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Administrative Policy No. 15.12

Subject: Protecting Against Computer Software Piracy

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Authorizing Source: Title 17, United States Code (Copyright Act)
The Governor's Executive Order 00-02 (Computer
   Software Piracy)
Administrative Policy 14.07 Control of Capital Assets

Effective Date: October 31, 2000

Revised: November 29, 2007

Approved By: original signed by Kathleen Brockman
Chief Administrative Officer

Purpose

The purpose of this policy is to:

- Establish procedures to prevent the unlawful acquisition, reproduction, distribution or transmission of licensed software within DSHS; and
- Inform employees of their obligations when using copyrighted and licensed software.

Scope

This policy covers all licensed or copyright protected software used by DSHS employees, and all licensed or copyright protected software the department provides to its contractors or business partners.

Additional Guidance

Additional standards and guidelines are located in Chapters 2 and 3 of the DSHS Information Technology Security Policy Manual.

Definitions

Authorized Software: Software is considered authorized if:

- A license has been obtained by DSHS and an employee or contractor has been given permission to use the software by their DSHS supervisor or as authorized in their contract; or
- The manufacturer has given written permission to DSHS to use the software; or
- An employee has legally obtained the license and their supervisor and Information Technology Manager have given written permission for its use.

Computing Equipment: any device which can be loaded with software, including devices like: Personal Computers (PC), Servers, Laptops, Tablet PCs, Cell Phones, and Personal Digital Assistants.

Departmental Organization: An administration, division or office-level organization within DSHS.

DSHS Computing Equipment: Computing equipment that is owned or leased by DSHS.

Licensed Software: Licensed software includes software that requires agreement to an attached license, or shareware or trialware products that are initially available for free and then require acquisition within a stated period of time. These licenses can be by device, user, or for unlimited use.

Licensing and Copyright Laws: Licensing and copyright laws govern the purchase, lease, license, and use of copyrighted materials such as computer software, audio and video recordings, printed matter, and data captured in various other media. Most licenses and copyright restrictions prohibit the copying of the subject material.

Software Piracy: Software comes with a license that defines how that software may be used or distributed. Any use (such as copying it for distribution, or using it on multiple computers) in conflict with the license is a violation of state policy, and is considered software piracy.

Policy

A. All employees must:

1. Follow the terms and conditions of all licensing agreements and provisions of the Copyright Act. To obtain a copy of a license agreement consult with your local IT Manager.

2. Reproduce or copy software on DSHS computing equipment only if it is permitted by the software license.

3. Use only authorized software on DSHS computing equipment whether the equipment is located at the workplace or in the employee's home.

4.   Obtain prior, written authorization from their appointing authority or designee to use copies of software licensed to DSHS on employee-owned computing equipment. This written authorization must be kept in the employee's personnel file.

5.   Use DSHS software authorized for use on employee-owned computing equipment to conduct department business in strict accordance with WAC 292-110-010 (Use of State Resources) and DSHS Administrative Policy 18.64 (Standards of Ethical Conduct for Employees).

B.   Departmental organizations must establish, maintain and use procedures that comply with this policy and applicable licensing agreements. At a minimum, these procedures must require:

1.   Adequate record-keeping that tracks the purchase, use, and disposition of all department-owned and licensed software.

2.   Inventories of all software on DSHS computing equipment of the departmental organization at least annually, including department-owned software loaded onto employee home computing equipment used for work related activities.

3.   Transfer of software licenses when allowed by the terms of the license, including when computer equipment is transferred.

4.   Removal of software from computers being disposed of, surplused or transferred when the software license cannot be transferred.

5.   Written notice to DSHS clients of their obligations for compliance with the software and copyright requirements of this policy when software made available to them was purchased with DSHS funds.

6.   Protection of software license key codes.

C.   The DSHS Central Contracts Services and Central Purchasing Unit staff must provide departmental organizations contract language requiring contractors to use state resources only for purposes of the contract and within the limits of the manufacturer's licensing agreements.

D.   Penalty for Misuse

Employees who use or duplicate copyrighted material without authorization may be subject to discipline, civil action and/or criminal prosecution under state or federal laws and regulations.