

Board Policy On Email Communication for Association Business

APPROVAL DATE – June 12, 2017

GENERAL PURPOSE AND SCOPE - The Board adopts this policy as a part of its overall effort to formalize the Association's process of communication between Board members, Association staff and Owners. Part of the total approach is to provide support and guidance to Board members and staff relating to the use of email or other means of written electronic communication to communicate or conduct Association business in conformance with Section 720.303(4-5) F.S. The policy is designed to assist both Owners and Association staff in complying with the rules set out in the Florida Statutes to facilitate open and effective communication and provide accountability for Association email users.

THE COMMON ELEMENT – This policy applies to the Association's statutory obligation retain and preserve written Board communications as "official records". It is in the best interest of both the Board and the Members to provide some standard policy guidelines to address Board member email standards and protocol, Association email retention rules and Association protocol for protection of sensitive information and privileged information such as attorney client communication.

BOARD EMAIL STANDARDS – Board members are encouraged to communicate with staff, Members and each other on matters relating to the Kelly community and current issues facing the Board. The Association recognizes that email and other written forms of electronic communications can be valuable vehicles for efficient and effective communication. The following general standards are adopted relating to Board email and electronic communications via software and applications like Twitter, Facebook, Snapchat, etc.:

1. Board members shall exercise the highest professional and ethical standards in communicating with others in matters involving the Kelly Community and Association business.
2. Board members shall not utilize written electronic communication as a means to conduct official business of the Board with other Board members in lieu of discussion and voting at a noticed scheduled Board meeting unless direct action is required by a documented emergency condition.
3. To the extent that a Board member feels it is necessary or useful to state their position on an issue pending before the Board in an electronic writing, they shall not solicit a response from other Board members and other Board members shall refrain from responding whether requested or not.

BOARD EMAIL PROTOCOL – Management shall provide necessary technical support for Board members to have access to a specific Association related email address and server to be used for all association related email communication. Board members shall limit themselves, to the greatest extent possible, to the use of this email account to generate any association related communication. If a Board member cannot access this account to do so, emails from any private account will direct a copy of the

business related email to a specified email address for a member of management staff at the time it is generated or as soon as feasible thereafter. The Association will distribute only the business email address for Board members in all official documents providing contact information for the Board. Board members shall direct all Member and third party business email to this business address and forward all business email received on a personal account to management for preservation. Management shall take all necessary actions to ensure that all email traffic generated through this email account is preserved and managed as an official record of the Association.

PROTECTION OF CONFIDENTIAL MATERIAL – Board members and professionals serving the Board, most notably Association legal counsel, may from time to time communicate on matters which are confidential and not subject to review by Members or other third parties. This policy requires that these communications be treated by the Board members as confidential and therefore not available to share with any third party, including the member’s family. It is understood that sharing confidential information related to Association legal or personnel issues by a Board member with anyone may waive any privilege attached to that communication. A board member or staff member generating mail dealing with confidential information shall conspicuously identify the document as confidential in its subject line. If there is a question as to whether or not a document may convey privileged information, a Board member will contact association legal counsel for clarification before transmitting.

AUTHORITY

Fla. Stat. § 720.303

Notwithstanding this paragraph, the following records are not accessible to members or parcel owners:

1. Any record protected by the lawyer-client privilege as described in s. 90.502 and any record protected by the work-product privilege, including, but not limited to, a record prepared by an association attorney or prepared at the attorney’s express direction which reflects a mental impression, conclusion, litigation strategy, or legal theory of the attorney or the association and which was prepared exclusively for civil or criminal litigation or for adversarial administrative proceedings or which was prepared in anticipation of such litigation or proceedings until the conclusion of the litigation or proceedings.
2. Information obtained by an association in connection with the approval of the lease, sale, or other transfer of a parcel.
3. Personnel records of association or management company employees, including, but not limited to, disciplinary, payroll, health, and insurance records. For purposes of this subparagraph, the term “personnel records” does not include written employment agreements with an association or management company employee or budgetary or financial records that indicate the compensation paid to an association or management company employee.
4. Medical records of parcel owners or community residents.
5. Social security numbers, driver license numbers, credit card numbers, electronic mailing addresses, telephone numbers, facsimile numbers, emergency contact information, any addresses for a parcel owner other than as provided for association

notice requirements, and other personal identifying information of any person, excluding the person's name, parcel designation, mailing address, and property address. Notwithstanding the restrictions in this subparagraph, an association may print and distribute to parcel owners a directory containing the name, parcel address, and all telephone numbers of each parcel owner. However, an owner may exclude his or her telephone numbers from the directory by so requesting in writing to the association. An owner may consent in writing to the disclosure of other contact information described in this subparagraph. The association is not liable for the disclosure of information that is protected under this subparagraph if the information is included in an official record of the association and is voluntarily provided by an owner and not requested by the association.

6. Any electronic security measure that is used by the association to safeguard data, including passwords.

7. The software and operating system used by the association which allows the manipulation of data, even if the owner owns a copy of the same software used by the association. The data is part of the official records of the association.