

Administrative Policy No. 15.12

Subject:	Protecting Against Computer Software Piracy
Information Contacts:	DSHS Technology Operations Center Talk2eTOC@dshs.wa.gov or (360) 902-7700
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:	October 6, 2020
Approved By:	<u>Original signed by Lori Melchiori</u> Senior Director, Office of Policy and Rules

Purpose

The purpose of this policy is to:

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

Scope

This policy covers all licensed or copyright protected software used by department 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 Security Standards Manual](#).

Definitions

Authorized software: Software is considered authorized if:

- A license has been obtained by the department 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 the department to use the software.

Computing equipment: Any device that can be loaded with software, including but not limited to; personal computers (PC), servers, laptops, tablet PCs, and cell phones.

Departmental organization: An administration, division or office-level organization within the Department of Social and Health Services.

Licensed software: Any software that requires an 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.

Remote Location: Any location outside of a DSHS office. This would include telecommuting from home or elsewhere.

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 [Governor's Executive Order 00-02](#) (Computer Software Piracy), 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. Comply with the terms of the software license agreement when determining if reproducing or copying software on department owned or leased computing equipment is permitted.
3. Use only authorized software on department computing equipment regardless of whether the equipment is located at the workplace or at a remote location. Contact your local IT manager if you have questions

regarding authorized software. See the [DSHS Information Security Standards Manual](#) section 5.10 for additional information.

4. Obtain prior, written authorization from their appointing authority or designee to use copies of software licensed to the department on employee-owned computing equipment. This written authorization must be kept in the employee's personnel file.
 5. Use department 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 department owned or leased computing equipment 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 is not transferrable.
 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 department funds.
 6. Protection of software license key codes.
- C. The DSHS Central Contracts Services and DSHS Central Purchasing Unit staff must provide departmental organizations with 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.