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## **Email and Instant Messaging Policy**

The McDaniels Automotive Group has established this policy with regard to the acceptable use of company provided electronic messaging systems, including but not limited to email, voice mail, video conferencing and instant messaging, all of which are important and sensitive business tools. This policy applies to any and all electronic messages composed, sent or received by any employee or by any person using company provided electronic messaging resources.

### ***Policies***

McDaniels sets forth the following policies, but reserves the right to change them at any time as may be appropriate or required under the circumstances.

- McDaniels provides electronic messaging resources to assist in conducting company business.
- All messages composed and/or sent using company provided electronic messaging resources must comply with company policies regarding acceptable communications.
- McDaniels prohibits discrimination based on age, race, gender, sexual orientation or religious or political beliefs. Use of electronic messaging resources to discriminate for any or all of the aforementioned reasons is prohibited.
- The electronic messaging system(s) is (are) company property. All messages stored in company provided electronic messaging system(s) or composed, sent or received by any employee are the property of McDaniels. Furthermore, all messages composed, sent or received by any person using company provided equipment are the property of McDaniels. Electronic messages are NOT the property of any employee.
- Upon termination or separation from the company, McDaniels will deny all access to electronic messaging resources, including the ability to download, forward, print or retrieve any message stored in the system, regardless of sender or recipient.
- Each employee will be assigned a unique email address that is to be used while conducting company business via email.
- Employees are generally prohibited from automatically forwarding electronic messages sent through company provided systems to external messaging systems except in rare and limited circumstances.
- McDaniels reserves the right to intercept, monitor, review and/or disclose any and all messages composed, sent or received. The interception, monitoring and reviewing of messages may be performed with the assistance of content

filtering software, or by designated company employees and/or designated external entities. Employees designated to review messages may include, but is not limited to, an employee's supervisor or manager, senior management, Legal Department or Compliance Department.

- McDaniels reserves the right to alter, modify, re-route or block the delivery of messages as appropriate. This includes but is not limited to:
  - Rejecting, quarantining or removing the attachments and/or malicious code from messages that may pose a threat to company resources.
  - Discarding attachments, such as music, considered to be of little business value and of significant resource cost.
  - Rejecting or quarantining messages with suspicious content.
  - Rejecting or quarantining messages containing offensive language.
  - Re-routing messages with suspicious content to designated company employees for manual review.
  - Rejecting or quarantining messages determined to be unsolicited commercial email (spam).
  - Appending legal disclaimers to messages.
- Electronic messaging resources may be used *infrequently* and *occasionally* for personal use. Excessive personal use may result in disciplinary action, including but not limited to the loss of this privilege and/or termination. Company provided electronic messaging resources may not be used for the promotion or publication of one's political or religious views, the operation of a business or for any undertaking for personal gain.
- McDaniels permits the use of instant messaging, VOIP and video conferencing programs. The policies in this document apply equally to instant messages as well as email.
- Employees authorized to use instant messaging, VOIP and video conferencing programs will be advised specifically on which program(s) are permissible and which ones are not.
- Employees authorized to use instant messaging programs will be assigned a unique instant messaging identifier, also known as a buddy name, handle or nickname.
- Employees are prohibited from conducting employee business from any non-company provided email or instant messaging accounts.
- The unique email addresses and/or instant messaging identifiers assigned to an employee are the property of McDaniels. Employees may use these identifiers only while employed by the company. The right to use these identifiers terminates upon termination or separation from the company.
- McDaniels employs sophisticated anti-virus software. Employees are prohibited from disabling anti-virus software running on company provided computer equipment.
- Any employee who discovers a violation of these policies should immediately notify a manager or the Human Resources Department.
- Any employee in violation of these policies is subject to disciplinary action, including but not necessarily limited to, termination.

## ***Practices and Procedures***

McDaniels employs certain practices and procedures in order to maintain the health and efficiency of electronic messaging resources, to achieve company objectives and/or to meet various regulations. These practices and procedures are subject to change as appropriate or required under the circumstances:

- McDaniels treats electronic messages as a business record. As with any business record, established practices and procedures for the safekeeping, retention and ultimate destruction of the business record must be followed.
- MCDANIELS STRICTLY FORBIDS MASS EMAILING FROM ANY COMPANY ACCOUNT WITHOUT EXPRESSED WRITTEN APPROVAL FROM THE CHIEF OPERATING OFFICER OR DEALER PRINCIPAL!!!
- McDaniels may serialize, archive and retain copies of all internal and external electronic messages for a period of time after a message was first sent or received.
- McDaniels reserves the right to grant or revoke access to individual employees on a case by case basis.
- The company automatically and systemically will destroy all archived messages after a period of time determined by senior management based on when the message was first sent or received.
- In order to enforce the company's electronic message retention policies, employees are prohibited from copying or storing messages into any form of local message archive, including, but not limited to, PST files, public folders, personal folders and local file folders.
- Any activity that uses excessive bandwidth or creates hazards or other impediments for other users is subject to limitations or banishment; possible sanctions against Associates engaging in activities that lead to the loss of productivity for other Associates may be levied.

## ***Risks and Cautionary Advice***

While electronic messaging resources allow employees to conduct company business efficiently, use of email and instant messaging systems comes with some inherent risks. All employees should be aware of these risks and take precautions to mitigate them:

- Messages sent electronically can be intercepted inside or outside the company and as such there should never be an expectation of confidentiality. Do not disclose proprietary or confidential information through email or instant messages.
- Electronic messages can never be unconditionally and unequivocally deleted. The remote possibility of discovery always exists. Use caution and judgment in determining whether a message should be delivered electronically instead of in person.

- Electronic messages may be legally discoverable and permissible as evidence in a court of law.
- Electronic messages are frequently inadequate in conveying mood and context. Carefully consider how the recipient might interpret a message before composing or sending it.
- Even though the company employs anti-virus software, some virus infected messages can enter the company's messaging systems. Viruses, "worms" and other malicious code can spread quickly if appropriate precautions are not taken:
  - Be suspicious of messages sent by people not known by you.
  - Do not open attachments unless they were anticipated by you.
  - Disable features in electronic messaging programs that automatically preview messages before opening them.
- Do not forward chain letters. Simply delete them.
- McDaniels considers unsolicited commercial email (spam) a nuisance and potential security threat. Do not attempt to remove yourself from future delivery of a message that you determine is spam. These "Remove Me" links often are used by unscrupulous mass junk e-mailers as a means to verify that you exist. Attempting to remove yourself will only ensure that you will receive ever increasing amounts of spam.
- Internet message boards are a fertile source from which mass junk e-mailers harvest email addresses and email domains. Do not use company provided email addresses when posting to message boards.

*As with all McDaniels' Policies you are encouraged to forward ideas for improving the Policy to your supervisor, management, or in this case, the postmaster.*