

RECOMMENDED EXECUTIVE BRANCH MODEL
POLICY/GUIDANCE ON

**“LIMITED PERSONAL USE”
OF GOVERNMENT OFFICE EQUIPMENT
INCLUDING INFORMATION TECHNOLOGY**

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Approved - May 19, 1999

**RECOMMENDED EXECUTIVE BRANCH MODEL POLICY/GUIDANCE
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I. PURPOSE

This document provides general recommended policy, or a model, for assisting agencies or departments in defining acceptable use conditions for Executive Branch employee personal use of Government office equipment including information technology. This model provides a backdrop of conditions for an agency or department to consider when developing a personal use policy for Government office equipment. This model makes use of material already implemented in various agencies or departments personal use policies and can be implemented unless superseded by any other applicable law or regulation..

II. BACKGROUND

The Executive Branch of the Federal Government serves the American people through hundreds of thousands of employees located in offices across the nation. Increasingly, the Government is called upon to deliver more and better services to a growing population that continues to expect ever-increasing improvements in service delivery. Much of this productivity increase has come about through the use of modern information technology such as computers, facsimile machines, and the Internet. This technology has raised new opportunities for its use by employees to live their lives more efficiently in balance with the overriding imperative that American taxpayers receive the maximum benefit for their tax dollars.

This policy establishes new privileges and additional responsibilities for employees in the Executive Branch of the Federal Government. It recognizes these employees as responsible individuals who are the key to making government more responsive to its citizens. It allows employees to use government office equipment for non-government purposes when such use involves minimal additional expense to the government, is performed on the employee's non-work time, does not interfere with the mission or operations of a department or agency and does not violate the Standards of Ethical Conduct for Employees of the Executive Branch.

Taxpayers have the right to depend on their Government to manage their tax dollars wisely and effectively. Public confidence in the productiveness of government is increased when members of the public are confident that their government is well managed and assets are used appropriately. The relationship between the Executive Branch and the employees who administer the functions of the Government is one based on trust. Consequently, employees are expected to follow rules and regulations and to be responsible for their own personal and professional conduct. The Standards of Conduct states “Employees shall put forth honest effort in the performance of their duties” (Section 2635.101 (b)(5)).

Executive Branch employees should be provided with a professional supportive work environment. They should be given the tools needed to effectively carry out their assigned responsibilities. Allowing limited personal use of these tools helps enhance the quality of the workplace and helps the Government to retain highly qualified and skilled workers.

This policy does not supersede any other applicable law or higher level agency directive or policy guidance.

III. AUTHORITY

Generally, Federal employees may use Government office equipment for authorized purposes only. As set forth below, limited personal use of the government office equipment by employees during non-work time is considered to be an "authorized use" of Government property. Authority for this policy is cited as 5 U.S.C. sec 301 which provides that the head of an executive department or military department may prescribe regulations for the use of its property; and Executive Order 13011, Federal Information Technology, section 3(a)(1), which delineates the responsibilities of the Chief Information Office (CIO) council in providing recommendations to agency heads relating to the management and use of information technology resources.

IV. GENERAL POLICY

Federal employees are permitted limited use of government office equipment for personal needs if the use does not interfere with official business and involves minimal additional expense to the Government. This limited personal use of government office equipment should take place during the employee's non-work time. This privilege to use Government office equipment for non-government purposes may be revoked or limited at any time by appropriate Federal agency or department officials.

Agency officials may apply this policy to contractor personnel, interns, and other non-government employees through incorporation by reference in contracts or memorandums of agreement as conditions for using Government office equipment and space.

This policy in no way limits agency personnel in the use of Government office equipment including information technology for official activities.

A. DEFINITIONS

1. **Privilege** means, in the context of this policy, that the Executive Branch of the Federal Government is extending the opportunity to its employees to use government property for personal use in an effort to create a more supportive work environment. However, this policy does not create right to use government office equipment for non-government purposes. Nor does the privilege extend to modifying such equipment, including loading personal software or making configuration changes.
2. **Government office equipment including information technology** includes but is not limited to: personal computers and related peripheral equipment and software, library resources, telephones, facsimile machines, photocopiers, office supplies, Internet connectivity and access to internet services, and E-mail. This list is provided to show examples of office equipment as envisioned by this policy. Executive Branch managers may include additional types of office equipment.
3. **Minimal additional expense** means that employee's personal use of government office equipment is limited to those situations where the government is already providing equipment or services and the employee's use of such equipment or services will not result in any additional expense to the government or the use will result in only normal wear and tear or the use of small amounts of electricity, ink, toner or paper. Examples of minimal additional expenses include, making a few photocopies, using a computer printer to printout a few pages of material, making occasional brief personal phone calls (within agency policy and 41 CFR 101-35.201), infrequently sending personal E-mail messages, or limited use of the Internet for personal reasons.

- 4. Employee non-work time** means times when the employee is not otherwise expected to be addressing official business. Employees may for example - use government office equipment during their own off-duty hours such as before or after a workday (subject to local office hours), lunch periods, authorized breaks, or weekends or holidays (if their duty station is normally available at such times).
- 5. Personal use** means activity that is conducted for purposes other than accomplishing official or otherwise authorized activity. Executive Branch employees are specifically prohibited from using government office equipment to maintain or support a personal private business. Examples of this prohibition include employees using a government computer and Internet connection to run a travel business or investment service. The ban on using government office equipment to support a personal private business also includes employees using government office equipment to assist relatives, friends, or other persons in such activities. Employees may, however, make limited use under this policy of government office equipment to check their Thrift Savings Plan or other personal investments, or to seek employment, or communicate with a volunteer charity organization (examples).
- 6. Information technology** means any equipment or interconnected system or subsystem of equipment that is used in the automatic acquisition, storage, manipulation, management, movement control, display, switching, interchange, transmission, or reception of data or information.

B. Specific Provisions on Use of Equipment and Services

Employees are authorized limited personal use of Government office equipment. This personal use must not result in loss of employee productivity or interference with official duties. Moreover, such use should incur only minimal *(1) additional expense to the Government in areas such as:

* Communications infrastructure costs; e.g., telephone charges, telecommunications traffic, etc.;

* Use of consumables in limited amounts ; e.g., paper, ink, toner, etc.;

* General wear and tear on equipment;

* Data storage on storage devices;

* Transmission impacts with moderate E-mail message sizes such as emails with small attachments.

(*1)Minimal additional expense may be defined further in any specific agency directive that implements this policy.)

C. Inappropriate Personal Uses

Employees are expected to conduct themselves professionally in the workplace and to refrain from using government office equipment for activities that are inappropriate. Misuse or inappropriate personal use of government office equipment includes:

*Any personal use that could cause congestion, delay, or disruption of service to any government system or equipment. For example, greeting cards, video, sound or other large file attachments can degrade the performance of the entire network. "Push" technology on the Internet and other continuous data streams would also degrade the performance of the entire network and be an inappropriate use.

- * Using the Government systems as a staging ground or platform to gain unauthorized access to other systems.
- * The creation, copying, transmission, or retransmission of chain letters or other unauthorized mass mailings regardless of the subject matter.
- * Using government office equipment for activities that are illegal, inappropriate, or offensive to fellow employees or the public. Such activities include, but is not limited to: hate speech, or material that ridicules others on the basis of race, creed, religion, color, sex, disability, national origin, or sexual orientation.
- * The creation, download, viewing, storage, copying, or transmission of sexually explicit or sexually oriented materials;
- * The creation, download, viewing, storage, copying, or transmission of materials related to illegal gambling, illegal weapons, terrorist activities, and any other illegal activities or activities otherwise prohibited, etc.
- * Use for commercial purposes or in support of "for-profit" activities or in support of other outside employment or business activity (e.g. consulting for pay, sales or administration of business transactions, sale of goods or services).
- * Engaging in any outside fund-raising activity, endorsing any product or service, participating in any lobbying activity, or engaging in any prohibited partisan political activity.
- * Use for posting agency information to external newsgroups, bulletin boards or other public forums without authority. This includes any use that could create the perception that the communication was made in one's official capacity as a Federal Government employee, unless appropriate Agency approval has been obtained or uses at odds with the agencies mission or positions.
- * Any use that could generate more than minimal additional expense to the government.
- * The unauthorized acquisition, use, reproduction, transmission, or distribution of any controlled information including computer software and data, that includes privacy information, copyrighted, trade marked or material with other intellectual property rights (beyond fair use), proprietary data, or export controlled software or data.

D. Proper Representation

It is the responsibility of employees to ensure that they are not giving the false impression that they are acting in an official capacity when they are using government office equipment for non-government purposes. If there is expectation that such a personal use could be interpreted to represent an agency, then an adequate disclaimer must be used. One acceptable disclaimer is – *“The contents of this message are mine personally and do not reflect any position of the Government or my agency.”*

The Standards of Conduct states - “...an employee shall not use or permit the use of his Government position or title or any authority associated with his public office in a manner that could reasonably be construed to imply that his agency or the Government sanctions or endorses his personal activities...” (Section 2635.702(a)).

E. Access Management

Employees have no inherent right to use government office equipment. Therefore, all Agencies will establish appropriate controls to ensure that the equipment is used appropriately.

F. Privacy Expectations

Executive Branch employees do not have a right, nor should they have an expectation, of privacy while using any Government office equipment at any time, including accessing the Internet, using E-mail. To the extent that employees wish that their private activities remain private, they should avoid using an Agency or department's office equipment such as their computer, the Internet, or E-mail. By using Government office equipment, executive branch employees imply their consent to disclosing the contents of any files or information maintained or pass-through Government office equipment.

By using this office equipment, consent to monitoring and recording is implied with or without cause, including (but not limited to) accessing the Internet, using E-mail. Any use of government communications resources is made with the understanding that such use is generally not secure, is not private, and is not anonymous.

System managers do employ monitoring tools to detect improper use. Electronic communications may be disclosed within an agency or department to employees who have a need to know in the performance of their duties. Agency officials, such as system managers and supervisors, may access any electronic communications.

G. Sanctions for Misuse

Unauthorized or improper use of Government office equipment could result in loss of use or limitations on use of equipment, disciplinary or adverse actions criminal penalties and/or employees being held financially liable for the cost of improper use.

H. Agency Implementation and Use

This policy is intended to be a model policy/guidance for the Executive Branch. Therefore, each Agency must assess its individual needs and responsibilities as they relate to mission, security, budget, workload, public contact, etc. in determining the extent to which this policy is established and implemented.

I. Agency Labor Relations Responsibilities

Agencies should involve their unions early – before adopting and complete any labor relations obligations for bargaining, where appropriate. The labor-management relations partnerships should be consulted during the agency consideration of adopting this policy. It should be indicated, if appropriate, that the policy does not apply to union representatives when fulfilling their official capacity for the union. Agencies should consult their collective bargaining agreements for the procedures and rules that apply to the union's use of equipment and technology under those conditions. However, when union representatives are not engaged in their union representation responsibilities, this policy does apply.

Related Authorities

5 CFR 2635 – Standards of Ethical Conduct for Employees of the Executive Branch

Part 1 of Executive Order 12674 – Implementing Standards of Ethical Conduct for Employees of the Executive Branch -

5 CFR 301 – Departmental Regulations

41 CFR 101-35. 201 - TELECOMMUNICATIONS MANAGEMENT POLICY