

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

S

D

SENATE DRS85059-LR-14A (1/27)

Short Title: Work-Related Web Sites on State Computers. (Public)

Sponsors: Senator Brock.

Referred to:

A BILL TO BE ENTITLED

AN ACT REQUIRING THAT THE AUTHORIZED USE OF STATE COMPUTERS
MAY NOT INCLUDE STATE EMPLOYEE ACCESS TO CERTAIN TYPES OF
INTERNET SITES AND OTHERWISE RESTRICTING STATE COMPUTER
USE THAT IS NOT WORK-RELATED.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 143 of the General Statutes is amended by adding a
new Article to read:

"Article 79.

"Employee Use of State Computers.

"§ 143-740. Definitions.

(a) The following definitions apply in this Article:

- (1) Inappropriate personal use. – Any personal use that could cause congestion, delay, or disruption of service to a State government computer system or that could generate more than minimal additional expense to the State.
- (2) Information infrastructure. – Telecommunications, cable, and computer networks, including the World Wide Web, Usenet, bulletin board systems, online systems, and telephone networks.
- (3) Personal use. – Activity that is conducted for purposes other than accomplishing official business.
- (4) Minimal additional expense. – The expense incurred when the State is already providing equipment, supplies, or services and the use involves only a limited amount of electricity or other resources. Wear and tear from normal use is also a minimal additional expense.
- (5) Nonwork time. – The time when a State employee (i) is not performing an activity for the benefit of the State or under the control and

1 direction of the State agency or (ii) would not otherwise be expected to
2 address official business. Nonwork time includes lunch periods and
3 authorized breaks. Nonwork time includes the time before or after a
4 workday, weekends, or holidays, but only if the employee's duty
5 station would normally be available to the employee at those times.

6 (6) Sexually explicit content. – Any of the following:

7 a. Any description of or any image or visual representation
8 depicting sexual conduct, sexual excitement, or sexual abuse.

9 b. Pornographic or obscene materials.

10 c. A lewd exhibition of nudity.

11 (7) State agency computer system. – Any computer hardware, software, or
12 peripheral device owned or leased for use by a State agency,
13 department, or institution.

14 (8) State employee. – Includes all State employees in the executive,
15 judicial, and legislative branches and the employees of The University
16 of North Carolina.

17 **§ 143-741. Restrictions on State employee access to information infrastructure.**

18 (a) No State employee may utilize a State agency computer system to access
19 information infrastructure to do any of the following:

20 (1) Gamble.

21 (2) Engage in unlawful conduct.

22 (3) Pursue private commercial business activities or profit making
23 ventures.

24 (4) Transmit, access, download, print, or store any information
25 infrastructure files or services having sexually explicit content.

26 (5) Transmit, access, download, print, or store any information
27 infrastructure files or services that are not work-related, including
28 Internet sites and services.

29 (b) The restrictions contained in subsection (a)(4) of this section shall not apply
30 to:

31 (1) A bona fide State agency-approved research project or other officially
32 sanctioned undertaking when prior approval is given by the agency
33 head in writing.

34 (2) A criminal investigation conducted by a State, local, or federal law
35 enforcement agency.

36 (c) The restrictions contained in subsection (a)(5) of this section shall not apply
37 when:

38 (1) The head of a State agency, department, or institution has adopted an
39 acceptable use policy allowing limited personal use of a State agency
40 computer system during nonwork time where there is minimal
41 additional expense to the State;

42 (2) The administrator of the State agency's computer system has
43 determined that access to an Internet site or service that is not
44 work-related will not result in inappropriate personal use; and

1 (3) The State employee has signed an acceptable use agreement detailing
2 the extent of the authorized use.

3 **"§ 143-742. Limited personal use.**

4 (a) The head of a State agency, department, or institution may adopt an agency
5 acceptable use policy, consistent with G.S. 143-741, that allows employees to make
6 limited personal use of a State agency computer system during nonwork time if the use
7 involves no more than minimal additional expense and does not interfere with the
8 employee's productivity or official duties or the productivity or official duties of others.
9 Managers and supervisors may further restrict limited personal use based on the needs
10 of the workplace or problems with inappropriate use.

11 (b) Only a State employee who is authorized to access a State agency computer
12 system in the performance of the employee's job duties may be allowed limited personal
13 use.

14 (c) A State employee does not have a right to, nor should the employee have an
15 expectation of, privacy when accessing a State agency computer system.

16 **"§ 143-743. Notice; sanctions.**

17 (a) The head of each State agency, department, and institution shall notify each
18 State employee in the agency of the provisions of this Article and shall furnish to each
19 employee a copy of any agency acceptable use policy.

20 (b) Any State employee who violates this Article shall be subject to disciplinary
21 action up to and including dismissal from employment and may, as otherwise provided
22 by law, be subject to criminal penalties."

23 **SECTION 2.** This act is effective when it becomes law.