USE OF INTERNET AND ELECTRONIC COMMUNICATION SYSTEMS

APPLICATION: All state employees, including employees of agencies exempt from coverage of the Virginia Personnel Act

PURPOSE

To establish a policy for use of the Internet and the state's electronic communication systems for state agencies and their employees. This policy establishes minimum standards. Agencies may supplement this policy as they need or desire, as long as such supplement is consistent with this policy.

DEFINITIONS

Computer Network

Two or more computers that can share information, typically connected by cable, data line, or satellite link.

Electronic Communication Systems

System used as a means of sending and receiving messages electronically through connected computer systems or the Internet, such as e-mail or voice mail.

Internet

An international network of independent computer systems. The World Wide Web is one of the most recognized means of using the Internet.

Users

All employees of the Commonwealth who use an agency's Internet and/or electronic communication systems.

NOTE: Agencies which give consultants, contract personnel or other non-employees such as volunteers or interns access to the agency's Internet or electronic communication systems may require such individuals to abide by this policy.

GENERAL PROVISIONS FOR USE OF INTERNET AND ELECTRONIC COMMUNICATION SYSTEMS

All users must follow this policy and any additional policy that may be adopted by the agency or institution of the Commonwealth where the user is working.

Business Use

Agency-provided computer systems that allow access to the Internet and electronic communication systems are the property of the Commonwealth and are provided to facilitate the effective and efficient conduct of State business. Users are permitted access to the Internet and electronic communication systems to assist in the performance of their jobs. Each agency or institution of the Commonwealth may adopt its own policy setting forth

with specificity the work-related purposes for which such equipment and access are provided.

Personal Use

Personal use means use that is not job-related. In general, incidental and occasional personal use of the Commonwealth's Internet access or electronic communication systems is permitted; however, personal use is prohibited if it:

- interferes with the user's productivity or work performance, or with any other employee's productivity or work performance;
- adversely affects the efficient operation of the computer system;
- violates any provision of this policy, any supplemental policy adopted by the agency supplying the Internet or electronic communication systems, or any other policy, regulation, law or guideline as set forth by local, State or Federal law. (See Code of Virginia §2.1-804-805; §2.2-2827 as of October 1, 2001.)

NOTE: Users employing the Commonwealth's Internet or electronic communication systems for personal use must present their communications in such a way as to be clear that the communication is personal and is not a communication of the agency or the Commonwealth.

No Expectation of Privacy

No user should have any expectation of privacy in any message, file, image or data created, sent, retrieved or received by use of the Commonwealth's equipment and/or access. Agencies have a right to monitor any and all aspects of their computer systems including, but not limited to, sites, instant messaging systems, chat groups, or news groups visited by agency users, material downloaded or uploaded by agency users, and e-mail sent or received by agency users. Such monitoring may occur at any time, without notice, and without the user's permission.

In addition, electronic records may be subject to the Freedom of Information Act (FOIA) and, therefore, available for public distribution.

Prohibited Activities

Certain activities are prohibited when using the Internet or electronic communications. These include, but are not limited to:

- accessing, downloading, printing or storing information with sexually explicit content as prohibited by law (see Code of Virginia §2.1-804-805; §2.2-2827 as of October 1, 2001);
- downloading or transmitting fraudulent, threatening, obscene, intimidating, defamatory, harassing, discriminatory, or otherwise unlawful messages or images;
- installing or downloading computer software, programs, or

executable files contrary to policy;

- uploading or downloading copyrighted materials or proprietary agency information contrary to policy;
- uploading or downloading access-restricted agency information contrary to policy or in violation of agency policy;
- sending e-mail using another's identity, an assumed name, or anonymously;
- permitting a non-user to use for purposes of communicating the message of some third party individual or organization;
- any other activities designated as prohibited by the agency.

Security

The distribution of electronic communications is difficult to control and routing mistakes can easily occur. Copies of electronic communications can be forwarded without the sender's knowledge or permission to unintended recipients. Therefore, electronic communications should be drafted and sent with at least the same level of care, professional judgment and discretion as paper memoranda or documents.

USER RESPONSIBILITIES

The conduct of computer users who access the Internet or send e-mail containing an agency's domain address (i.e., *___@agency.state.va.us)* may be perceived as reflecting on the character and professionalism of the agency. When engaging in such conduct, whether for personal or official purposes, employees are expected to do so in a responsible and professional manner.

All users are responsible for exercising appropriate care to protect the agency's computer systems against the introduction of viruses. When using the Commonwealth's Internet access or electronic communications, equipment and capability, individuals must:

- use the Internet or electronic communication systems only in accordance with State and agency policy;
- maintain the conditions of security (including safeguarding of passwords) under which they are granted access to such systems;
- check with the appropriate agency staff prior to downloading or accessing a file or document if the source of the file or other circumstances raises doubts about its safety.

AGENCY RESPONSIBILITIES

Agencies may develop a written policy, consistent with this policy which supplements or clarifies specific issues for the agency. With regard to use of the Internet and electronic communications, agencies are responsible for:

- communicating this policy and agency policy, if appropriate, to current users and to new users before granting them access to agencies' Internet or electronic communication systems;
- retaining electronic records in accordance with the retention requirements of the Library of Virginia;
- requiring and retaining acknowledgement statements, signed by each user, acknowledging receipt of a copy of this policy and agency policy, if appropriate. A sample is attached (Attachment A) that agencies may use, or they may include the acknowledgement statement with other such statements obtained when employees are hired.

NOTE: Agencies also may develop procedures by which a user must actively acknowledge reading the policy before access to the system will be granted.

VIOLATIONS

Violations of this policy must be addressed under Policy 1.60, Standards of Conduct Policy, or appropriate disciplinary policy or procedures for employees not covered by the Virginia Personnel Act. The appropriate level of disciplinary action will be determined on a case-by-case basis by the agency head or designee, with sanctions up to or including termination depending on the severity of the offense, consistent with Policy 1.60 or the appropriate applicable policy.

AUTHORITY

This policy is issued by the Department of Human Resource Management pursuant to the authority provided in Chapter 12, Title 2.2, §2.2-1201 of the Code of Virginia and §2.2-2827 et. seq.

Further, The Acts of the Assembly 1999, c. 384, cl.2, provides: "That the heads of state agencies whose officers and employees are exempt from the Virginia Personnel Act pursuant to §2.2-2905 shall adopt the acceptable Internet use policy required by this act to be developed by the Department of Human Resource Management and may supplement the Department's policy with such other terms, conditions, and requirements as they deem appropriate."

INTERPRETATION

The Director of the Department of Human Resource Management is responsible for official interpretation of this policy, in accordance with §2.2-1201 of the Code of Virginia.

Questions regarding the application of this policy should be directed to the Department of Human Resource Management's Office of Agency Human Resource Services.

The Department of Human Resource Management reserves the right to revise or eliminate this policy.

RELATED POLICIES

Policy 1.60, Standards of Conduct

Policy 6.10, Personnel Records Management