



**OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE
INSTRUCTION 93.04
Category 93 - Chief Information Officer/Technology Support
Office of Primary Responsibility: ODNI Chief Information Officer
Revision 1**

**SUBJECT: (U) LIMITED PERSONAL USE OF GOVERNMENT OFFICE
EQUIPMENT**

- 1. (U) AUTHORITIES:** The National Security Act of 1947, as amended; and other applicable provisions of law.
- 2. (U) REFERENCES:** Executive Order (EO) 12333, as amended; EO 13011, as amended; and 5 CFR 2635.
- 3. (U) PURPOSE:** This Instruction establishes requirements and responsibilities for allowing limited personal use of government resources including information technology. This Instruction replaces ODNI Instruction 93.04, *Limited Personal Use of Government Office Equipment*, dated September 27, 2010.
- 4. (U) APPLICABILITY:** This Instruction applies to permanent cadre employees; ODNI staff reserve (i.e., time-limited) cadre employees, including Highly Qualified Experts; federal civilian detailees; military detailees; Intergovernmental Personnel Act detailees; Presidential appointees; assignees; and others who use ODNI government resources. It applies to contractors in accordance with paragraph 6.A. below. In accordance with any relevant agreement by the ODNI and other government agencies (OGAs), this Instruction also applies to OGA personnel providing service support to the ODNI.
- 5. (U) DEFINITIONS:** The terms used in this Instruction are defined in Appendix A.
- 6. (U) POLICY:** Individuals are permitted limited use of ODNI government office equipment for personal needs if the use does not interfere with official business, involves insignificant or de minimis additional expense to the United States Government (USG), and does not violate the *Standards of Ethical Conduct for Employees of the Executive Branch* (5 CFR 2635). This

limited personal use of government office equipment should not adversely affect the performance of official duties by the individual or the ODNI and should be of reasonable duration and frequency. The privilege to use government office equipment for non-governmental purposes may be revoked or limited at any time by an authorized ODNI official.

A. (U) Contractors are not authorized limited personal use of government office equipment unless it is specifically authorized by contract or memorandum of agreement.

B. (U//~~FOUO~~) Individuals under cover must abide by the policies of the cover organization if those policies are more restrictive than this Instruction.

C. (U//~~FOUO~~) Personal use must not result in loss of productivity or interfere with official duties. Such use should incur only insignificant and de minimis additional expense to the USG. Limited personal use with insignificant and de minimis additional expense is allowed in areas such as:

(1) (U) Communications infrastructure, such as domestic telephone charges.

(2) (U) Use of consumables in limited amounts, such as paper, ink, toner.

(3) (U) General wear and tear on equipment.

(4) (U) Data storage on storage devices.

(5) (U) Transmission impacts with moderate email message sizes, such as emails with small attachments.

D. (U//~~FOUO~~) Individuals in the ODNI may not use government office equipment for activities that are illegal, unethical, or otherwise inappropriate (e.g., gambling; downloading unauthorized programs and software; making non-official posts to public Internet sites, to include wikis and social networking sites, where it could be perceived that the communication was made on behalf of the ODNI or the government, or where the communication could pose a security risk; etc.). Specific examples of authorized and unauthorized use of government office equipment are described in Appendix B.

E. (U) Individuals in the ODNI do not have a right to, nor should they have an expectation of, privacy or anonymity while using any USG office equipment at any time, including for accessing the Internet and using email. Personnel should avoid using office equipment for personal use if they wish their private activities to remain private or anonymous. By using office equipment for personal use, ODNI personnel consent to the monitoring and recording of such equipment and consent to the disclosure of the contents of any personal files or information maintained or passed through USG office equipment, if necessary for an official government purpose.

F. (U//~~FOUO~~)^{(b)(3)-(6)} The ODNI is not liable for the loss or compromise of any personal information such as name, date of birth, Social Security number, address or telephone number, passwords, and credit card information that results from the personal use of Internet connections

and other government networks. Internet connections and other government networks are the target of hostile intelligence services, and are more likely to be monitored than home Internet connections and telecommunications. Personal activities may be mistaken for ODNI activities by outsiders monitoring Internet connections and other government office equipment, and may result in their monitoring of your home Internet connections and telecommunications.

G. (U) System managers employ monitoring tools to detect improper use. Authorized ODNI personnel such as system managers and supervisors may access electronic communications in the performance of their official duties. Electronic communications may be disclosed to government personnel inside and outside the ODNI who have a need-to-know in the performance of their official duties.

H. (U) Unauthorized or improper use of USG office equipment may result in loss of or limitation on use of such equipment, disciplinary or adverse administrative actions, criminal penalties, and/or financial liability for the cost of unauthorized or improper use.

7. (U) RESPONSIBILITIES:

A. (U) The Chief Management Officer will provide policy oversight.

B. (U) The ODNI Chief Information Officer will:

(1) (U) Implement this Instruction.

(2) (U) Advise and assist ODNI personnel with concerns about limited personal use of government equipment.

(3) (U) Advise and assist authorized ODNI officials with concerns about restricting or removing ODNI personnel based on inappropriate activities.

C. (U) Individuals who use ODNI government resources will:

(1) (U) Ensure that they do not convey the impression that they are acting in an official capacity when using government resources for personal use.

(2) (U) Comply with this Instruction and existing law when using government resources for personal use.

(3) (U) Consult with the Office of General Counsel for guidance on the standards of ethical conduct.

(4) (U) Report instances of fraud, waste, and abuse of government equipment to the Office of Inspector General of the Intelligence Community.

8. (U) **EFFECTIVE DATE:** This Instruction is effective upon signature.



Mark Ewing
Chief Management Officer



Date

Appendix A: (U) Definitions

Appendix B: (U) Examples of Authorized and Unauthorized Personal Use of Government
Office Equipment

Appendix A

(U) Definitions

A. (U) Government office equipment including information technology: Includes but is not limited to: computers (including U.S. Government laptops and smart phones) and related peripheral equipment and software, library resources, telephones (including cellular telephones), facsimile machines, photocopiers, office supplies, Internet connectivity and access to Internet services, and email.

B. (U) 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.

C. (U) Insignificant and de minimis additional expense: Costs that are minimal, trivial, insignificant, and negligible. Generally, such costs are unaccounted for within ODNI's normal business and accounting procedures because they do not result in any measurable expense to the government. Examples of insignificant and de minimis additional expenses include: making a few photocopies, using a computer printer to print out a few pages of material, making occasional brief personal telephone calls, infrequently sending personal email messages, and limited use of the Internet for personal reasons.

D. (U) Personal use: Activity that is conducted for purposes other than accomplishing official or otherwise authorized activity. Executive Branch personnel are specifically prohibited from using government office equipment to maintain or support a personal private business. Examples of this prohibition include personnel using a government computer and Internet connection to run a travel business or investment service. The ban on using government office equipment to support a personal private business also includes personnel using government office equipment to assist relatives, friends, or other persons in such activities. Personnel may make limited use under this policy of government office equipment to check their Thrift Savings Plan or other personal investments, or communicate with a volunteer charity organization.

E. (U) Social software/websites: A range of web-based tools that facilitate information sharing between users and are frequently collaborative in nature. The tools are often associated with the creation of electronic or online communities. This computer-mediated communication can include, but is not limited to: tweets, wikis, blogs, social networking, media sharing, and social bookmarking sites, mashups, and annotation services. (See Appendix B, Section B.[9])

Appendix B

(U) Examples of Authorized and Unauthorized Personal Use of Government Office Equipment

A. (U) Examples of authorized personal use of government office equipment include, but are not limited to, the following:

(1) (U) Use of ODNI telephones (including cellular telephones) to make personal domestic calls.

(2) (U) Use of ODNI facsimile machines and photocopiers to transmit and copy personal documents.

(3) (U) Use of information systems including the Agency Data Network (ADN) and the Agency Internet Network (AIN) and ODNI computers (including U.S. Government laptops and smart phones) to send and receive personal email, and to compose and print personal documents (that are not unduly extensive).

(4) (U) Use of ODNI computers (including laptops) to access online information of personal interest, including daily news, sports news and scores, weather, fine arts activities, entertainment activities, and financial news and market figures.

(5) (U) Use of ODNI telephones and computers (including laptops) to conduct banking activities, 401(k) plan or other retirement plan transactions, or to move funds within a Thrift Savings Plan account.

(6) (U) Use of ODNI telephones and computers (including laptops) to purchase personal items (for example, airline tickets for personal travel, clothing, or gifts), or to pay bills, or to check personal investments.

B. (U) Examples of unauthorized personal use of government office equipment include, but are not limited to, the following:

(1) (U) Any personal use that could cause congestion, delay, or disruption of service to any government system or equipment. For example, massive multi-player online gaming, or frequent use of unauthorized streaming video or audio and extraordinarily large file downloads or attachments would degrade the performance of the entire network and would be inappropriate.

(2) (U) Using the government systems as a staging ground or platform to gain unauthorized access to other systems.

(3) (U) The creation, copying, transmission, or retransmission of chain letters or other unauthorized mass mailings regardless of the subject matter.

(4) (U) Using government office equipment for activities that are illegal, inappropriate, or

offensive to co-workers 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, sex, age, disability, national origin, or sexual orientation.

(5) (U) Creating, downloading, viewing, storing, copying, or transmitting sexually explicit or sexually oriented materials.

(6) (U) Creating, downloading, viewing, storing, copying, or transmitting materials that promote illegal activities (such as illegal gambling) or facilitate participation in such activities.

(7) (U) 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; day trading; arbitrage; the buying and selling of stocks, bonds, and futures on a frequent basis; and the buying and selling of real estate for income producing purposes). This prohibition does not apply to the purchase of personal items (for example, airline tickets for personal travel, clothing, or gifts), or to the payment of bills. In addition, this prohibition does not apply to personal banking activities, 401(k) plan or other retirement investment transactions, or the movement of funds within a Thrift Savings Plan account.

(8) (U) Engaging in any outside fund-raising activity, endorsing any product or service, participating in any lobbying activity, or engaging in any form of political activity in the workplace.

(9) (U) Posting any nonofficial electronic communications to external newsgroups, social software/websites, bulletin boards, nonofficial blogs, nonofficial wikis, nonofficial chat rooms, or other external Internet forums, if such posting could create the perception that the communication was made in one's official capacity as a representative of the ODNI or the government.

(10) (U) Any use that could generate more than insignificant or de minimis additional expense to the U.S. Government.

(11) (U) The unauthorized acquisition, use, reproduction, transmission, or distribution of any legally controlled information, including computer software and data, that includes privacy information, copyrighted, trade marked or material with other intellectual property rights (beyond fair use), proprietary data, or export controlled software or data.

(12) (U) Any personal use that involves online undisclosed participation in an organization in the U.S. to accomplish an ODNI objective.