

CHAPTER ONE:

Subchapter 1.11 – Website Policy

Division 1 - General Terms and Conditions of Use

1.11.010 Statement of Website Purpose.

(a) In establishing and maintaining an official website, the Town of Colma does not intend to and is not establishing a forum or other means by which public discourse, exchange of opinions, or discussion on issues of any nature may occur. The website is not open to third-parties for the purpose of communicating with the public and nothing in this Website Policy shall be construed to give any person the right to have any copy published or posted to the Town’s website, either in form or substance. The sole and limited purpose of the Town of Colma website is for the Town to provide factual information to the public about or related to:

- (1) The Town and its programs, services and facilities, including but not limited to its structure, organization, events, meetings and activities;
- (2) The identity of and basic information about qualifying organizations;
- (3) Programs, services and facilities made available to Colma residents and businesses by other governmental agencies or by qualifying organizations;
- (4) General promotion of trade and commerce within Colma;
- (5) The Town’s unique history, landmarks and environment; or
- (6) Programs, services, and facilities that promote or protect the health, welfare and safety of the Town’s residents, businesses and property owners.

(b) The Town of Colma website comprises all documents, databases, log files, web pages and other information residing on any Town-owned or managed web server for any duration of time temporarily or permanently. This includes but is not limited to information stored in html, asp, word, pdf, or database storage formats.

1.11.015 Definitions

For purposes of the Town of Colma website and Website Policy, the following terms shall have the meanings ascribed thereto:

“Anonymous Information (AI)” means information that does not identify specific individuals and is automatically transmitted by the website user’s browser. This information can consist of, for example: the URL (Uniform Resource Locator or address) of the web page the website user previously visited; the domain names and/or IP addresses which are numbers that are automatically assigned to the website user’s computer whenever the website user is connected to the Internet or World Wide Web; the browser version the website user is using to access the website. None of the information can be linked to any individual.

“Mirroring” means duplicating Town website data onto another computer at another location for backup purposes or to be in closer proximity to the user.

“Personally Identifiable Information (PII)” means information that identifies a specific individual or group of individuals, such as name, address, email address, telephone number, or credit/debit card information.

1.11.020 Website Administrator.

(a) The City Manager shall act as the administrator to the Town of Colma website (“Webmaster”), and shall, subject to the Town’s Website Policy, have sole and absolute discretion over the content of all information published or posted on the Town’s website, including all links to external websites (see Division 3 of this Policy).

(b) Except as otherwise stated in this Policy, only the Town of Colma Webmaster may place, post or otherwise direct content on the Town’s website. Nothing herein shall give the right to any person to have any copy published or posted to the Town’s website, either in form or substance.

1.11.030 Logo Permissions.

(a) The Town of Colma logo is a service mark of the Town of Colma. Any use of the logo or the materials stored on the Town's website is prohibited without written permission from the Town of Colma. The Town of Colma retains all intellectual property rights, including copyrights, on all text, graphic images and other website content unless otherwise noted. All other servicemarks, trademarks, or other intellectual property rights mentioned on the Town’s website are the property of their respective owners and shall not be infringed.

(b) The following acts or activities are prohibited without prior, written permission from the Town of Colma: (1) modification and/or re-use of text, images or other web content from a Town server; (2) distribution of the Town's web content; (3) duplicating or “mirroring” the Town's information on a server that is not owned and operated by the Town; or (4) “framing” of any material on the Town's website.

(c) The Town of Colma website may not include the trademark, service mark or logo of any specific business, or single-out a specific business by the manner of display of its name in the layout of the document, such as by headlines, captions, type size, typeface, or type color. However, the website may incidentally include the trademark, service mark or logo of any specific business if the purpose is to identify general areas of trade or commerce within the City limits in order to promote economic development within the City and not to promote a specific business (e.g., a car dealership logo is incidentally included in a photo generally promoting Colma’s “Auto Row”).

1.11.040 Accessibility Policy.

(a) The Town is committed to making its website accessible to the largest audience possible and to complying with and upholding the Americans with Disabilities Act (“ADA”), and shall comply with all website accessibility requirements promulgated by the Department of Justice.

(b) Requests for “reasonable accommodations” within the meaning of the ADA should be made to the ADA Coordinator in accordance with sections 1.02.390 to 1.02.420 of the Town’s Municipal Code.

[Reference: <http://www.ada.gov/websites2.htm>]

1.11.050 Privacy Policy.

(a) The Town of Colma may collect two kinds of user information in connection with the Town of Colma website: Anonymous Information ("AI") and Personally Identifiable Information ("PII").

(b) *Anonymous Information.* The Town may collect Anonymous Information to help maintain and improve the Town of Colma website.

(c) *Personally Identifiable Information.* The Town may collect PII when necessary to provide services to a user. For example, the Town may collect Personally Identifiable Information from an online application for a permit, entitlement or service from the Town.

(1) Website users may decline to provide the Town any Personally Identifiable Information, in which case the Town may not be able to provide the online services that are dependent upon the collection of that information.

(2) For purposes of the Public Records Act, the Town will treat Personally Identifiable Information that is provided by a website user to the Town through the Town's website in the same manner as it treats Personally Identifiable Information that is provided by a user to the Town through other means. For example, an online application for a land use permit will be considered a public record just as a printed application for land use permit. Thus, under the Public Records Act, Personally Identifiable Information provided to obtain an entitlement, permit or service from the Town would, upon request, be disclosed to third parties, unless the law specifically exempts that Information from disclosure.

(3) The Town will not sell Personally Identifiable Information to others to allow them to market their products or services to the website user and, except for those records described in the preceding paragraph, the Town will use reasonable efforts not to disclose Personally Identifiable Information to third parties.

(d) *E-mail Addresses.* The Town may store e-mail addresses of website users for the sole purpose of: (1) communicating updates to the Town's website that may be of interest to those e-mail addresses; (2) providing the Webmaster with valuable customer feedback to assist in improving the site; or (3) responding to a request for information or other communication that is sent via email (where necessary, email addresses may be forwarded to the appropriate agency within the Town for response.) Email addresses that the Town stores shall not be used for any other purpose, nor sold or disclosed to any person or entity, except where required by law (e.g., the California Public Records Act.) Individuals can prevent email communications regarding new service updates at any time by contacting the Webmaster. The Town restricts access to email addresses to those employees who require the addresses to accomplish the purpose for which the addresses were stored, and shall not intentionally disclose email addresses to any third parties inside or outside the Town except as required by law.

(e) *Data Security.* The Town of Colma is committed to data security and the data quality of personally identifiable information that is either available from or collected by the Town's website and has taken reasonable precautions to protect such information from loss, misuse or

alteration. The Town operates "secure data networks" protected by industry standard firewalls and password protection systems. Only authorized individuals have access to the information provided by website users. If a Town application accepts credit cards or any other particularly sensitive information for any of its services, it shall encrypt all ordering information, such as user's name and credit card number, in order to protect its confidentiality.

(f) *Access to Personally Identifiable Information.* Unless otherwise prohibited by state or federal law, rule or regulation, Town of Colma website users will be granted the ability to access and correct their Personally Identifiable Information. The Town will take reasonable steps to verify user's identity before granting access to review or make corrections to such information. To review and update that information, users should contact the Webmaster.

(g) *Non-Town Web Sites.* Non-Town websites that are accessed via link on the Town's website may or may not be subject to the Public Records Act or other sections of California Codes or federal law. Visitors to such sites are advised to check the privacy statements of such sites and to be cautious about providing Personally Identifiable Information without a clear understanding of how the information will be used. Visitors may also wish to consult privacy guidelines such as those recommended by the Online Policy Alliance. See:

(<http://www.privacyalliance.org/resources/ppguidelines.shtml>).

1.11.060 Disclaimer of Warranties/Legal Notice.

(a) The materials and information contained on or obtained from the Town of Colma's website, are distributed and transmitted "as is" without warranties of any kind, either express or implied, including, without limitation, warranties of title or implied warranties of merchantability or fitness for a particular purpose. Information contained on the website, including information obtained from external links thereon, is provided without any endorsement or representation of any kind as to accuracy, quality, content or completeness by the Town and should be verified by the user. Website content is subject to change without notice as a result of updates and correction; the Town does not warrant that service will be uninterrupted or error free. The Town may make improvements and/or changes in the information or programs described herein at any time.

(b) The Town of Colma is not liable for viruses or contamination of the hardware, software, peripherals, or properties of a visitor to the Town of Colma website, nor for delays, inaccuracies, errors or omissions resulting from use of, or with respect to, material contained on its web servers including any information posted on or linked, directly or indirectly to or from Town's website.

(c) The Town is not responsible for any special, indirect, incidental or consequential damages that may arise from the use of, or the inability to use, the website and/or the materials contained on the site whether the materials contained on the Town's website are provided by the Town of Colma, or a third party.

(d) No communications made with the Town through the Town of Colma website shall be deemed to constitute public comment or legal notice to the Town or any of its agencies, officers, employees, agents or representatives with respect to any past, existing or potential claim or cause of action regarding the Town or any of its agencies, officers, employees, agents

or representatives, where notice to the Town is required by any federal, state or local laws, rules or regulations.

Division 2 - Website Content

1.11.070 Content Posted on Town of Colma Website.

(a) Only the Town of Colma Webmaster may publish or post content to the Town of Colma website. Any content published or posted by the Webmaster on the Town of Colma website must be consistent with the statement of purpose set forth in Section 1.11.010 above, and shall be limited to providing:

- (1) Public notice of or information about government programs, services, facilities, operations, policies, rules or regulations;
- (2) Public notice of or factual information about programs, services, facilities, events and activities that are open to the public and conducted or sponsored by the Town of Colma;
- (3) Information that is of general interest to the public and that reflects a Town of Colma departmental, divisional, or program initiative, range of service or responsibility (e.g., Town of Colma job postings);
- (4) Directional information about the Town, such as maps;
- (5) Information about the culture and/or history of the Town of Colma, or its environment, including historical landmarks and locations and contact information which may include cemeteries; or
- (6) Listing of the names, addresses and other identifying information about qualifying organizations (defined in Section 1.11.100(a)) and descriptions of goods or services those organizations offer, etc.;
- (7) Information that promotes or safeguards the safety or security of Colma residents, businesses and property owners, such as health alerts, information regarding local emergencies, emergency services, and crime alerts;
- (8) Information promoting general trade or commerce within the Town. The website may not single-out a specific business by the manner of display of its name in the layout of the document, such as by headlines, captions, type size, typeface, or type color, provided however, that the website may provide to the public the names and contact information for businesses that contract with the Town to provide public services (e.g., waste hauler) so the public can access these services; and

(b) Content posted or published by the Webmaster on the Town's website shall not:

- (1) Promote, feature, advocate, or oppose any initiative, ballot measure, or candidate for public office at the local, state, or national level;

- (2) Include or feature any topic not encompassed by the website's statement of purpose as set forth in Section 1.11.010 above;
- (3) Advertise any specific commercial venture, sale, enterprise or activity, except (i) where the advertising copy is an incidental part of promoting general trade or commerce within the Town or of providing information regarding qualifying organizations, as expressly allowed by this subchapter, or (ii) where the website provides to the public the names and contact information for businesses that contract with the Town to provide public services (e.g., waste hauler) so the public can access these services;
- (4) Include any material that is false, misleading, deceptive, or offensive to the moral standards of the community;
- (5) Include any material that defames or disparages, either pictorially, graphically or otherwise, any person or class of persons; or
- (6) Include any material that advocates or opposes any political or religious subjects, issues, viewpoints or candidates;
- (7) Feature any entity that discriminates against or class of persons on the basis of race, religion, color, national origin, handicap, ancestry, sex, sexual orientation or age;
- (8) Publish letters or any other form of editorial content from the public.

(c) Any content posted or published by the Webmaster may be removed from the Town's website at any time without prior notice at the sole discretion of the Webmaster. Any image, notice or other communication providing public notice of an event or other time-limited matter shall be removed from the website within three (3) working days after termination of that event or matter, but may be kept in archival areas of the Town's website in the Webmaster's discretion.

1.11.080 Reports Required by State Law.

The Webmaster shall timely post on the Town of Colma website any forms or reports that State or Federal law requires be posted, including but not limited to, public reporting forms promulgated by the Fair Political Practices Commission (e.g., Form 801).

Division 3 - Allowance of Links to External Websites

1.11.090 Statement of Website Policy on External Links.

(a) The Webmaster may place external links on the Town of Colma website solely to the extent those entities provide information that complies with the Town of Colma Website Policy set forth in this subchapter. In determining whether to include links to external websites on the Town's website, the Webmaster shall be guided by the Website policy, and shall, in its sole and absolute discretion, determine whether the link meets the criteria for eligibility set forth therein.

(b) Each external website linked to the Town's website shall follow all applicable ADA universal accessibility and design guidelines for websites.

1.11.100 Links to External Resources and Websites.

The Webmaster may, in its discretion, place hypertext links to external websites on the Town of Colma website solely in conformance with the policies, procedures and standards set forth in this subchapter.

(a) Qualifying Organizations. The Webmaster is authorized to post hypertext links to external websites of the following organizations on the Town website:

- (1) Chamber of commerce;
- (2) Other governmental agencies that provide services and resources which are or may be available to Colma residents and businesses within and around the Town (e.g., Caltrans or other public transportation services);
- (3) Hospitals serving Town of Colma residents;
- (4) Any IRS code 501(c)(3) non-profit qualifying organization that provides services and resources which are or may be available to Colma residents and businesses within and around the Town;
- (5) Public and private, bona fide educational institutions as defined in Education Code § 210.1, or as described in Education Code § 66010(a) and (b), located within the counties of San Mateo, San Francisco or Santa Clara; and
- (6) Public Utilities and similar entities (e.g., PG&E, Town's solid waste disposal franchisee, cemeteries, etc.) that provide public services to Town residents and businesses.

1.11.110 Reservation of Rights

The Town of Colma reserves the right to revise this policy without prior notice when to do so is deemed to be in the best interests of the Town.

APPENDIX

Town of Colma Website External Link Application Form

Name of Entity: _____

Address: _____

Phone number: _____

Fax number: _____

URL: _____

Type of Entity (e.g., museum): _____

Referring to Town's *Website Policy*, what criteria does your entity meet to be able to hyperlink to the Town Site (reference §1.11.____)

_____ [insert name of entity applicant], represents that it is an equal opportunity employer and it shall not discriminate against, nor permit such person as it may employ to discriminate against, any employee, subcontractor, or applicant for employment because of race, religion, color, national origin, handicap, ancestry, sex, sexual orientation, or age.

I will abide by the terms and conditions of the Town's *Website Policy*.

Name: _____

Entity Name: _____

Requesting Entity: _____

Date: _____ Signature: _____

Approved by Webmaster

Date: _____ Signature: _____