CHAPTER ONE: ORGANIZATION, FUNCTIONS AND GENERAL PROVISIONS

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 sole purpose of the Town of Colma website is to provide information of the Town's choosing to website users regarding resources and services available to the general public from the Town government or from other governmental agencies or qualifying non-profit organizations.

(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.

[*History*: Res. 2008-60, 10/8/08]

1.11.020 Website Administrator.

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 information published on the Town's website. Except as otherwise stated in this Policy, copy shall only be allowed by or under the supervision of the Webmaster or designee. 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.

[*History*: Res. 2008-60, 10/8/08]

1.11.030 Logo Permissions.

(a) The Town of Colma logo is a service mark of the Town of Colma. Any use of the materials stored on the Town's website is prohibited without the 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 content unless otherwise noted. All other servicemarks, trademarks, or other intellectual property rights mentioned herein are the property of their respective owners and shall not be infringed.

(b) This means that 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) "mirroring" the Town's information on a non-Town server (mirroring as used herein shall mean duplicating Town website data onto another computer at another location for backup purposes or to be in closer proximity to the user; 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 business, or single-out the 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.

[*History*: Res. 2008-60, 10/8/08]

1.11.040 Accessibility Policy.

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"). Requests for "reasonable accommodations" within the meaning of the ADA, should be made to the City Manager at 1198 El Camino Real, Colma California, 94014 Monday through Friday 8:00 a.m. to 5:00 p.m. [Reference point: Section 508

of Rehabilitations Act of 1998 and Level 1.0 Accessibility Guidelines proposed by World Wide Web Consortium (W3C) http://www.access-board.gov/sec508/guide/1194.22.htm]

[*History*: Res. 2008-60, 10/8/08]

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*. AI includes information that does not identify specific individuals and is automatically transmitted by your browser. This information can consist of, for example: the URL (Uniform Resource Locator or address) of the web page you previously visited; the domain names and/or IP addresses which are numbers that are automatically assigned to your computer whenever you are connected to the Internet or World Wide Web; the browser version you are using to access the website. This information is used to help improve the Town of Colma website. None of the information can be linked to any individual.

(c) *Personally Identifiable Information*. The Town only collects PII when necessary to provide service. Town website users can decline to provide the Town any personal information at any time. However, if users should choose to withhold requested information, the Town may not be able to provide the online services dependent upon the collection of that information. PII could include, for example, name; address; email address; telephone number; credit/debit card information. If the Town chooses to collect PII, it shall make every reasonable effort to protect website user's privacy. The Town restricts access to PII to those employees that will respond to your request and shall not intentionally disclose any PII to any third parties inside or outside the Town except as required by law.

(d) *E-mail Addresses*. The Town may store e-mail addresses of website visitors 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 Town 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 Town 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 Personal Information*. Unless otherwise prohibited by state of federal law, rule or regulation Town of Colma, website users will be granted the ability to access and correct their PII. 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 Code or federal law. Visitors to such sites are advised to check the privacy statements of such sites and to be cautious

about providing PII 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. (http://www.privavyalliance.org/resources/ppguidelines.shtml).

[*History*: Res. 2008-60, 10/8/08]

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.

[*History*: Res. 2008-60, 10/8/08]

Division 2 - Website Content

1.11.070 Content Posted on Town of Colma Website.

(a) All content posted to Town of Colma website must be consistent with the website's statement of purpose set forth in Section 1.11.010 above, and must meet the following standards:

(1) Provide public notice of or contain information about government services, operations, policies, rules or regulations;

(2) Provide public notice or contain information about events and activities that are open to the public and conducted, sponsored or supported by the Town of Colma;

(3) Contain 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) Contain directional information about the Town that is of interest and assistance to the public such as maps, descriptions of services, etc.;

(5) Provide information about the history of the Town of Colma, or promote the safety, health or welfare of Colma residents (e.g., crime alerts); or

(6) Provide information about events and activities that are conducted for the principal benefit of residents and businesses in the Town.

(b) The Town of Colma website shall not:

(1) Promote or feature any candidate for public office at the local, state, or national level;

(2) Include or feature any topic not encompassed within the purpose of the website;

(3) Advertise any commercial venture, sale, enterprise or activity;

(4) Include any material that is false, misleading, deceptive, or offensive to the moral standards of the community;

(5) Include any material that disparages, either pictorially, graphically or otherwise, any person; or

(6) Include any material that advocates or opposes any political or religious subjects, issues, viewpoints or candidates;

(7) Include any material that disparages or promotes any person or class of persons;

(8) Publish letters from the public.

[*History*: Res. 2008-60, 10/8/08]

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).

[*History*: Res. 2008-60, 10/8/08]

Division 3 - Allowance of Links to External Websites

1.11.090 Statement of Website Policy on External Links.

The purpose of this policy is to identify the criteria and conditions by which the Town provides links to external websites from its own website. Consistent with the website's statement of purpose set forth in Section 1.11.010 above, the Town's sole and limited purpose for linking to external websites is for the Town to provide non-political and/or non-religious information of a factual nature to the public regarding services or resources available to Colma residents within and around the Town from the Town government, or from other governmental agencies or non-profit organizations in partnership with the Town in order to conduct Town business and facilitate the provision and accessibility of services to the public.

[*History*: Res. 2008-60, 10/8/08]

1.11.100 Links to External Resources and Websites.

The Town may in its discretion allow the placement of hypertext links to external websites on the Town of Colma website solely in conformance with the above-stated policy. Accordingly, the Town shall allow external links solely to the kinds of entities and organizations listed in Section 1.11.130(a), below and solely to the extent those entities provide information that complies with the Town's website policy. In addition, to avoid any perception that the Town endorses or provides favorable treatment to any private person or business enterprise, no corporate or commercial logos or direct links to vendor sites are allowed. All links must follow ADA universal accessibility and design guidelines.

(a) Authorized Entities

(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 501(c)(3) 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 (e.g., PG&E, Town's solid waste disposal franchisee, etc.) that provide services to Town residents and businesses.

[*History*: Res. 2008-60, 10/8/08]

1.11.110 Application Process and Review.

Authorized entities wishing to establish external links on the Town of Colma website must submit an application on the Application Form available at the office of the City Clerk of the Town of Colma (1198 El Camino Real, Colma, California, 94014). The application shall contain all information necessary to verify the facts stated therein and as may be necessary to establish that the proposed link is in compliance with this policy. No link may be created from the Website without the Town's prior written approval of a properly submitted application. Requests will not be granted automatically and links are not guaranteed.

In determining whether to allow content links of the Town's website, the Webmaster shall be guided by the Town's website policy, and shall, in its sole discretion, determine whether the proposed content meets the criteria for eligibility set forth therein. The Webmaster may not grant approval for content that is inconsistent with the Town's website policy. Additionally, the Webmaster may not approve any link for posting unless it follows all universal accessibility and design guidelines set forth in the ADA & Universal Accessibility Compliance Guidelines, employs correct and functional HTML coding and contains contact information available to any visitor of the site.[Reference point: Sectopm 508 of Rehabilitations Act of 1998 and Level 1.0 Accessibility Guidelines proposed by the World Wide Web Consortium (W3C) http://www.access-board.gov/sec508/guide/1194.22.htm

All links, images, notices and other communications may be removed at any time without prior notice at the sole discretion of the Webmaster. A link, 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 website.

[*History*: Res. 2008-60, 10/8/08]

1.11.120 Reservation of Rights.

The Town of Colma reserves the right to 1) deny an external link application as to any person, business or organization when it is determined, following review of a complete application, that the entity or organization for which application is made does not meet the criteria set forth in this policy; 2) deny an external link application as to any person, business or organization which fails to provide all required information, or fails to provide truthful information; 3) remove or replace any external link at any time and without notice if the nature of the organization or business to which the link relates, no longer complies with the Town's external link policy; 4) discontinue an external link at any time if entities' website provides or promotes false, slanderous, illegal, immoral, or incorrect information at any time, or 5) revise this policy without prior notice when to do so is deemed to be in the best interests of the Town.

[*History*: Res. 2008-60, 10/8/08]