

★ Roll Call Number
13-1571

Agenda Item Number
30

Date October 7, 2013

CONSENT TO STORAGE OF ELECTRONICALLY FORMATTED
 LEGAL DEPARTMENT WORK PRODUCT, COMMUNICATIONS AND
 OTHER DOCUMENTATION BY MICROSOFT

WHEREAS, by Roll Call No. 13-1404 of September 9, 2013, the City Council approved a consulting contract with Catapult Systems, Inc. for implementation of the Microsoft Office 365 software; and


WHEREAS, by implementation of Microsoft Office 365 for all City departments, including the City Legal Department, all storage of electronically formatted City Legal Department work product, communications and other documentation will be stored on servers or other computer equipment physically located and maintained by Microsoft outside the direct control and supervision of the City Legal Department; and

WHEREAS, the Information and Technology Department in conjunction with Catapult Systems, Inc. have determined that the City Legal Department will have unrestricted access and that reasonable security precautions will be implemented, including password protection and data encryption, to preserve the confidentiality of City Legal Department work product, communications and other documentation and to prevent unauthorized access and disclosure, however, the City Legal Department cannot guarantee that the documentation stored by Microsoft will be invulnerable to unauthorized access and that employees of Microsoft or other third parties may have access, both authorized and unauthorized, to confidential information.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that the City Legal Department is authorized and directed to use Microsoft Office 365 services and that in accordance with Rule 32:1.6 "Confidentiality of Information," of the Iowa Rules of Professional Conduct for attorneys, informed consent is hereby given to the storage of City Legal Department work product, communications and other documentation by Microsoft.

APPROVED AS TO FORM:

Moved by Mahaffey to adopt.

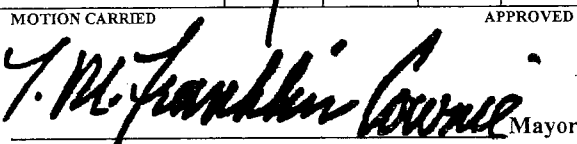

 Lawrence R. McDowell
 Deputy City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
TOTAL	7			

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

MOTION CARRIED APPROVED

 T. M. Franklin
 Mayor


 Diane Rauh
 City Clerk