

# PERSONAL USE OF GOVERNMENT OFFICE EQUIPMENT (INCLUDING INFORMATION TECHNOLOGY)

## **Background**

This sets forth and establishes judiciary policy for employees on the appropriate use of government office equipment (including information technology).

Government office equipment is for the use of judiciary employees in their performance of official government business.

The judiciary, like the government's executive branch, recognizes that equipment supplied to carry out government business offers many conveniences that may be used by employees for personal needs at minimal or no additional cost to the taxpayer. This use may enable such employees to be more efficient and productive in their professional as well as their personal lives. Thus, on balance, the limited personal use of such equipment, as further described herein, is in the best interest of the judiciary.

## **General Policy**

Judiciary employees are permitted limited use of government office equipment for personal needs if such use does not interfere with official business and involves minimal additional expense to the government. The limited personal use of government office equipment should only occur during employees' non-work time. This privilege to use government office equipment for non-government purposes may be revoked or limited at any time by appropriate court unit officials.

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

Court unit officials may impose or maintain a more restrictive policy for personal use of government office equipment by their employees and other on-site personnel.

This policy does not affect employees' use of government office equipment for official business.

## **Definitions**

*Privilege* means, for the purpose of this policy, that the judiciary is extending the

opportunity to employees for limited personal use of government office equipment in an effort to establish a work environment more conducive to efficiency and productivity. This policy does not create any right to use government office equipment for other than official government business. Nor does the privilege extend to modifying such equipment, including loading personal software or making configuration changes.

*Government office equipment* includes but is not limited to personal computers and related peripheral equipment and software, library resources, telephones, facsimile machines, photocopiers, office supplies, Internet connectivity, access to Internet services, and e-mail. This list is provided to show examples of office equipment intended to be covered by this policy, and it is not meant to be comprehensive.

*Minimal additional expense* means personal use that will result in no more than normal wear and tear or the use of small amounts of electricity, ink, toner, or paper. Examples of such minimal additional expenses include making a limited number of photocopies, using a computer printer to print a limited number of pages, making occasional phone calls in accordance with judiciary policy (*Guide to Judiciary Policies and Procedures*, Vol. XIII, Ch. XV, D.1.f.), infrequently sending e-mail messages, and limited use of the Internet.

*Employee non-work time* means time when employees are not otherwise expected to be addressing official business, such as off-duty hours before or after a workday, lunch periods or other authorized breaks, or weekends or holidays.

*Personal use* means activity conducted by employees for purposes other than official government business.

## **Guidance**

Judiciary employees are specifically prohibited from using government equipment in furtherance of a private business. However, employees may, for example, use government office equipment to review Thrift Savings Plans or other personal investments; to monitor medical, dependent, or commuter savings accounts; to seek employment; or to communicate with volunteer charity organizations.

In using government office equipment for limited personal purposes, employees must, at all times, avoid giving the impression that they are acting in an official capacity. If there is a potential that such limited personal use could be interpreted to represent official business of the judiciary, an adequate disclaimer must be used, such as, "The contents of this message are personal and do not reflect any position of the judiciary or the court."

The *Standards of Conduct for Judiciary Employees* apply to this privilege, including the stricture that judiciary employees shall not lend the prestige of their offices to advance or appear to advance the private interests of others.

### **Inappropriate Personal Use**

Inappropriate personal use of government office equipment includes

- any personal use that could cause congestion, delay, or disruption of service to any government system. Examples include, but are not limited to, use of greeting cards, video, sound or other large file attachments, “push” technology on the Internet, and other continuous data stream uses;
- attempting to gain unauthorized access to other systems;
- creating, copying, transmitting, or retransmitting chain letters or other unauthorized mass mailings, regardless of subject matter;
- using equipment for activities that are illegal, inappropriate, or offensive to fellow employees or the public, such as hate speech, or material that ridicules others on the basis of race, creed, religion, color, gender, disability, national origin, or sexual orientation;
- creating, downloading, viewing, storing, copying, transmitting, or retransmitting sexually explicit or sexually oriented material;
- creating, downloading, viewing, storing, copying, transmitting, or retransmitting material related to illegal gambling, illegal weapons, terrorist activities, and any other illegal or prohibited activities;
- using equipment for commercial activities or in support of commercial activities or in support of outside employment or business activity, such as consulting for pay, administering business transactions, or selling goods or services;
- using equipment for fund-raising activity, endorsing any product or service, participating in any lobbying activity, or engaging in any prohibited partisan political activity;

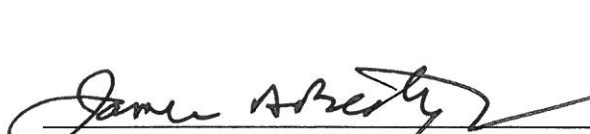
- posting judiciary information to external news groups, bulletin boards, or other public sites without authority, including any use that could create the perception that the communication was made in an official capacity as a judiciary employee, and public statements at variance with the judiciary mission or position;
- using equipment in a manner that results in loss of productivity, interference with official duties, or greater than minimal additional expense to the government; and
- acquiring, using, reproducing, transmitting, or distributing without authorization any controlled information. Controlled information includes proprietary data subject to the intellectual property rights of others, such as copyright, trademark or other rights (beyond fair use), as well as computer software and data, e.g., export-controlled software or data.


### Management and Sanctions

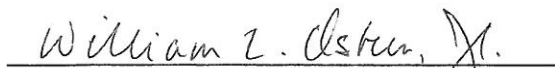
Each court will establish local controls to ensure that the use of government office equipment is in accordance with this policy.


Unauthorized or improper personal use of government office equipment may result in loss of the privilege, limitation of the privilege, disciplinary or adverse actions, criminal penalties, or financial responsibility for the costs of improper use.

This the 2<sup>nd</sup> day of October, 2008.

  
 James A. Beaty, Jr., Chief Judge  
 United States District Court

  
 N. Carlton Tilley, Jr. Judge  
 United States District Court

  
 William L. Osteen, Jr. Judge  
 United States District Court

  
 Thomas D. Schroeder, Judge  
 United States District Court

I acknowledge that I have read and understand the terms of the Personal Use Policy for the Middle District of North Carolina dated October 2, 2008.

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Employee Signature

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Employee Name Printed

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Dated