

ADVISORY OPINION

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Web links on Agency Website

Question:

What type of links can a state agency provide on its official website?

Short Answer:

Agencies may provide web links to contracted providers or other entities that provide educational or information to the public that is in line with the mission of the agency.

Background:

Many state agencies provide information to the public via a state-sponsored website. This website may include information regarding outside organizations that either contract with the state or provide the agency with information.

Examples of contracted entities include contracted providers for DSHS, i.e., anger management counselors, mental health therapists, etc. DSHS contracts with these entities to provide the public (DSHS clients) with services.

Examples of informational entities would include non-profit organizations that provide the agency with research and statistical information that the agency wants the public to access, i.e., the Groundwater Foundation, a non-profit organization that informs the public about ground water.

Neither the Department of Information (DIS) nor the Information Service Board (ISB) have policies that every state agency must abide by regarding external web links or the content of external sites. The ISB published a Web presentation guide that is a collection of best practices for agencies to use when developing digital government services, but an agency is not required to follow it.

DIS does have a linking policy for DIS websites. The purpose of this policy is to clearly state that the DIS Web site is not a public forum for communication and debate. Links to external Web sites from the DIS pages are established and retained at DIS' discretion. This policy also provides guidelines on when links to external sources are inappropriate.

The Purpose of the DIS Web site is to promote public service to citizens and businesses by:

- Expanding business and citizen access to government services and government information;
- Offering an easy and convenient process to conduct online transactions with State government;
- Accelerating the delivery of quality online government services;
- Improving the level of customer service from State government; and
- Extending online government services to all citizens in Washington State.

This policy applies to DIS Web sites, i.e., those that come under the “Access Washington” umbrella. Links to the following types of Web pages may be included in the DIS Web site:

1. Other Governmental Units & Educational Institutions - DIS may provide links to other federal, state, and local governmental units and educational institutions that provide additional services and information that DIS Web site users may find of interest.
2. Private Organizations - DIS may provide links to private organizations if these organizations offer services that complement the *Purpose, information and Services offered by DIS* and if the links meet the acceptance criteria stated in this policy.

DIS may provide links to Web sites that are not controlled, maintained, or regulated by DIS, and as such DIS is not responsible for the content of those Web sites. DIS uses the following disclaimer:

Use of information obtained from External Web sites is voluntary. Any information obtained from an External Web site is not guaranteed by DIS and the user should review the accuracy of any information before relying upon it. Reference to any specific commercial product, process, or service by trade name, trademark, or otherwise does not represent endorsement or recommendation by DIS.

DIS reviews every link and decides whether it is appropriate and relevant:

1. The External Web site corresponds with the Purpose of the DIS Web site.
2. The External Web site is appropriate with respect to the Purpose of the DIS Web site.
 - Links to state agencies' web sites are a principle means of meeting our Purpose and are generally accepted as appropriate.
 - Links to social networking sites may be accepted as appropriate if - and so long as - the site so linked meets the requirements of the agency's Social Networking Sites Policy 5.1.3.

An inappropriate External Web site may include, but is not limited to Web sites that:

- Exhibit hate, bias, discrimination, pornography, libelous or otherwise defamatory content;
- Advocates or promotes the use of alcohol, tobacco, or illegal drugs;
- Lobby, advocate, or advance the policies and priorities of a particular industry, organization or enterprise. This may include sites of non-profit organizations;
- Promote or makes available adult or sexually oriented entertainment or materials;
- Promote, oppose, or makes available weapons or gambling;
- Advocate for or against a candidate for public office or promote or oppose a ballot proposition.

The ISB also has a checklist available regarding external links that is helpful for agencies to follow regarding linking web sites to an agency page.

Some agencies have linking policies for their web pages, others do not. Agencies prefer to have the authority to allow the agency to determine the appropriateness of linking a particular web site to an agency page, however a standardized disclaimer that they could publish regarding non-governmental links would be useful.

Applicable law:

RCW 42.52.160 states in pertinent part:

- (1) No state officer or state employee may employ or use any person, money, or property under the officer's or employee's official control or direction, or in his or her official custody, for the private benefit or gain of the officer, employee, or another.
- (2) This section does not prohibit the use of public resources to benefit others as part of a state officer's or state employee's official duties.

Providing information regarding services and programs to the public is an official duty of many state agencies. As technology evolves, agencies are able to provide the public with quicker access to information via the internet. Now, instead of a consumer calling an agency for information, many go to the agency's website to find the information.

Many times, the agency provides services through contracted entities and wants the public to know who to contact to access these services. The best way to accomplish this is to provide a link to the contracted entity's web site on the agency's public web page. Because providing this information is part of the official duties of the agency, establishing the web link would not violate the Ethics Act.

OPINION

Agencies may provide web links to contracted providers or other entities that provide educational or information to the public that is in line with the mission of the agency.

The guidelines established by DIS and the ISB are comprehensive and the Board does not need to provide further guidelines. Agencies are encouraged to follow the DIS and ISB guidelines

when linking web sites to their official agency internet web sites. Agencies are highly encouraged to provide a disclaimer on their internet site when linking to organizations that have not been vetted by the agency.

Approved by the Executive Ethics Board on November 13, 2009.