

The City of New York

Policy on Limited Personal Use of City Office and Technology Resources

This Policy, which has been approved by the Department of Information Technology & Telecommunications, the Department of Investigation, the Conflicts of Interest Board, and the Law Department, governs the limited personal use of the City of New York's ("City") office and technology resources by City employees. An agency may adopt agency-specific standards and procedures that are stricter, but not less strict, than this Policy.

I. GENERAL POLICY

City employees are permitted limited personal use of the City's office and technology resources if the use is not prohibited pursuant to this or another applicable agency policy, does not interfere with or otherwise impede the City's operations or employee productivity, and involves no more than a minimal additional expense to the City. City employees may engage in the personal use of the City's office and technology resources permitted by this Policy only at times that do not conflict with the employee's official duties and responsibilities and the employee is not required to perform services for the City.

The opportunity that the City is extending to its employees to make limited personal use of the City's office and technology resources is only a privilege and may be revoked or limited at any time. Moreover, this privilege is subject to monitoring and other restrictions that may from time to time be announced. This privilege does not create a right for any person to use any City property or resources for non-City purposes. Limited personal use of the City's office and technology resources is at the sole risk of the employee, and the City is not responsible for any loss or damages resulting from such personal use.

II. DEFINITIONS

- 1. "Office and technology resources"** includes but is not limited to: information technology, personal computers and related peripheral equipment, software, library resources, telephones, mobile telephones, pagers and other wireless communications devices, facsimile machines, photocopiers, Internet connectivity and access to Internet services, and email.
- 2. "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.

3. "Minimal additional expense" means that an employee's personal use of the City's office and technology resources is limited to those situations where the City is already providing equipment or services and (1) the employee's use of such equipment or services will not result in any additional expense to the City or, (2) the use will result in only normal wear and tear and will employ only small amounts of electricity, ink, toner or paper or, (3) the City has created mechanisms for employees to reimburse the City for the costs associated with their personal use and the employee makes such a reimbursement for his or her personal use. Examples of minimal additional expenses include occasionally making a photocopy, using a computer printer to print out a few pages of material, making a brief personal telephone call, sending a personal email message, or limited use of the Internet for personal reasons. Examples of mechanisms created for employees to reimburse the City include applicable agency policies regarding employees' reimbursement of the City for personal use of mobile phones and of long distance telephone services.

4. "Personal use" means activity that is conducted for purposes other than accomplishing official work related activity. Personal use under this Policy does not include any use that is unlawful, violates the City's Conflicts of Interest rules or other applicable rules and regulations, or is specifically prohibited by this Policy or another applicable agency policy.

III. UNAUTHORIZED PERSONAL USES

Employees are required to conduct themselves appropriately in the workplace and to refrain from using the City's office and technology resources for activities that are unauthorized by this Policy, another applicable agency policy, or applicable law, rule or regulation. Unauthorized personal use of the City's office and technology resources includes, but is not limited to, the following uses, all of which are prohibited:

- Any personal use of the City's office and technology resources that could cause congestion, delay, or disruption of service to any of the City's office and technology resources. For example, electronic greeting cards, video, sound, digital images or other large computer file attachments can degrade the performance of the entire network. "Push" technology on the Internet and other continuous data streams can also degrade the performance of the entire network.
- Any personal use of the City's office and technology resources as a staging ground or platform to gain unauthorized access to other systems or in furtherance of unauthorized computer use.
- Any personal use of the City's office and technology resources in the creation, copying, transmission, or retransmission of chain letters, petitions or other unauthorized mass mailings regardless of the subject matter.

- Any personal use of the City's office and technology resources for activities that are inappropriate to the workplace or are prohibited by applicable law, rule, regulation or agency policy.
- Any personal use of the City's office and technology resources for the creation, downloading, viewing, storage, copying, or transmission of any material that is: obscene, sexually explicit or sexually oriented; hate speech; threatening; defamatory; known to be fraudulent; or ridicules others on the basis of race, creed, religion, color, gender, disability, national origin, or sexual orientation.
- Any personal use of the City's office and technology resources for furtherance of a non-City business or non-City employment, including, without limitation, consulting for pay, sales or administration of business transactions (not including personal finances), or sale of goods or services, including assisting relatives, friends or other persons in such activities.
- Any personal use of the City's office and technology resources to engage in any outside fund-raising activity, endorse any product or service, participate in any lobbying activity, or engage in any prohibited political activity.
- Any personal use of the City's office and technology resources to post agency information to external newsgroups, chat rooms, bulletin boards or other forums without explicit authorization.
- Any personal use of the City's office and technology resources in the unauthorized acquisition, use, reproduction, transmission, or distribution of any information, computer software or data, including, without limitation: private or confidential information about any individual, business or other entity including, but not limited to, medical information; copyrighted, patented or trademarked material or material with otherwise legally protected intellectual property rights; proprietary data; or export controlled software or data.
- Any unauthorized modification of the City's office and technology resources, including, but not limited to, loading personal software or making configuration changes.
- Any personal use of City office supplies, including, but not limited to, paper, pens and postage, other than a minimal use of supplies incident to the limited use of photocopiers, computers, telephones and facsimile machines allowed by this Policy.

IV. PROPER REPRESENTATION

It is the responsibility of employees to ensure that they are not giving the false impression that they are acting in their official capacities as City employees when they are using the City's office and technology resources for non-City purposes. If there is a possibility that

such a personal use could be reasonably interpreted to be made on behalf of the City, the employee may not use the City's office and technology resources.

V. PRIVACY EXPECTATIONS

City employees do not have a right of privacy while using any of the City's office and technology resources, whether for official or personal purposes, at any time, including while accessing the Internet or using email. Any use of the City's office and technology resources is made with the understanding that such use is generally not secure, is not private, and is not anonymous. To the extent that employees wish that their personal activities remain private, they should not use the City's office and technology resources for such activities.

By using the City's office and technology resources, whether for official or other purposes, City employees consent to the disclosure of the contents of any files or information maintained on or passing through the City's office and technology resources and of any logs or other records of the use of such equipment, including, without limitation, billing records.

By using the City's office and technology resources, whether for official or other purposes, City employees consent to the monitoring and recording of any such use with or without cause, including, but not limited to, records of access to the Internet and email usage.

Individual agencies may employ monitoring tools approved by agency senior management to ensure the proper use by their employees of the City's office and technology resources. Agency heads or their designees may access any electronic communications that are made using the City's office and technology resources.

VI. SANCTIONS FOR UNAUTHORIZED USE

Unauthorized use of the City's office and technology resources may result in: (1) loss of use or limitations on use of office and technology resources; (2) financial liability for the cost of such use; (3) disciplinary or other adverse personnel actions, up to and including dismissal; and/or (4) civil and/or criminal penalties.

VII. REIMBURSEMENT PROCEDURES

Employees are required to follow their respective agency's applicable reimbursement procedures for personal use of the City's office and technology resources.