

**MARIN COUNTY EMPLOYEES' RETIREMENT ASSOCIATION (MCERA)  
PORTABLE ELECTRONIC DEVICE POLICY**

**ADOPTED: March 13, 2013  
AMENDED: March 12, 2014  
REVIEWED: May 6, 2015  
AMENDED: May 4, 2016  
AMENDED: May 10, 2017  
REVIEWED: May 9, 2018  
AMENDED: December 12, 2018  
REVIEWED: January 8, 2020  
AMENDED: October 14, 2020  
AMENDED: November 3, 2021  
AMENDED: October 12, 2022**

For purposes of this policy, “portable electronic devices” are any devices having the capability to store, record, and/or transmit text, images/video, or audio data. Examples include, but are not limited to: cellular phones, personal digital assistants, tablets, electronic watches, laptops, e-readers, netbooks, and notebooks.

**I. PURPOSE**

This policy is intended to set forth the authorization and limitations of use of MCERA portable electronic devices. In addition, this policy provides for the systematic review of the portable electronic devices.

**II. SCOPE**

These guidelines apply to all MCERA board members and staff.

**III. BACKGROUND**

MCERA board packet material is extensive. Copying, delivering and producing the packet material is costly and requires significant staff time that could be used on other MCERA business. MCERA would like to facilitate the electronic access and usage of documents by allowing board and staff to use MCERA portable electronic devices to retrieve, store, edit and read board meeting materials.

Portable electronic devices are a security risk because, being portable, they are at risk for loss, theft, or other unauthorized access, and they may contain confidential or privileged MCERA information, including, without limitation, private member and beneficiary information as well as confidential and proprietary information of alternative investment managers.

Email and other written communications by MCERA Board and staff members discussing or otherwise conducting MCERA business constitute public records that are subject to inspection unless protected by the California Public Records Act from disclosure. If personal devices are used for official communications, as the California Supreme Court concluded in the 2017 *City of San Jose v. Superior Court* decision, MCERA Board and staff members will be required timely to respond to requests for their email communications regarding MCERA business in response to any California Public Records Act requests for such communications.

#### **IV. POLICY**

1. Board members and staff understand that their authorization to periodically use MCERA portable electronic devices, associated equipment and software (“MCERA portable electronic devices”) is limited to and for the sole purpose of conducting MCERA business. Board members and staff further understand that they have no expectation of personal privacy with regard to their use of such devices. MCERA reserves the right to enter, search and monitor any MCERA portable electronic devices without advanced notice for any reason including but not limited to monitoring work flow or productivity, investigating theft, disclosure of confidential business or proprietary information, or personal use or abuse of the MCERA portable electronic devices or the MCERA or Marin County (“County”) systems.
2. MCERA portable electronic devices are not solely assigned to individual Board Members and staff but are resources to be used on an as needed basis and may be rotated among Board Members and staff in accordance with MCERA’s business needs. MCERA is entitled to and will require such devices to be returned to MCERA for routine maintenance and to ensure that they are being used only in a manner that is consistent with this policy.
3. MCERA portable electronic devices are not for the personal use of the Board member or staff employee or any other person or entity. Board members and staff will not permit anyone else including, but not limited to, the Board member’s or staff’s family and/or associates, to use MCERA property.
4. Any MCERA portable electronic devices purchased for use by MCERA will have security settings pre-established on the device before it is provided to trustees or staff for use. The security settings will protect the device, as much as possible, from unauthorized intrusions and unauthorized use. Users of the portable devices should not modify security settings or add software to the device that has not been authorized by MCERA.
5. Board members and staff should consult with the MCERA Retirement Administrator prior to downloading or installing any software onto any MCERA portable electronic devices.

6. Board members and staff who have an assigned portable electronic devices are responsible for the security of the device, all associated equipment and all data. Board members and staff must report (i) any lost or stolen portable electronic equipment or data and (ii) any attempted or actual unauthorized access, use, disclosure or destruction of data, however nominal, to the MCERA Retirement Administrator as soon as discovered or reasonably suspected.
7. Authorized Users may remotely access MCERA's information maintained and work-related websites using portable electronic devices. Remote access will be maintained by Marin County and coordinated with MCERA.
8. The General Prohibited Uses of Electronic Media (Section M) set forth in the County's Electronic Media<sup>1</sup> policy are incorporated by this reference into this policy.
9. To the extent possible Board members and staff should use a secure WIFI connection to access information and avoid public locations or "hot spots."
10. MCERA Board and staff members will limit their discussions regarding, and other conduct of, MCERA business by email to their MCERA email accounts, which communications also shall comply with requirements of the Ralph M. Brown Act (e.g., no serial meetings). If MCERA Board or staff members discuss, or engage in other conduct of, MCERA business on their private (non-MCERA) email accounts, they will be required to respond substantively to MCERA staff within five (5) business days regarding any California Public Records Act request for such email communications.
11. Every Board and staff member must acknowledge in writing that he or she has read, understood and will comply with all terms of this policy before that individual may be provided with any MCERA portable electronic devices.
12. This policy will also be added to those that are subject to annual Affirmation as to Key Policies by all Board members and certain staff members.

## **V. PORTABLE ELECTRONIC DEVICE REVIEW**

The electronic device will be reviewed by staff every three to five years to consider whether to recommend to the Board the upgrade of either the software or the hardware.

---

<sup>1</sup> Marin County Personnel Management Regulation (PMR) Section 23.2 (General Policy on the Use of Electronic Media) as updated from time to time.

**VI. POLICY REVIEW**

This Policy will be reviewed by the Retirement Board at least every year to ensure that it remains relevant and appropriate. The Policy may be amended from time to time by majority vote of the Board.

**VII. RETIREMENT ADMINISTRATOR'S CERTIFICATE**

I, Jeff Wickman, the duly appointed Retirement Administrator of the Marin County Employees' Retirement Association, hereby certify the amendment of this Policy on October 12, 2022.



---

Retirement Administrator