

Arkansas State University

Policy Statement on Electronic Communications Privacy

A. Application of the Electronic Communications Privacy Act

The [Electronic Communications Privacy Act](#) applies to any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnet, photo electronic or photo optical system. E-mail and voice mails are electronic communications. All electronic communications sent or received on Arkansas State University equipment or through Arkansas State University technology are presumed to be controlled by the Electronic Communications Privacy Act.

B. Ownership of Electronic Communications

Arkansas State University is the provider of the communications service and, as such, owns all electronic communications transmitted through its technology.

C. Monitoring of Electronic Communications

Arkansas State University may monitor use of any technology resource in order to ensure compliance with federal and state statute or university policy.

D. Disclosure of Electronic Communications

As the owner of all electronic communications transmitted through university technology systems, Arkansas State University has the authority to read and disclose the contents of electronic communications without the consent of the person sending or receiving the communication. State Freedom of Information Act requests may require the disclosure of electronic communications without consent of the person sending or receiving the communication. ALL FOIA requests are required to be forwarded to university council before any records are disclosed.

E. No Expectation of Privacy in Electronic Communications

Because all electronic communications maintained in public offices, or by public employees within the scope of their employment, are presumed to be public records under Arkansas law, no person utilizing Arkansas State University equipment to send or receive electronic communications has an expectation of privacy in those communications. Public records include electronic communications which constitute a record of the performance or lack of performance of official functions which are or should be carried out by a public official or employee, a governmental agency, or any other agency wholly or partially supported by public funds or expending public funds.