 2001-2**  
**USE OF THE INTERNET AND OTHER**  
**ELECTRONIC COMMUNICATION TOOLS**  
May 22, 2001

**VI. PARTICIPATION IN ELECTRONIC DISCUSSION GROUPS**

Because each Internet e-mail user's identification includes the suffix @state.de.us, it is imperative that employees not participate in news groups, chat groups or bulletin boards where the content is not clearly related to individual responsibilities because such messages might be construed as an official State of Delaware or Judicial Branch position.

**VII. CAREFUL INTERNET USE**

Internet and e-mail use must be able to withstand public scrutiny without embarrassment to the Judicial Branch, its customers or its employees if messages are forwarded beyond the intended recipients, accessed or inadvertently disclosed, subpoenaed in a legal action, or otherwise made public.

Employees should use generally accepted standards of business conversation in all Internet and e-mail communications. Use good judgment in the type of message created, and the tone and content of messages. Content is always considered personal opinion unless specifically set forth as a Judicial Branch or specific court position.

**VIII. MONITORING**

Electronic communication devices such as telephones, facsimile machines, pagers, State e-mail systems and Internet access are State property. Like other State resources, they are intended to be used for court business and other agency-sanctioned activities. The Court reserves the right, subject to the prior approval of the President Judge, to monitor all use of e-mail and Internet resources at the time of use, during routine post-use audits, and during investigations.

It is a supervisory responsibility to oversee use and to determine if Internet and other electronic communication tools are appropriate to assigned work. Content of e-mail messages is not routinely monitored or disclosed. However, employees should understand that e-mail messages and Internet transactions, including those they delete or erase from their own files, may be backed up or recorded and stored centrally for system security and investigative purposes. They may be retrieved

**ADMINISTRATIVE DIRECTIVE NO. 2001-2**  
**USE OF THE INTERNET AND OTHER**  
**ELECTRONIC COMMUNICATION TOOLS**  
May 22, 2001

and viewed by someone else with proper authority at a later date. Monitoring or disclosure may occur internally under administrative procedures and externally under subpoena or other legal actions, in connection with charges of improper or illegal actions by an individual, unexpected absence of any employee, or upon request for public data and other appropriate business or technical reasons.

**IX. DOWNLOADING OF SOFTWARE**

Unless authorized by the President Judge or the Court Administrator, employees shall not download software (including active screen savers) residing on the Internet or bulletin boards. Downloading presents a significant risk of virus infection and license fee liability, and some of the software residing on the Internet is inherently unreliable. If downloading is appropriately authorized, employees must follow designated procedures for file transfer, virus scanning, and licensing. Employees should not assume that software is available for public use free of charge simply because there is no copyright or other intellectual property notice in or on the software. U.S. copyright law, and that of many other countries, no longer requires a copyright notice as a prerequisite to copyright protection. Unauthorized software is subject to removal by the Court Administrator or his designee.

**X. ANTI-VIRUS MEASURES**

Incoming e-mail messages containing attachments may imperil Judicial Branch systems by importing viruses. Such attachments should be routinely scanned for viruses prior to using or executing the attachments.

---

President Judge

oc: Prothonotaries  
xc: Superior Court Judges  
Superior Court Commissioners  
Court Administrator  
File