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SUBJECT: Software Copyright Compliance		EFFECTIVE DATE 03/14/00	
OFFICE OF MIS:		DATE:	
SECRETARY OF DHHR:		DATE:	

1.0 PURPOSE

The purpose of this policy is to provide guidance to Department of Health and Human Resources (DHHR) personnel relating to the use, compliance, and limits of copyrighted software.

2.0 SCOPE

This policy applies to all employees using DHHR systems and participating in sponsored software development, software demonstrations, and the operation and maintenance to Information Technology (IT) systems.

3.0 APPLICABLE DOCUMENTS/MATERIALS

- 3.1 [DHHR IT Policy 0501, Appendix B](#) – Unacceptable Uses of IT Resources
- 3.2 [DHHR IT Policy 0520](#) – Acceptable Workstation Use
- 3.3 [DHHR Policy Memorandum 2104](#) – Progressive Discipline
- 3.4 [DHHR Policy Memorandum 2108](#) – Employee Conduct
- 3.5 OMIS Operating Procedure -013, Software Installation

4.0 RESPONSIBILITY/REQUIREMENTS

- 4.1 All software **must** be installed by Management Information Services (OMIS) technicians.
- 4.2 Only software (including shareware) purchased through the DHHR procurement process, or approved in writing by OMIS management can be installed on a DHHR computer.
- 4.3 Software must only be used in accordance with licensing agreements.
 - 4.3.1 If a license is for multiple users, the authorized number of copies must not be exceeded.

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- 4.4 Periodic audits must be conducted to assure that licensing agreements are being followed.

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- 4.5 OMIS must inventory and document all software on PC's belonging to the DHHR.
- 4.6 Licensing agreements must be stored in a secure location
- 4.7 When upgrades to software are purchased, the old version must be disposed of in accordance with the licensing agreement to avoid a potential violation.
 - 4.7.1 Upgraded software is considered a continuation of the original license, not an additional license.
- 4.8 Employees are prohibited from making illegal copies of copyrighted software.
- 4.9 Enforcement Authority
 - 4.9.1 The Information Security Officer (ISO) is the person designated by the Chief Technology Officer (CTO) to monitor and provide initial enforcement of DHHR's information security program and IT policies.
 - 4.9.2 The Information Security Liaisons (ISL) are employees assigned by the Bureau Commissioners and/or Office Directors to assist the ISO in the protection of information resources.
 - 4.9.3 The Office of the Inspector General (OIG) is the authority who investigates reported instances of Departmental employee misconduct.
- 4.10 Violations and Disciplinary Action(s)
 - 4.10.1 All suspected violations of this policy will be reported to a supervisor in the chain of command above the employee.
 - 4.10.2 The supervisor or designee will review the facts and, if it is suspected that a violation may have occurred, the matter will be referred to the employee's Office Director or Bureau Commissioner for appropriate action.
 - 4.10.3 As determined by the Office Director and the Bureau Commissioner, instances of abuse or misconduct, depending on the circumstances, will be referred to either the ISO or the OIG for further investigation.

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4.10.4 Employees who willfully or knowingly violate or otherwise abuse the provisions of this policy may be subject to: (1) disciplinary action as outlined in DHHR Policy 2104; or (2) criminal prosecution.

5.0 DEFINITIONS

- 5.1 Chief Technology Officer (CTO) – The director of OMIS and the person responsible for all information resources within the DHHR.
- 5.2 Employee – Individuals employed on a temporary or permanent basis by the DHHR; as well as contractors, contractors' employees, volunteers, and individuals who are determined by the Bureau or Office to be subject to this policy. For the purposes of this policy, this also refers to anyone using a computer connected to the DHHR network.
- 5.3 Office of Management Information Services (OMIS) – This office reports directly to the DHHR Deputy Secretary for Administration and provides the leadership, innovation, and services needed to achieve efficient and effective technology solutions to meet the goals of the DHHR.
- 5.4 Shareware – Copyrighted programs made available on a trial basis.
- 5.5 Software – The programs, programming languages, and data that control the functioning of the hardware and direct its operations. It is usually divided into two categories: systems software and applications.
- 5.6 Software license – A legal agreement between the developer and the user of software that specifies the conditions for distributing, storing, and using that software.
- 5.7 Software upgrade – To replace a software program with a more recently released version.