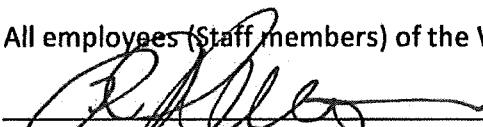


Policy Title: Use of the Internet, Intranet and E-mail
Policy Type: ADMINISTRATIVE
Policy Number: PDC106
Effective: July 25, 2000; updated January 21, 2004; Updated June 8, 2012 (Supersedes "Electronic Mail Permitted Use" Policy), Updated November 29, 2017
Applies to: All employees (Staff members) of the Washington State Public Disclosure Commission
Approved: 
Peter Lavallee, Executive Director

References: RCW 42.52; WAC 292 (Ethics in Public Service); Administrative Policy PDC103 ("Staff Political Activity, Appearance of Fairness, and Use of Social Media")

Purpose

This policy establishes the Public Disclosure Commission's position regarding the state's information technology and facilities and equipment made available to PDC employees, volunteers, contractors and Commissioners so they may access the Internet/intranet. This policy is adopted given the restrictions in RCW 42.52 and the public expectation that public facilities and equipment be dedicated to public purposes. The objectives of this policy are to:

- Ensure that the use of these agency resources is related to, or for the benefit of, state government;
- Minimize disruptions to state government activities from inappropriate use of Internet/intranet; and
- Provide users with guidelines describing their personal responsibilities regarding confidentiality, privacy, and permitted use of state-provided technology to access or communicate via the Internet/intranet.

Definitions

For purposes of this policy, the following definitions apply:

"**Electronic mail (email)**" refers to the electronic transfer of information typically in the form of electronic messages, memoranda, and/or attached documents from a sending party to one or more receiving parties via an intermediate telecommunications system. Electronic mail services, as defined in this policy, not only consist of the use of state-provided electronic mail systems but also the act of sending and/or receiving electronic mail across the Internet.

"**Limited personal use**" is defined in WAC 292-110-010. (Copy attached).

"**Intellectual property**" is a collection of rights created in the law to protect inventions, ideas, copyrights, patents, trademarks, trade names, written compositions, computer programs, fine art, music, sound recordings, etc.

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“Internet/intranet technology facilities and information systems” means PDC facilities such as equipment, software, passwords and other PDC resources or systems used to access Internet/intranet media. These facilities and equipment are funded by the state or are provided through state-owned or state-leased resources.

“Internet/intranet media” includes but is not limited to the Internet, the PDC website, PDC email, PDC intranet, and list serves, news groups, discussion groups, social media, Telnet, the Department of Enterprise Services e-services, file transfer protocol (FTP), and other web services that generate, store, transmit, and display correspondence and information for internal and external business purposes.

“PDC facilities” includes but is not limited to PDC Internet/intranet technology and information systems and other agency resources. PDC facilities and equipment are state resources.

“Social media” or **“social networking”** means use of the Internet for blogging, microblogging, media sharing, photo sharing, video sharing, wikis, discussion boards, and social networking. Social media includes text, images, audio, and video. Some examples of social media are:

- Blogs, and micro-blogs such as WordPress and Twitter;
- Social networks, such as Facebook and MySpace;
- Professional networks, such as LinkedIn;
- Video sharing, such as YouTube and vlogs (video weblogs);
- Audio sharing, such as podcasts;
- Photo sharing, such as Flickr and Photobucket; and
- Social bookmarking, such as Digg and Delicious.

“Use of state resources” is described in WAC 292-110-010. PDC facilities and equipment are state resources.

“User” means an employee, contractor, volunteer, or Commissioner who is provided authorized access or use by the PDC to PDC Internet/intranet technology facilities and information systems.

Policy

A. Use for State Business. As with any state-provided resource, the use of technology resources is to be dedicated to legitimate state business. Use of these resources is a privilege, which imposes certain responsibilities and obligations on state users and is subject to state government policies and state and federal laws. Permitted use must be legal, ethical, reflect honesty, and show restraint in the consumption of shared resources. These resources must be used efficiently and productively. When accessing the Internet/intranet, including when sending emails, users are representing the PDC, therefore rules of conduct and law that apply in the physical workplace also apply to that access.

B. Monitoring. The PDC monitors and reviews user accounts, PDC computer workstations (including laptops), and PDC file server space in order to determine whether specific uses of the PDC internet/intranet technology facilities and information systems are appropriate.

1. The PDC may revoke a user’s access to the network and network services when there has been a clear violation of permitted use principles and guidelines.

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2. Where violations occur, users are subject to any and all disciplinary action, penalties, or other actions allowed by law. See Section F.

C. Locations. PDC Internet/intranet use is for agency business purposes only and applies to any location from which the user is using PDC facilities and equipment to access the Internet/intranet, including while telecommuting or through remote access.

D. Content. The content of any electronic communication via the Internet/intranet must be appropriate and consistent with agency policy, subject to the same restrictions as other communications. In their electronic communications, users must be courteous, follow accepted standards of etiquette, and protect others' privacy and confidentiality.

E. Limited Personal Use. Except for accessing social media, limited personal use is allowed as defined in WAC 292-110-010, copy attached. No state resources may be used to access a user's personal social media or access any social media site for a non-business-related purpose.

F. Misuse. Misuse includes, but is not limited to, any use prohibited by WAC 292-110-010 or:

1. Participating in non-business-related chat groups, list servers or news groups, or social media including the user's personal social media;
2. Operating, advertising, or promoting a non-agency endorsed event;
3. Conducting prolonged state agency job searches via the Department of Enterprise Services e-services or other websites;
4. Promoting or supporting any religious or political causes, or non-agency-business related events;
5. Unauthorized access to protected state resources;
6. Transmitting unprofessional communications;
7. Deliberate viewing or disseminating of offensive or harassing statements or images, including degradation of others based on sex, race, creed, color, gender, religion, age, marital status, national origin, sensory, mental, or physical disability, sexual orientation, gender identity, or veteran status;
8. Deliberate viewing or disseminating of incendiary statements or images that might incite violence or describe or promote the use of weapons or devices associated with terrorist activities;
9. Deliberate viewing, disseminating, or soliciting of sexually oriented messages and/or images;
10. Using PDC Internet/intranet technology facilities or information systems in violation of any PDC policy;
11. Using PDC Internet/intranet technology facilities or information systems in a manner that infringes upon intellectual property rights, information ownership rights, or system security mechanisms; or,
12. Illegal activity.

If a prohibited site is accessed accidentally, the user is to immediately report the incident in writing to his or her supervisor, PDC contractor, or the Commission Chair, in the case of the Executive Director, as appropriate, noting the date and time of the incident. If the review referenced in Section B discloses that an inappropriate site has been accessed and the incident has not been reported by the user, it will be presumed that the viewing of the site was not accidental.

For employees and volunteers, misuse may result in discipline, up to and including termination of employment. For contractors, misuse may result in any action provided for in the contract or allowed by law, including but not limited to termination of network services and/or contract termination. For

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Commissioners, misuse will result in a report to the Chair or Vice Chair as appropriate, and/or in any action allowed for by law. The severity of the misuse governs the severity of the disciplinary or other action.

G. Downloading Other Technology Prohibited. Users are prohibited from downloading software, shareware or freeware from the Internet without prior written approval from the Chief Information Officer.

H. Shared Resource. Users shall minimize unnecessary network traffic that might interfere with the ability of others to make effective use of this shared network resource. Staff may watch or listen to TVW or other streaming media if such use is for an agency purpose, although the Chief Information Officer can direct otherwise, at times when such uses unduly strain network capacity.

I. Applications. Development of data collection and multi-user Internet/intranet database applications must be routed through the Information Technology Division.

J. Agency Materials. Divisions desiring to publish information or provide services to customers on the Internet or intranet are to develop material that will promote a consistent agency image through a user-friendly website that supports the agency's business functions. The overall goal is to increase customer satisfaction and conserve agency resources.

1. Development and maintenance of the agency's website is the responsibility of the Information Technology Division.
2. Website content shall be the responsibility of the Communications and Outreach Director or other staff as directed by the Executive Director.
3. Only Information Technology Division personnel under the direction of the Chief Information Officer, the Communications and Outreach Director, or other employee at the direction of the Executive Director, the Chief Information Officer, or the Communications and Outreach Director, may post information to the Internet.

K. Internet Connections. Users must use agency-provided Internet service connections for state-owned computers connected to a state Local Area Network (LAN) or Wide Area Network (WAN). Individual workstation conductivity through separate analog lines and modems is prohibited unless specifically authorized by the Chief Information Officer. Users shall not provide a bridge between an external Internet connection and PDC networks. Such bridges are created when privately owned computers or LANs are connected to the Internet with a simultaneous connection to a Commission LAN via a dial-in or direct connection.

L. Remote Access. Staff may not utilize any means to provide remote access to agency systems or data with the exception of remote access to Email, Office 365, and systems that are publicly available such as the PDC website, and open data search system. Examples of prohibited remote access include, but are not limited to, TeamViewer and Logmein.

M. Agency Social Media or Social Networking Sites. Only users authorized by the Executive Director may post information to or remove information from any PDC social media or social networking site and only for approved agency purposes. Users must take care to avoid posting or disclosing confidential or privileged

M. Agency Social Media or Social Networking Sites. Only users authorized by the Executive Director may post information to or remove information from any PDC social media or social networking site and only for approved agency purposes. Users must take care to avoid posting or disclosing confidential or privileged material or posting other information that would constitute misuse as described in Section F. The PDC website is the PDC's primary and predominant Internet presence. Social media and social networking approved by the Commission and/or the Executive Director may be used to supplement that presence.

N. No Expectation of Privacy. Users have no reasonable expectation of privacy in the use of Internet/intranet resources, including using PDC facilities and equipment to access the Internet/intranet.

O. Email. These additional procedures apply to users' email:

1. **Records retention.** Users must manage their emails consistent with records retention procedures and direction from the Executive Director or authorized designee, including the Public Records Officer.
2. **Confidential/sensitive information.** Users may include confidential or sensitive information in an email only when the user protects such information in his or her possession. It is the user's responsibility to protect confidential and sensitive information when intentional, inappropriate, or accidental disclosure of the information might expose the State or an individual to loss or harm.
3. **Permitted uses.** Users are authorized to use their email accounts only for permitted uses and activities that conform to the purpose, goals and mission of the agency and to each user's duties and responsibilities. When in doubt, a user should seek policy clarification prior to using email for an activity. The following list, although not all-inclusive, provides some examples of permitted uses:
 - Communications and information exchanges directly relating to the mission, charter, and work tasks of the agency, including electronic mail in direct support of work-related functions or collaborative projects;
 - Use involving research and information gathering in support of advisory, standards, analysis, and professional development activities related to the user's state governmental duties;
 - Announcements of state laws, procedures, hearings, policies, services, or activities;
 - Communications with other state agencies and business partners of state agencies providing document delivery or transferring working documents/drafts for comment;
 - Use in applying for or administering grants or contracts for state government research programs or work-related applications; and
 - Communications, including information exchange, for professional development or to maintain job knowledge or skills.

Users may also use their email account for limited personal use described in Section E and WAC 292-110-010. Users should be aware that any such use may result in creation of public records subject to the PDC's records retention schedules.

4. **Accessing email from non-agency equipment.** Users are authorized to access and view their agency email through non-agency equipment (such as personal smart phones, iPads, home computers), so long as the emails are accessed through the agency's servers. This access retains the records on the agency's servers and does not create duplicates on non-agency equipment.

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P. **Exceptions.** The Executive Director may make exceptions to this policy that are based on accommodation and access considerations, for example to comply with the Americans with Disabilities Act, or in response to an event that disrupts normal communications, such as a power outage affecting the agency. All exceptions must be documented in the agency security program.

All users are to be provided a copy of this policy at or before the time they are provided access to PDC Internet /intranet technology facilities and information systems. Users shall sign and date a statement attesting that they have read and understood and they will abide by the terms of the policy.

ATTACHMENT: WAC 292-110-010

Statement of Understanding

Procedures: Employee completes this statement at time of hire (or when substantially revised). The supervisor shall ensure originals are placed in employee's personnel file.

I have read and understand the terms of this policy and WAC 292-110-010 and will abide by the conditions outlined therein. I further acknowledge that I have received a copy of the policy and the rule.

Employee Name (Printed or Typed)

Signature

Date

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Date: 1-12-18 ADMINISTRATIVE

Attachment

WAC 292-110-010

Use of state resources.

(1) **Statement of principles.** All state employees and officers are responsible for the proper use of state resources, including funds, facilities, tools, property, and their time. This section does not restrict the use of state resources as described in subsections (2) and (3) of this section.

(2) **Permitted uses.**

(a) Use of state resources for official state purpose. "Official state purpose" includes use of state resources to conduct official duties, activities reasonably related to the conduct of official state duties, activities related to state employment, and activities otherwise allowed by statute. Examples of official state purposes include:

- (i) Training and career development approved by the employing agency under RCW 41.06.410;
- (ii) Membership or participation in professional associations that enhance job-related skills of the state officer or employee, so long as use of state resources for this purpose has been authorized in writing;
- (iii) State or agency sponsored health, safety, or diversity fairs;
- (iv) Management of or access to state-provided or state-sponsored benefits, including health, deferred compensation, insurance, retirement, and the employee assistance program;
- (v) Searching and applying for state jobs, including taking an examination or participating in an interview; and
- (vi) Placement of nongovernmental web page links on an agency web site for official state purposes as long as the use does not violate RCW 42.52.180.

(b) **Agency approved use.** An agency head or designee may authorize limited use of agency staff time and resources for the following uses as long as that use is specifically authorized in an agency policy and conforms to that policy:

- (i) Supporting, promoting, or soliciting for charitable activities;
- (ii) Employee recognition, including birthday, retirement, wedding/baby showers, or other similar celebrations;
- (iii) Activities supporting agency organizational effectiveness provided the agency's policy allowing use of state resources for such purposes is approved by the executive ethics board;
- (iv) State or intermittent agency sponsored health activities, for example, vaccinations, diabetes screenings, cholesterol screenings; or recording participation in an agency or PEBB sponsored wellness program.

(3) **Permitted personal use of state resources.** This subsection applies to any use of state resources not included in subsection (2) of this section.

(a) A state officer or employee's use of state resources is de minimis only if each of the following conditions are met:

- (i) There is little or no cost to the state;
- (ii) Any use is brief;
- (iii) Any use occurs infrequently;
- (iv) The use does not interfere with the performance of any state officer's or employee's official duties;
- (v) The use does not compromise the security or integrity of state property, information systems, or software;
- (vi) The use is not for the purpose of conducting an outside business, in furtherance of private employment, or to realize a private financial gain; and
- (vii) The use is not for supporting, promoting the interests of, or soliciting for an outside organization or group.

(b) A state officer or employee may use state resources for wellness or combined fund drive activities as long as use conforms with (a) of this subsection or as authorized in state law and rule.

(4) **No expectation of privacy.** Technologies such as electronic mail, facsimile transmissions, the internet, and voice mail may create an electronic record. This is what separates these from other forms of communication such as a telephone conversation. The ethics rules do not distinguish between the various forms of communication. Electronic records are reproducible and therefore cannot be considered private. Such records may be subject to disclosure under the Public Records Act, or may be disclosed for audit or legitimate state operational or management purposes.

(5) **Reimbursement for personal use.** In some limited situations, such as officers or employees working at remote locations, an agency may allow reimbursement for limited personal use of state resources by the state employee or officer.

(6) **Agency policies.** Agency policies that are approved by the board qualify for "safe harbor" under WAC 292-120-035. Nothing in this section is intended to limit the ability of an agency to adopt policies that are more restrictive. However, violation of a more restrictive agency policy by itself will not constitute a violation of RCW 42.52.160, even if it would constitute a violation of agency policy.

(7) **Advisory opinions and frequently asked questions.** The executive ethics board publishes advisory opinions interpreting the Ethics in Public Service Act and/or its rules and provides answers to frequently asked questions regarding the use of state resources that can be found at www.ethics.wa.gov.

[Statutory Authority: RCW 42.52.16 [42.52.160], 42.52.360. WSR 16-03-052, § 292-110-010, filed 1/15/16, effective 4/1/16. Statutory Authority: RCW 42.52.360 (2)(b). WSR 09-16-046, § 292-110-010, filed 7/28/09, effective 8/28/09. Statutory Authority: RCW 42.52.360 (2)(b), 42.52.160(3). WSR 02-07-074, § 292-110-010, filed 3/18/02, effective 4/18/02; WSR 98-08-054, § 292-110-010, filed 3/27/98, effective 4/27/98. Statutory Authority: RCW 42.52.160(3). WSR 96-01-036, § 292-110-010, filed 12/13/95, effective 1/13/96.]

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Date: 1-12-18 ADMINISTRATIVE