

# *U.S. NUCLEAR REGULATORY COMMISSION*

## *DIRECTIVE TRANSMITTAL*

**TN:** DT-03-04

**To:** NRC Management Directives Custodians

**Subject:** Transmittal of Directive 2.7, "Personal Use of Information Technology"

**Purpose:** Directive and Handbook 2.7 are being revised on the basis of staff response to OIG-02-A-01, "Use of the Internet," as described in Stuart Reiter's (OCIO) memorandum to Stephen Dingbaum (OIG) dated August 29, 2002.

**Office and Division of Origin:** Office of the Chief Information Officer

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# Personal Use of Information Technology

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Directive  
2.7



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# U. S. Nuclear Regulatory Commission

OCIO

Volume: 2 Information Technology

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## Personal Use of Information Technology Directive 2.7

### Policy (2.7-01)

It is the policy of the U.S. Nuclear Regulatory Commission to permit employees limited use of agency information technology for personal needs if the use does not interfere with official business and involves minimal or no additional expense to the NRC. (011)

Management Directive (MD) 2.7 supersedes the guidelines of MD 12.5, "NRC Automated Information Security Program," Part II, Section C(1), regarding individual use of automated information systems. In every other respect, application of this directive remains subordinate to the other requirements of the NRC Security Program, as described in Chapter 12 of the NRC Management Directives System. (012)

### Objectives (2.7-02)

To define acceptable conditions for NRC employees' personal use of information technology.

Organizational Responsibilities and  
Delegations of Authority  
(2.7-03)

Chief Information Officer (CIO)  
(031)

- Ensures that agency policy is consistent with Federal statutes and regulations related to information technology. (a)
- Establishes guidelines to ensure that limited personal use of information technology does not interfere with official business and results in minimal or no additional expense to the NRC. (b)

Director, Office of Human Resources (HR)  
(032)

Provides advice and guidance related to the use of information technology pursuant to MD 2.7 and to the conduct of employees.

General Counsel (GC)  
(033)

Provides legal opinions and advice related to the appropriate use of information technology.

Inspector General (IG)  
(034)

Conducts audits and investigations related to all NRC programs and operations.

Organizational Responsibilities and  
Delegations of Authority  
(2.7-03) (continued)

Office Directors and  
Regional Administrators  
(035)

Ensure that employees' personal use of information technology is consistent with policy.

Applicability  
(2.7-04)

The policy and guidance in this directive and handbook apply to all NRC employees, including Special Government Employees. NRC contractors are prohibited from personal use of agency information technology.

Handbook  
(2.7-05)

Handbook 2.7 provides guidelines to NRC employees for acceptable personal use of information technology.

References  
(2.7-06)

*Code of Federal Regulations*, 5 CFR Part 2635, "Standards of Ethical Conduct for Employees of the Executive Branch."

Departmental Regulations (5 U.S.C. 301).

## References

(2.7-06) (continued)

Executive Order (E.O.) 12674, "Principles of Ethical Conduct for Government Officials and Employees," April 12, 1989, as modified by E.O. 12731, "Principles of Ethical Conduct for Government Officers and Employees," October 17, 1990.

"Recommended Executive Branch Model Policy/Guidance on 'Limited Personal Use' of Government Office Equipment Including Information Technology," Federal Chief Information Officer Council, May 19, 1999.

# Personal Use of Information Technology

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Handbook

2.7





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## Personal Use of Information Technology

### General (A)

New technology, such as computers, facsimile machines, and the Internet, has made it possible for employees to more efficiently manage their careers and their personal lives. The policy established herein allows NRC employees to use agency information technology for personal reasons when such use involves minimal or no additional expense to the Government, is performed on the employee's non-work time, does not interfere with NRC's mission or operation, does not violate the Standards of Ethical Conduct for Employees of the Executive Branch regulations, and is not otherwise prohibited by law. (1)

The relationship between NRC and an employee is based on trust. Consequently, employees are expected to follow rules and regulations and to be responsible for their own personal and professional conduct. (2)

NRC is extending the opportunity to its employees to use Government property for personal use in an effort to create a more supportive work environment. In this sense, the policy grants a privilege, not a right, to use agency information technology for certain non-Government purposes. (3)

### Definitions (B)

**Employee non-work time.** Times when the employee is not otherwise expected to be addressing official business. Employees may, for example, use agency information technology during their own off-duty hours such as before or after a workday (subject to local office hours), lunch periods, or weekends or holidays (if their duty station is normally available at such times). (1)

Definitions (B) (continued)

**Information technology.** Any equipment or interconnected system or subsystem of equipment that is used in the automatic acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information. This equipment includes personal computers and related peripheral equipment (e.g., printers), software, telephones, pagers, facsimile machines, photocopiers, e-mail, Internet connectivity and access to Internet services. (2)

**Minimal additional expense.** Little or no increase in cost to the Government. An employee's personal use of agency information technology is limited to those situations in which the agency is already providing equipment or services. The employee's use of such equipment or services should result in only minimal or no additional expense to the agency, only normal wear and tear on equipment, and the expenditure of only small amounts of electricity, ink, toner, or paper. Examples of activities that incur only minimal additional expense include making a few photocopies, using a computer printer to print out a few pages of material, infrequently sending personal e-mail messages, or other limited use of the Internet for personal reasons. In addition, brief telephone calls or short facsimile transmittals within the local calling area are also acceptable. (3)

**Personal use.** An employee's activity that is conducted for purposes other than accomplishing official or otherwise authorized activity. NRC employees are specifically prohibited from using agency information technology to maintain or support a personal, private business. Examples of this prohibition include employees using an agency computer and Internet connection to run a travel business or an investment service. The ban on using agency information technology to support a personal, private business also includes employees using agency information technology to assist relatives, friends, or other persons in such activities. Employees may, however, make limited use under this policy of

## Definitions (B) (continued)

agency information technology to, for example, check their Thrift Savings Plan or other personal investments, to seek employment, to communicate with a volunteer charity organization, or to file a Freedom of Information Act or Privacy Act request (see Section (E) regarding proper representation). (4)

## Specific Provisions on the Use of Equipment and Services (C)

Authorized limited personal use of agency information technology must not result in loss of employee productivity and must not interfere with official duties. The use of the agency's information technology for official business has priority over personal use. Moreover, such use should incur only minimal or no additional expense to the agency in such areas as—

- Communications infrastructure costs (e.g., telephone charges, data traffic) (1)
- Limited use of consumables (e.g., paper, ink, toner) (2)
- General wear and tear on equipment (3)
- Data storage on storage devices (4)
- Transmission of moderately sized e-mail messages and attachments (5)

## Inappropriate Personal Uses (D)

Employees are expected to conduct themselves professionally in the workplace and to refrain from using agency information technology for activities that are inappropriate. Misuse

## Inappropriate Personal Uses (D) (continued)

or inappropriate personal use of agency information technology includes— (1)

- Any personal use that could cause congestion, delay, or disruption of service to any agency system or equipment. Examples of possible misuse include automated greeting cards and video, sound, or other large file attachments that can degrade the performance of the entire network. (a)
- Use of the agency systems as a staging ground or platform to gain unauthorized access to other systems. (b)
- The creation, copying, transmission, or retransmission of chain letters or other unauthorized mass mailings regardless of the subject matter. (c)
- Use of agency information technology for activities that are illegal, inappropriate, or construed as justifiably offensive to fellow employees or the public. Such activities include, but are not limited to, hate speech or material that ridicules others on the basis of race, age, parental status, religion, color, sex, disability, national origin, or sexual orientation. (d)
- Use of information technology, including telephone or facsimile service, to create, download, view, store, copy, transmit, or receive sexually explicit or sexually oriented materials or materials related to illegal gambling, illegal weapons, terrorist activities, and any other illegal activities or activities otherwise prohibited. (e)
- Use of information technology for commercial purposes or in support of “for-profit” activities or in support of other outside employment or business activity (e.g., consulting for pay, sales or administration of business transactions, sale of goods or services). (f)

## Inappropriate Personal Uses (D) (continued)

- Engaging in fundraising activities (except as provided in 5 CFR 950.102), endorsing any product or service, participating in any lobbying activity, or engaging in any prohibited political activity. (g)
- Use of information technology for posting agency information to external newsgroups, bulletin boards, or other public forums without authority. This includes any use that could create the perception that the communication was made in one's official capacity as an NRC employee, unless appropriate agency approval has been obtained or the employee uses an appropriate disclaimer. (h)
- Any use of information technology prohibited by Management Directive (MD) 2.3, "Telecommunications." Generally, this category precludes personal use of long distance telephone or long distance facsimile service and use of cellular telephones and message pagers. However, MD 2.3 does permit personal use of these services under certain circumstances. (i)
- The unauthorized acquisition, use, reproduction, transmission, or distribution of any controlled information, including computer software or data that includes privacy information, copyright, trademark, or material with other intellectual property rights (beyond fair use), proprietary data, or export-controlled software or data. (j)
- Any use of information technology involving modification of agency equipment, including configuration changes or loading of personal software. ("Personal" means "not provided by the Government." "Software" generally refers to executable code, as opposed to data, documents, electronic mail, images, or spreadsheets.) Guidelines regarding the use of software for agency business are provided in MD 12.5, "NRC Automated Information Security Program." (k)

## Inappropriate Personal Uses (D) (continued)

- Any other activity that interferes with official duties. (I)

Employees should report any instance of abuse, fraud, or other wrongdoing to the Office of the Inspector General. (2)

## Proper Representation (E)

It is the responsibility of employees to ensure that they are not giving the false impression that they are acting in an official capacity when they are using agency information technology for non-Government purposes. If there is an expectation that such a personal use could be interpreted to represent the NRC (e.g., use of the "nrc.gov" domain name in the return address of an e-mail message), then an adequate disclaimer must be used. One acceptable disclaimer is "The contents of this message are mine personally and do not reflect any position of the NRC." Employees should also avoid using other forms of agency identification, such as letterhead stationery, in situations in which they represent themselves as private citizens rather than NRC employees (e.g., submitting a Freedom of Information Act request).

## Privacy Expectations (F)

NRC employees do not have a right, nor should they have an expectation, of privacy while using any agency information technology at any time, including accessing the Internet or using e-mail. To the extent that employees wish that their private activities remain private, they should avoid using agency information technology such as their computer, the Internet, voice mail, or e-mail. By using agency information technology, NRC employees imply their consent to disclosing the contents of any files or information maintained in, or passing through, agency equipment.

## Sanctions for Misuse (G)

Unauthorized use of agency information technology could result in any or all of the following: loss of use or limitations on use of equipment, disciplinary or adverse actions, criminal penalties, and employees being held financially liable for the cost of improper use.