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COMMISSION ON LEGAL COUNSEL FOR INDIGENTS
POLICY ON ACCEPTABLE USE OF ELECTRONIC COMMUNICATION DEVICES

Scope and Purpose:

The state of North Dakota provides Electronic Communication Devices (ECDs) and an IT infrastructure designed to facilitate business communications among state government, educational entities, political subdivisions and their business contacts. These devices include telephone, facsimile (fax) machines, all computer and network-related hardware, software, and/or peripheral devices (including e-mail and Internet). These devices are connected to the State's IT infrastructure and as such, public scrutiny and/or disclosure of usage must not damage the reputation of the state of North Dakota, nor jeopardize the systems' integrity.

It is the intent of the Commission on Legal Counsel for Indigents to provide a policy that ensures appropriate use of ECDs by those persons and entities connected with this agency.

Use of Electronic Communication Devices:

North Dakota state government branches and agencies are responsible for developing and administering policies to prevent or detect abuse and reduce legal exposure related to the use of ECDs. Unless exempted by law, all electronic communications are subject to North Dakota's Open Records Law.

Authorized Use:

It is the Commission's policy to limit the use of ECDs to official business. However, users may be permitted to utilize ECDs for personal use if in compliance with the following terms of this policy:

- Does not interfere with the performance of the user's public duties;
- Is of nominal cost or value;
- Does not create the appearance of impropriety;

- Is not for a political or personal commercial purpose;
- Is reasonable in time, duration, and frequency;
- Makes minimal use of hardware and software resources; and
- Is in compliance with the Standards of Conduct outlines below.

Standards of Conduct:

The use of ECDs outside ones authorized duties is a violation of the agency's policy and the user may be held personally liable (legally, financially, or otherwise). ECDs should be used in a professional and ethical manner as outlined below:

- Must not use ECDs for harassment or similar inappropriate behavior;
- Must not use ECDs for accessing sexually explicit, offensive, or erotic material, except as legitimately necessary for a case assignment;
- Must not create, distribute, copy, store, or knowingly use unauthorized copies of copyrighted material on state of North Dakota computers or transmit them over the state networks;
- Must not use ECDs for the purposes of probing or hacking;
- Must limit the use of ECDs for non-official business, including but not limited to "streaming" audio and video (including Internet radio, stock/news tickers, and software such as WeatherBug, etc.);
- Must not use ECDs for any illegal activity, gambling, trading in illegal substances, etc.;
- Must not use ECDs to knowingly download, copy, distribute, store, or use pirated software or data;

- Must not knowingly distribute viruses or bypass any state virus detection system in place; and
- Must conform to state procurement policies when making business related purchases through an ECD.

Training:

User training on computer security and appropriate usage is strongly encouraged. Training is available from HRMS. Employees should also access the self-paced tutorial on the ITD website at **http://www.state.nd.us/itd/security/start/**.

Measuring and Monitoring:

The state of North Dakota reserves the right to monitor the use of ECDs, including but not limited to storing, accessing, and reviewing information received or sent through e-mail or over the Internet. The tools used by ITD allow for monitoring of an individual's Internet site access. The Commission reserves the right to block out any Internet sites deemed by the Commission to be unrelated to the Commission's responsibilities.

Non-compliance Measures:

A violation of this policy may lead to disciplinary action, up to and including termination of employment.