



Management of Information Systems

August 2007

Spirit Lake Tribe Policy for Personal Use of IT Resources



**SPIRIT LAKE TRIBE
RESOLUTION NO. A05-08-003**

WHEREAS, the Spirit Lake Tribe of Indians is a federally recognized Indian tribe acting under a revised Constitution dated May 5, 1960, approved by the Acting Commissioner, Bureau of Indian Affairs, July 14, 1961, and as subsequently amended which amendments were approved by the Commissioner, Bureau of Indian Affairs; and August 19, 1996; and

WHEREAS, the Constitution of the Spirit Lake Tribe generally authorizes and empowers the Spirit Lake Tribal Council to engage in activities on behalf of and in the interest of the welfare and benefit of the Tribe and of the enrolled members thereof; and

WHEREAS, the Management of Information Systems Department is a new department within the Spirit Lake Tribe; and

WHEREAS, Internet access is provided to all Spirit Lake Tribe computer system users as a resource to directly facilitate their work; and

WHEREAS, the Spirit Lake Tribal Council has received and reviewed the Policy for Personal use of IT Resources and Policy for Software and Hardware, submitted by Mr. Marshall DeMarce, MIS Director.

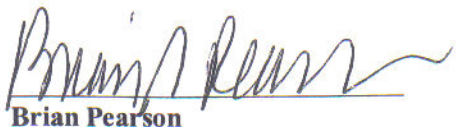
NOW THEREFORE BE IT RESOLVED, that the Spirit Lake Tribal Council hereby approves the Policy for Personal Use of IT Resources and Software and Hardware, submitted by MIS Director Marshall DeMarce.

BE IT FURTHER RESOLVED, that the MIS Department will develop the guidelines and/or policies for use of Information Technology Resources; maintain established guidelines and policies; develop the criteria for Information Technology Resources ; manage and oversee the overall operations of the SLT Network, Hardware, Software and IT Resources (see attached reference dated October 9, 2007 to Directors and Staff).

BE IT FINALLY RESOLVED, that the Tribal Chairperson and Council, based on recommendations from the MIS Director, will be the final authority within the Tribe to resolve any conflicts over use of Tribal IT resources.

C E R T I F I C A T I O N

I, the undersigned as Secretary-Treasurer of the Tribal Council, do hereby certify that the Tribal Council is composed of six (6) members of whom five (5) were present, constituting a quorum for a Special Meeting duly called and convened on this 1st day of OCTOBER, 2007, and approved this resolution by an affirmative vote of three (3) in favor, none (0) opposed, and one (1) absent. (the Secretary-Treasurer does not vote and the Chairman votes only in case of a tie.)



Brian Pearson
Secretary-Treasurer



Myra Pearson
Chairperson

Introduction

Since the MIS department is a new department within the Spirit Lake Tribe there has been no policy created to manage the use of Information Technology Resources of the Spirit Lake Tribe.

The purpose of this document is to establish policy regarding personal use of Information Technology (IT) Resources within the Spirit Lake Tribe (SLT).

The guidelines contained in this Tribal document apply to all Tribal departments and programs utilizing the SLT IT Resources, network telecommunications, either Wide-Area-Network (WAN) or Dial-Up, including the personnel, equipment, procedures and technologies that are employed in managing these activities.

The MIS Department will develop the guidelines and/or policies for use of Information Technology Resources; maintain established guidelines and policies; develop the criteria for use of Information Technology Resources; and manage and oversee the overall operations of the SLT Network, Hardware, Software and IT Resources. The Tribal Chair and Council, based on recommendations from the MIS Director, will be the final authority within the Tribe to resolve any conflicts over use of Tribal IT resources.

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Purpose

The purpose of this Spirit Lake Tribe (SLT) document is to convey this policy for limited acceptable personal use of SLT information technology (IT) resources to employees, contractors, interns and other SLT personnel. This policy has established privileges and responsibilities for employees in SLT. It recognizes these employees as responsible individuals who are the key to making the Tribe and Tribal Programs more responsive to its members. It allows employees to use SLT IT resources for non-tribal purposes when such use involves minimal additional expense to the tribe, is performed on the employee's non-work time, does not interfere with the mission or operations of SLT and does not violate ethical conduct or other SLT policies and procedures.

Background

The Spirit Lake Tribal Council serves the enrolled members on the Spirit Lake Nation Reservation. Increasingly, the Council is called upon to deliver more and better services to a growing population that continues to expect ever-increasing improvements in service delivery. Much of this productivity increase has come about through the use of modern information technology such as computers, facsimile machines, and the Internet.

SLT employees shall be provided with a professional supportive work environment. They shall be given the tools needed to effectively carry out their assigned responsibilities. Allowing limited personal use of these tools helps enhance the quality of the workplace and helps the Tribe to retain highly qualified and skilled workers.

Scope

This policy applies to all Tribal employees and Tribal Programs, including organizations conducting business for and on behalf of the Tribe through contractual relationships when using SLT IT resources. The policies contained in this SLT document apply to all SLT IT activities including the equipment, procedures and technologies that are employed in managing these activities. The policy includes teleworking, travel and other off-site locations as well as all of the office locations of the SLT. This policy does not supersede any other applicable law or higher level agency directive or policy guidance. Tribal Program Directors shall apply this policy to contractor personnel, interns, and other non-tribal employees through incorporation by reference in contracts or memorandums of agreement as conditions for using Tribe provided IT resources.

Policy

The following policies shall be in effect for each Tribal Department/Program unless the Tribal Department/Program adopts a more restrictive set of personal use policies preclude one or more of the policies listed below.

Employees are permitted limited personal use of SLT IT resources. This personal use shall not result in loss of employee productivity, interference with official duties or other than "minimal additional expense" to SLT in areas such as:

- communications costs for voice, data, or video image transmission;
- use of consumables in limited amounts (such as: paper, ink, toner);
- general wear and tear on equipment;
- data storage on storage devices;
- transmission impacts with moderate e-mail message sizes, such as e-mails with small attachments.

Employees have no inherent right to employ SLT IT resources for personal use.

Unauthorized or inappropriate use of SLT IT resources could result in loss of use or limitations on use of equipment, disciplinary or adverse actions, criminal penalties and/or employees or other users being held financially liable for the cost of inappropriate use.

Employees are expected to conduct themselves professionally in the workplace and to refrain from using Tribal office equipment for activities that are inappropriate. Misuse or inappropriate personal use of SLT IT resources includes:

- any personal use that could cause congestion, delay, or disruption of service to any SLT IT resource. For example, greeting cards, video, sound or other large file attachments can degrade the performance of the entire network as does some uses of "push" technology, such as audio and video streaming from the Internet.
- the intentional creation, downloading, viewing, storage, copying or transmission of sexually explicit or sexually oriented materials;
- the intentional creation, downloading, viewing, storage, copying or transmission of materials related to gambling, illegal weapons, terrorist activities, and any other illegal activities or activities otherwise prohibited;
- use for commercial purposes or in support of "for-profit" activities or in support of other outside employment or business activity (such as

consulting for pay, sales or administration of business transactions, sale of goods or services);

- posting Tribal or personal information to external newsgroups, bulletin boards or other public forums without authority, including information which is at odds with Tribal missions or positions. This includes any use that could create the perception that the communication was made in one's official capacity as a Tribal employee, unless appropriate approval has been obtained;
- establishing personal, commercial and/or non-profit organizational web pages on Tribe owned machines;
- use of SLT systems as a staging ground or platform to gain unauthorized access to other systems;
- the creation, copying, transmission, or retransmission of chain letters or other unauthorized mass mailings regardless of the subject matter;
- use of SLT IT resources for activities that are illegal, inappropriate, or 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, creed, religion, color, age, sex, disability, national origin, or sexual orientation;
- the addition of personal IT resources to existing SLT IT resources without the appropriate management authorization, including the installation of modems on SLT data lines and reconfiguration of systems;
- use that could generate more than minimal additional expense to the Tribe;
- the intentional unauthorized acquisition, use, reproduction, transmission, or distribution of any controlled information including computer software and data that includes information subject to the Privacy Act, copyrighted, trade marked or material with other intellectual property rights (beyond fair use), proprietary data, or export controlled software or data;
- use or creation of unauthorized list servers or the distribution of unauthorized newsletters;
- using another person's digital authentication;
- sending anonymous messages;
- avoiding established security procedures;
- using Peer-to-Peer (P2P) software without MIS Director (or designee) approval.

Department/Program Supervisors/Directors may adopt policies that are more restrictive than those contained in this Tribal policy.

Any use of SLT IT resources, including e-mail, is made with the understanding that such use may not be secure, is not private, and is not

anonymous and may be subject to disclosure under the Freedom of Information Act (FOIA). SLT employees do not have a right to, nor shall they have an expectation of, privacy while using SLT IT resources at any time, including accessing the Internet through SLT gateways and using e-mail, which may be subject to release pursuant to the Freedom of Information Act. To the extent that employees wish that their private activities remain private, they shall avoid making personal use of SLT IT resources.

Electronic data communications may be disclosed within individual Programs to employees who have a need to know in the performance of their duties (such as, with manager approval technical staff may retrieve e-mail or documents from a user's computer).

The privacy rights of an individual may not be violated.

Roles and Responsibilities

The MIS Department

MIS Department is responsible for:

- the dissemination of this policy to all employees within their respective organizations;
- training all employees on personal use policies and to include inappropriate use;
- implementing security controls to prevent and detect improper file sharing;
- establishing waiver procedures and signature file for any and all approved Peer-to-Peer software purchases and implementations;
- informing users of their rights and responsibilities, including the dissemination of the information in this policy to individual users;
- notifying, when appropriate, law enforcement officials.

Department/Program Supervisors/Directors

Department/Program Supervisors/Directors, in their supervisory role, are responsible for:

- addressing inappropriate use by employees who report to them;
- receiving reports of inappropriate use from MIS Department and sharing these reports, as appropriate, within their own management structure;

- Managers of SLT IT resources may use system monitoring software in order to improve the performance of the resource. When a Program Director identifies an inappropriate use, he/she shall notify the MIS Department and, as appropriate, terminate the access of the individual(s) to the IT resource after informing the MIS Department of the action to be taken.

SLT Employees and Users of SLT IT Resources

Users, including employees, contractors, interns and others, when using IT equipment that SLT uses in official capacity, are responsible for:

- seeking guidance from their supervisors when in doubt about the implementation of this policy;
- ensuring that they are not giving the false impression that they are acting in an official capacity when they are using SLT IT resources for non-tribal purposes. If there is expectation that such a personal use could be interpreted to represent the Tribe or Tribal Program, then an adequate disclaimer shall be used. For example:

“The contents of this message are mine personally and can not be construed to be endorsed (inferred or implied) neither by the Tribe nor Tribal Program.”

- following policies and procedures in their use of IT Resources (for example: Internet and e-mail) and refraining from any practices which might jeopardize SLT computer systems and data files, including but not limited to virus attacks, when downloading files from the Internet;
- learning about Internet etiquette, customs and courtesies, including those procedures and guidelines to be followed when using remote computer services and transferring files from other computers;
- familiarizing themselves with any special requirements for accessing, protecting and utilizing data, including Privacy Act requirements, copyright requirements;
- adhering to all conditions set forth in this and other Tribal Policies;
- completing IT security training on Tribal personal use policies. Policies include a waiver or exception process.

Generally, SLT employees may use SLT IT resources for authorized purposes only. As set forth below, limited personal use of Tribal office equipment by employees during non-work time is considered to be an “authorized use” of Tribal property.

Things to keep in mind:

User ID's and passwords will be assigned to all users. Tribal employees/contractors may use passwords only in the performance of their official duties. Employees/contractors may not disclose any User ID's and passwords to anyone for any reason. Employees/contractors will be held accountable for all work performed on or changes made to the system/databases under their User ID's and passwords. Employees/contractors will not allow anyone else to access any of the above designated computer systems, or through them, to any other computer system, using their User ID's and passwords.

Information and Assistance

Direct questions, comments, suggestions or requests for further information to the MIS Department 766-1750 ➡ 766-1751 ➡ 766-1752

Glossary

- Browser - a software tool used to locate and view data in standardized formats on other computers.
- Employee – any person (includes interns, contractors, visitors, and state, local or government program participants), company or service provider who performs work, tasks, duties for or at the direction of SLT.
- Employee non-work time - times when the employee is not otherwise expected to be addressing official business. Employees may, for example, use Tribal office equipment during their own off-duty hours such as before or after a workday (subject to local office hours), lunch periods, authorized breaks, or weekends or holidays (if their duty station is normally available at such times).
- SLT Information Technology resources - includes but is not limited to: personal computers and related peripheral equipment and software, network and web servers, telephones, facsimile machines, photocopiers, Internet connectivity and access to internet services, e-mail and, for the purposes of this policy, office supplies. It includes data stored in or transported by such resources for SLT purposes.
- Information Technology (IT) - 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.
- Internet - a worldwide electronic system of computer networks which provides communications and resource sharing services to Tribal employees, businesses, researchers, scholars, librarians and students as well as the general public
- Minimal additional expense - the employee's personal use of SLT IT resources is limited to those situations where the Tribe is already providing equipment or services and the employee's use of such equipment or services shall not result in any additional expense to the Tribe or the use will result in only normal wear and tear or the use of small amounts of electricity, ink, toner or paper. Examples of minimal additional expenses include making a few photocopies, using a computer printer to printout a few pages of material, making occasional brief personal phone calls, infrequently sending personal e-mail messages, or limited use of the Internet for personal reasons.

- Peer-to-Peer (P2P) file sharing – as defined in OMB’s memo M-04-26, Personal Use Policies and “File Sharing” Technology, dated September 8, 2004, as: “...any software or system allowing individual users of the Internet to connect to each other and trade files....While there are many appropriate uses of this technology, the majority of files traded on P2P networks are copyrighted music files and pornography. ...P2P is a common avenue for the spread of computer viruses within IT systems”.
- Personal use - activity that is conducted for purposes other than accomplishing official or Tribal business. SLT employees are specifically prohibited from using Tribal office equipment to maintain or support a personal private business. Examples of this prohibition include employees using a Tribal computer and Internet connection to run a travel business or investment service. Using Tribal office equipment to support a personal private business is prohibited. Employees may, however, make limited use under this policy of Tribal office equipment to, for example but not limited to, check their 401(k) or other personal investments, or to seek employment, or communicate with a volunteer charity organization.
- Privilege - in the context of this policy, that SLT is extending the opportunity to its employees to use SLT IT resources for personal use in an effort to create a more supportive work environment. However, this policy does not create the right to use SLT IT resources for non-tribal purposes. Nor does the privilege extend to modifying such equipment, including loading personal software or making configuration changes.
- Shared SLT IT resource - any SLT IT resource that is managed by one SLT Program but used by many (such as, the Finance software).
- Teleworking - teleworking, also known as telecommuting, means you work from home or a satellite office near your home. You stay in touch with your office by telephone, FAX, network connection or email. Some employees telework one day a week or more, depending on their employer.
- World-Wide Web (WWW) - The collection of web pages (documents) which are developed in accordance with the HTML (hypertext) Web format standard and may be accessed via Internet connections using a web browser, such as Microsoft’s Internet Explorer, Netscape, or Mozilla’s FireFox.

Spirit Lake Tribe Personal Use of IT Resources Acceptance

PRIVACY EXPECTATIONS. Any use of Spirit Lake Tribe (SLT) IT resources, **including e-mail**, is made with the understanding that such use may not be secure, is not private, is not anonymous, and may be subject to disclosure under the FOIA. Employees do not have a right to, nor shall they have an expectation of, privacy while using SLT IT resources at any time, including accessing the Internet through the SLT Network and **using e-mail**, which may be subject to release pursuant to the FOIA. To the extent that employees wish their private activities to remain private, they shall avoid making personal use of SLT IT resources.

IMPLIED CONSENT. Employees imply their consent to disclosing the contents of any file(s) or information maintained or passed through SLT IT resources. By using SLT IT resources, consent to monitoring and recording is implied with or without cause, including but not limited to accessing the Internet and **using e-mail**.

MONITORING TOOLS. The SLT system managers and supervisors may access any electronic communications and employ monitoring tools to detect improper use. Electronic communications may be disclosed within the SLT to employees who have a need to know in the performance of their duties (e.g., with manager approval, technical staff may employ monitoring tools in order to maximize the use of their resources, which may include the detection of inappropriate use).

PENALTIES. Unauthorized or improper use of SLT IT resources could result in the loss of use or limitations on the use of SLT IT resources, disciplinary or adverse actions, criminal penalties, and/or employees being held financially liable for the cost of improper use.

I _____, understand, will abide by, and agree to
Print Name

the above stated Acceptance concerning the Personal Use of IT Resources. This Acceptance is taken from the “Spirit Lake Tribe Policy on Personal Use of Information Technology Resources” and the “Spirit Lake Tribe Policy on Internet and E-Mail”.

Employee Signature

Employee Title

Date

Department/Program