

## Court of Appeal of Newfoundland and Labrador

### WIRELESS GUEST ACCESS & ELECTRONIC DEVICES POLICY

#### Background and Purpose

Starting April 22, 2015, individuals with a business purpose requiring internet at the Court of Appeal will have access to complimentary wireless services provided through the Office of the Chief Information Officer of the Government of Newfoundland and Labrador.

All lawyers, self-represented litigants, and other persons with business at the Court of Appeal may apply to the Court of Appeal Registry for access to the guest wireless network before their hearing. Login information will be provided as requested upon users agreeing to the Court of Appeal's *Wireless Guest Access & Electronic Devices Policy*. Use of the wireless network is subject to the Office of the Chief Information Officer's *Terms of Service* and the Court of Appeal's *Wireless Guest Access & Electronic Devices Policy*.

#### Use of Wireless Services and Electronic Devices

1. The wireless network and any electronic devices shall be used for business purposes consistent with Court functions.
2. The wireless network and any electronic devices must be used discreetly and shall not be used in ways that affect or disrupt the administration of justice, the Court's decorum, or the Court's proceedings, including the Court's technology and recording software. Proceedings shall not be delayed or disrupted because of interruptions or malfunctions in the network or an individual's electronic device(s).
3. Use of the wireless network and electronic devices in the courtroom is encouraged for purposes including:
  - a. Scheduling dates for hearings through electronic scheduling systems (such as Microsoft Outlook) to allow the Court to set firm hearing dates;
  - b. Linking with law firm office systems to
    - i. facilitate case management during hearings,
    - ii. allow review of correspondence and documents pertaining to the file, and
    - iii. consult with other firm members regarding hearing activities; and
  - c. Conducting research.
4. Individuals using the wireless network or electronic devices will not:
  - a. Use the network for unlawful or fraudulent purposes or activities;

- b. Fail to respect intellectual property rights;
  - c. Access, create, store or transmit indecent or offensive material except where such is required for a hearing;
  - d. Use the wireless network or electronic devices for any purpose which would be embarrassing or would bring the administration of justice into disrepute;
  - e. Interfere with the wireless services for other users, including by using a large amount of bandwidth, except where such is necessary for proceedings; or
  - f. Attempt to gain unauthorized access to the network or access blocked content.
5. While court is in session, electronic devices in the courtroom may be used to broadcast or transmit information about the proceedings but they shall not be used to:
- a. Take photographs in the courtroom without express consent of the Court or the presiding judge;
  - b. Make audio or video recordings in the courtroom without express consent of the Court or the presiding judge, except for recognized members of the media who may make audio recordings to verify story accuracy but may not transcribe, sell, copy, share or transmit any such recordings; or
  - c. Speak on the phone or otherwise orally communicate via an electronic device.

### **Privacy, Confidentiality, and Privilege**

6. The wireless services are unsecured and are supported by the Office of the Chief Information Officer of the Government of Newfoundland and Labrador. Users are recommended to follow best practices related to internet use, including using virus scanners and encryption software on their electronic devices.
7. As with any unsecured wireless network, there is a risk that communications may be intercepted unlawfully. The Office of the Chief Information Officer also monitors and logs information related to the network's use; in some circumstances, this information may be accessed by legal authorities. Users do not have a reasonable expectation of privacy when using this network.
8. Users should exercise their discretion when accessing personal or confidential information, including information that may be subject to privilege, via this wireless network.

### **Indemnification**

9. No guarantees or warranties are made about the security, privacy, quality or availability of the wireless network.

10. Users accept all risks associated with using the wireless network and indemnify the Court of Appeal and the Government of Newfoundland and Labrador against all claims related to using the network.

### **General**

11. Users may register for wireless services and consent to the relevant terms of use for each hearing.
12. Users must provide their own hardware, software, and any technical assistance that may be required to access or use the wireless network.
13. The network is equipped with standard business use content management software to block access to a range of potentially embarrassing and/or criminal sites; users may not circumvent this software.
14. All publication bans, sealing orders, and other Court orders are unaffected by this policy.
15. Notwithstanding anything in this policy and agreement, the Court and the presiding judge retain authority over use of electronic devices and the wireless network; in their discretion, they may deviate from this policy.

### **Enforcement**

16. Violations of this policy, in the discretion of the Court or the presiding judge, may result in:
  - a. A request to turn off an electronic device;
  - b. A request to leave the courtroom;
  - c. Forfeiture of an electronic device while in the courtroom;
  - d. Deletion of all wrongfully recorded material;
  - e. A temporary or permanent withdrawal of access to the wireless network;
  - f. A citation for contempt of Court;
  - g. Prosecution for violation of a publication ban; or
  - h. Other orders as the Court sees fit.