AUTHORIZED USE OF GOVERNMENT INFORMATION AND COMMUNICATIONS TECHNOLOGY EQUIPMENT, FACILITIES OR PROPERTIES

PNP MEMORANDUM CIRCULAR NO. 2010-017, September 09, 2010

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1. REFERENCES:

a. Activation of DICTM pursuant to NHQ-PNP General Orders Number DPL-09-08 dated April 1, 2009;

b. RA 6713, “An Act Establishing A Code of Conduct and Ethical Standards for Public Officials and PNP Personnel, to Uphold the Time-Honored Principle of Public Office Being a Public Trust, Granting Incentives and Rewards for Exemplary Service, Enumerating Prohibited Acts and Transactions and Providing Penalties for Violations Thereof and For Other Purposes”;

c. RA 3019 “Anti Graft and Corrupt Practices Act”; and

d. National Institute of Standards and Technologfy, US Department of Commerce Policy on Limited Use of Government Equipment including Information Technology.

2. PURPOSE

This Circular provides the policy governing the manner in which all PNP personnel utilize government owned office equipment and supplies including information and communications technology.

3. DEFINITION OF TERMS:

For purposes of this circular, the following terms shall mean:

a. Privilege means, in the context of this policy, that the Philippine National Police is providing the opportunity to its PNP personnel to use government property for authorized/ official use in the optimal performance of their official duties and functions. However, this policy does not confer a right to use government office equipment for non-official business/transactions nor does the privilege extend to modifying such equipment, including loading personal software or making configuration changes. Simply put, use of government equipment, facilities or property is a mere privilege on their part and a pure benefaction on the part of the government.

b. Government Information and Communications Technology Equipment, Facilities or Property - includes but is not limited to: computers and related peripheral equipment and software, library resources, telephones to include cellular, facsimile machines, photocopiers, office supplies, internet connectivity and access to internet services, and E-mail of the Philippine National Police;

c. Personal Use means activity that is conducted for purposes other than accomplishing official or otherwise authorized activity and inures to the benefit of the PNP personnel concerned. PNP personnel are specifically prohibited from using government office equipment to maintain or support a personal transaction or business activity. Examples of this prohibition include but are not limited to PNP personnel using a government computer

and/or internet connection to run a travel business or investment service;

d. Information and Communications Technology means 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;

e. Government Agency refers to any agency, bureau, or organization of the Government of the Republic of the Philipppines; and

f. Government refers to the Government of the Republic of the Philippines.

4. POLICIES:

a. PNP personnel are prohibited to use government office ICT equipment for personal needs even if said use does not substantially interfere with official business and involves minimal additional expense to the government.

b. Personal use of government office ICT equipment even if the same takes place during the employee's non-work time shall not be tolerated. PNP employees cannot invoke any privilege to use government office ICT equipment for non-government purposes as the same defeats efficiency in the use of limited public resources.

5. GUIDELINES:

a. Use of Equipment and Services

1. PNP personnel are NOT authorized to use Government Office ICT equipment even if said personal use does not result in substantial loss of employee productivity or interference with official duties. Morever, such personal use though incurring only minimal or negligible additional expense to the Government is prohibited in areas such as:

a. Communications infrastructure costs e.g. telephone charges, telecommunications traffic, etc.;

b. Use of consumables in limited or negligible amounts e.g. paper , ink, toner, etc.;

c. General wear and tear on equipment;

d. Data storage on storage devices; and

e. Transmission impacts with moderate E-mail message sizes such as E-mails with small attachments.

b. Inappropriate Personal Use

PNP personnel must conform to a norm of conduct compatible with their standing as members of the law enforcement community. As such, they are expected to conduct themselves professionally in the workplace and to refrain from using government office equipment for activities that are inappropriate.

Misused or inappropriate personal use of government office ICT equipment includes but is not limited to:

1) Any personal use that could cause congestion, delay, or disruption of service to any Government system or equipment. For example video, sound or other large file attachments can degrade the performance of the entire network;

2. Using the Government's ICT systems as a staging ground or platform to gain unauthorized access to other systems;

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

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4. Using Government ICT office equipment for activities that are illegal, inappropriate, or offensive to fellow PNP personnel 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, disability, national origin, or sexual orientation.

5. The creation, download, viewing, storage, copying, or transmission of sexually explicit or sexually oriented materials;

6. The creation, download, viewing, storage, copying, or transmission of materials related to illegal gambling, illegal weapons, terrorist activities, and any other illegal activities or activities otherwise prohibited, when the creation, download, viewing, storage, copying, or transmission of the same is not part of his job description;

7. Use 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);

8. Engaging in any outside fund-raising activity, endorsing any product or service, participating in any lobbying activity, or engaging in any prohibited partisan political activity;

9. Any use that could generate more than minimal additional expense to the Government.

10. The anauthorized acquisition, use, reproduction, transmission, or distribution of any controlled information including computer software and data, that includes privacy information, copyrighted, trademarked or material with other intellectual property rights (beyond fair use), proprietary data, or export controlled software or data; and

11. Any type of inappropriate or unauthorized use which is similar or analogous to any of the foregoing.

c. Proper Representation

It is the responsibility of PNP Personnel to ensure that they are not giving the false impression that they are acting in an official capacity when they are using government ICT office equipment for non-government purposes. Thus, regardless of the intention, simulated official use of government property which inures to the personal benefit of the any government employee is prohibited.

d. Access Management

PNP Personnel have no inherent right of access to, or use of Government ICT office equipment, facilities, and/or property for personal use.

e. Privacy Expectations

PNP personnel do not have a right, nor should they have an expectation, of privacy while using any government ICT office equipment at any time, including accessing the internet, and using E-mail. By using Government ICT office equipment, PNP personnel imply their consent to disclosing the contents of any files or information maintained or passed-through Government office equipment.

1. By using government ICT office equipment, consent to monitoring and recording is implied with or without cause, including (but not limited to) accessing the internet/intranet or using E-mail. Any use of government communications resources therefore is made with the understanding that such use is generally not secure, is not private, and is not anonymous.

2. The head of office or his duly authorized representative may employ monitoring tools to detect any improper use. Electronic communications may be disclosed to PNP personnel in the performance of their official duties. Chief of offices including designated system administrator may access any electronic communications.

f. Other Prohibited Acts and Omissions

1. Allowing, consenting, tolerating the unauthorized/inappropriate access to and/or un-authorized inappropriate use of Government ICT equipment, facilities or materials by a fellow PNP employee and/or non-PNP personnel.

2. Failure to report the acts or omissions provided under paragraphs 5b and 5f of this Circular.

6. ADMINISTRATIVE SANCTION:

Unauthorized or improper use of Government ICT office equipment could result in loss of use or limitations on use of equipment, disciplinary or adverse criminal and administrative actions with penalties and/or PNP personnel being held financially liable for the cost of improper use. Sanctions as provided for under applicable laws, rules and regulations including NAPOLCOM Memorandum Circular No. 2007-001 (Uniform Rules of Procedure before the Administrative Disciplinary Authorities and the Internal Affairs Service of the Philippine National Police) shall govern any of the prohibited acts enumerated above.

7. RESCISSION:

All PNP policies, directives and other issuances which are inconsistent with the provisions of this Circular are hereby deemed rescinded or modified accordingly.

8. EFFECTIVITY:

This Circular shall take effect after fifteen (15) days from the filing of a copy hereof at the University of the Philippines Law Center in consonance with Sections 3 and 4 of Chapter 2, Book VII of the Executive Order No. 292, otherwise known as the “The Revised Administrative Code of 1987, as amended.

(SGD.) JESUS A. VERZOSA, CEO VI
Police Director General
Chief, PNP

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