

HR/LR Policy #1423

Appropriate Use of Electronic Communication and Information Technology

Date Issued: 11/15/1997

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Authority: MMB Enterprise Employee Resources and Minnesota IT Services

OVERVIEW

Objective

Establish standards for the acceptable use of the state's information technology (IT) resources and define the appropriate use of electronic communication.

Policy Statement

The purpose of the state's IT resources is to further the business of the state. Personal use of state IT resources is permitted only as provided in this policy.

Employees who violate this policy may be subject to discipline, up to and including discharge. Violation of this policy also may be subject to criminal penalties as provided in M.S. 43A.39 and other law.

Scope

This policy applies to all employees of executive branch agencies (M.S. 43A.02, subds. 2 & 22) and includes all employees of the Minnesota State Retirement System, Public Employees Retirement Association, and Teachers Retirement Association.

Definitions and Key Terms

Key Term	Definition
<i>Incidental Use</i>	Personal use of state IT resources that is minimal in terms of duration and frequency.
<i>Incremental Cost</i>	A cost, loss of time, or loss of resources that is so small as to make accounting for it unreasonable or administratively impracticable.
<i>Information Technology (IT) Resources</i>	Software, hardware (e.g. computers, telephones, etc.), documentation, programs (e.g. email, voicemail, etc.), systems, networks, information, equipment, and devices owned, leased, or provided by the state.

Exclusions

N/A

Statutory References

M.S. 43A.38, subd. 4, Code of Ethics for Employees in the Executive Branch, Use of State Property

M.S. Chapter 13, Government Data Practices

M.S. 138.17, Government Records; Administration

5 U.S.C. §§ 7321 – 7326, Hatch Act

18 U.S.C. § 119, Wire and Electronic Communications Interception

18 U.S.C. §§ 2701-2711, Stored Wire and Electronic Communications and Transactional Records Access

GENERAL STANDARDS AND EXPECTATIONS

This policy should be read in conjunction with other applicable policies, including [Minnesota Management and Budget \(MMB\) HR/LR](#) policies, procedures and general memos, and [Minnesota IT \(MNIT\) Enterprise Information Security Policies and Standards](#).

Employees who violate this policy may be subject to discipline, up to and including discharge. Violation of this policy also may be subject to criminal penalties as provided in M.S. 43A.39 and other law.

I. Reasonable Use

Personal use of state IT resources is permitted only if the use, including the value of the time spent:

- (1) Does not increase risk to state data or system security
- (2) Results in no more than an incremental cost to the state
- (3) Complies with state and federal law, this policy, and applicable enterprise security, MMB, and agency-specific policies

Employees' personal use of state IT resources must be occasional, incidental use only, and must be limited to break and lunch time whenever possible. More than occasional, incidental use of state IT resources, including during nonwork time, is not permitted. Any personal use of state IT resources must not interfere with an employee's job duties.

Employees are expected to use good judgment when using state IT resources, whether for personal or state business purposes. All state business-related electronic communications and all use of state IT resources must be able to withstand public scrutiny without embarrassment to the agency or the State of Minnesota, and must be appropriate in type, tone, and content. Employees are responsible for the content of their state and personal use of state IT resources and may be subject to discipline up to and including discharge, criminal penalties, or liability resulting from that use.

II. Prohibited Use

The following use of state IT resources is always prohibited, even if it is incidental or includes no cost for the state:

- Activities that violate state or federal law
- Activities that violate M.S. 43A.38 or HR/LR Policy # 1445 Code of Ethical Conduct
- Activities that violate any MMB, MNIT, or agency policies, including but not limited to, anti-discrimination and anti-harassment policies and procedures, HR/LR Policy #1432, Respectful Workplace; HR/LR Policy #1329 Sexual Harassment Prohibited; and HR/LR Policy #1436, Harassment and Discrimination Prohibited; HR/LR Policy # 1444 Workplace Violence
- Wagering, betting, or selling
- Speaking on behalf of, or giving the impression of speaking on behalf of, the state or any agency without authorization, including but not limited to using the employee's state email address for non-work-related communications
- Conducting commercial or nonprofit business activities except on behalf of the state
- Engaging in non-state outside employment
- Performing personal work (e.g., finances, investments, purchases, legal correspondence, class note-taking or homework except for classes approved by the supervisor as work-related)

- Using any state video conferencing technology (including Teams, etc.) for non-work related purposes unless all parties attending are state agency employees
- Sending emails containing not public government data to the employee's personal email, unless the email contains not public data only about the employee
- Sending emails or other electronic messaging containing not public government data through unsecured email or Internet systems unless the data are encrypted
- Shopping or game playing unless required by the employee's job responsibilities
- Streaming entertainment, unless work related or otherwise authorized by the agency
- Performing work for non-work related organizations (e.g. social, political, religious)
- Political activities prohibited by M.S. 43A.32, Political Activities; M.S. 211B.09, Prohibited Public Employee Activities; Administrative Procedure 32, Political Activities of State Employees; the federal Hatch Act; or other applicable state or federal laws
- Campaigning for partisan or non-partisan elected or appointed office of a public or private entity
- Fundraising or soliciting for any purpose unless expressly authorized by the agency
- Allowing access or use by any person who is not a state agency employee (e.g., family members or friends)
- Accessing state IT resources with another employee's credentials (e.g., username or password), or providing one's own credentials to others to access state IT resources
- Sending chain letters
- Unauthorized accessing of data that is not public
- Using state IT resources in a manner that creates the impression that the state or any agency endorses or prefers any religion or religious practice
- Viewing, storing, downloading, transmitting, or soliciting violent, obscene, sexually explicit, or pornographic materials, unless required by the employee's job responsibilities
- Storing or transferring government data to any other systems or platforms that have not been approved by MNIT
- Using any software or other state IT resources in a manner or access not according to the applicable software license agreement

III. Use of Email for Union Activity

Employees may use their state email address and state email systems to engage in union activity, including to communicate with their union representatives, so long as the use does not increase risk to state data or system security and results in no more than incremental cost to the state. Other than communication with union representatives regarding matters related to the employee's job, such activity must occur outside of employees' work hours, except as provided by collective bargaining agreement.

State email addresses and the state email system may not, however, be used for political activities, fundraising, campaigning for union office, union organizing activities, or solicitation of employees for union membership.

IV. Monitoring Activities

Monitoring Activities

State IT resources are state property. The state (including any state agency and MNIT) may, in its sole discretion and for any lawful purpose, monitor, inspect, access, read, examine, copy, delete, seize, use, share, disclose, confiscate, or take any other action with respect to state IT resources. The state may also take such action with respect to any and all data collected, created, sent, received, accessed, maintained, processed, or stored by state IT resources, at any time and for any lawful purpose. The state is not required to provide notice to users. Additionally, telephone and

Internet voice calls may be monitored or recorded. Any monitoring or recording of telephone calls will comply with state and federal law.

Access/Disclosure and Use

Any and all data related to the Monitoring Activities described in this section may be accessed by or disclosed to state agency employees whose job assignments reasonably require access, MNIT Services, Minnesota Management and Budget, civil or criminal enforcement authorities, and any other person or entity authorized by state or federal law or court order, and may be used in civil or criminal proceedings, disciplinary proceedings, employment, civil or criminal investigations, audits, or for any other lawful purpose.

Consent and No Expectation of Privacy

Use of state IT resources constitutes consent to the Monitoring Activities, Access/Disclosure, and Use described in this section. There is no expectation of privacy in state IT resources, or in the use of state IT resources, even when the use is for personal purposes. The state maintains the right to conduct Monitoring Activities for personal use of state IT resources to the same extent that it has the right to conduct Monitoring Activities with respect to use for state purposes, and personal use is subject to Access/Disclosure and Use as described in this section to the same extent as use for state purposes.

RESPONSIBILITIES

Agency Responsibilities

- Adopting and enforcing the provisions of this policy
- Developing supplemental addenda as needed to address agency-specific needs regarding the appropriate use of the state's (IT) resources that are consistent with this policy and the law

MMB Responsibilities

- Administration and maintenance of this policy in conjunction with Minnesota IT Services

FORMS AND INSTRUCTIONS

The [Acknowledgement Form](#) for HR/LR Policy #1423 Appropriate Use of Electronic Communication and Information Technology is included in annual ELM training for all state agency employees.

REFERENCES

[HR/LR Policies](#)

- 1429, Data Protection for Human Resource Systems
- 1432, Respectful Workplace
- 1329, Sexual Harassment Prohibited
- 1436, Harassment and Discrimination Prohibited
- 1444, Workplace Violence Prohibited
- 1445, Code of Ethical Conduct
- 1438, Mobile Device Use

[Administrative Procedures](#)

- 32, Political Activities of State Employees

[Enterprise Information Security Policies & Standards: Security](#)

CONTACTS

MMB Human Resource Management and Labor Relations

Minnesota IT Services