

IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

IN THE MATTER OF THE ADOPTION OF)
A POLICY REGARDING THE USE OF) IP RULE 2011-01
INTERNET, EMAIL AND SOCIAL MEDIA)
)

A. Employee Internet and Email Guidelines.

The availability and use of the internet and email provides many opportunities for enhancement of productivity and effectiveness. The Supreme Court recognizes that these technologies allow the rapid transfer and broad dissemination of valuable information. However, if not utilized properly these technologies also create potential for misuse or abuse and could lead to the release of sensitive information or material that could have a damaging effect on the UJS, its employees, its clients and the public if not utilized properly. As a result, the UJS requires that all employees comply with the guidelines as set forth in this policy when accessing the internet or using email when conducting state business and/or using state equipment.

1. Employee Responsibility.

UJS employees are responsible for the appropriate use of the internet and are expected to adhere to the highest ethical standards when conducting state business and/or using state equipment. Internet and email usage must be able to withstand public scrutiny without embarrassment to the UJS, its

customers or its employees. This includes messages that are forwarded beyond the intended recipients, accessed or inadvertently disclosed, subpoenaed in a legal action or otherwise made public. Failure to comply with this policy may subject employees to disciplinary action.

2. Management Responsibility.

Managers and supervisors are responsible for ensuring the appropriate use of employee internet and email usage through training, supervising, coaching and taking disciplinary action when necessary.

3. General Procedures and Allowable Uses.

The UJS encourages authorized and trained employees to use state-owned computers. However, all these devices are the property of the UJS and their use is a privilege that is subject to revocation. Personal access to the internet and use of email is allowed as follows:

A. Employee use of the internet for acquiring or sharing information necessary or related to the performance of an individuals assigned responsibilities and/or participating in educational or professional development activities.

B. Employees use of email for communicating with fellow employees, business partners, and clients within the context of an individual's assigned responsibilities

C. Limited reasonable use of the internet and email for occasional employee personal purposes that does not result in any additional costs, such

as the loss of time, diversion of resources or impacting network capacity from their intended business purpose, is permitted. However, the unauthorized personal use of social media during working hours or with state owned equipment is expressly prohibited and not covered by this section.

4. Inappropriate Uses.

Inappropriate uses of the internet and email include, but are not limited to:

- A. Illegal activities;
- B. Accessing entertainment or gaming sites;
- C. Harassment;
- D. Commercial activities;
- E. Solicitation, except on agency-sanctioned activities;
- F. Promotion of political or private causes, positions or activities,

and/or other unethical activities;

- G. Activities that demean the court;
- H. Unnecessary exchange of large audio or video files or photos;
- I. Personal social media usage.

5. Downloading and Installing Software.

UJS employees shall not download or install any software, or other materials from the internet, without prior approval from the State Court Administrator's Office.

UJS employees shall observe the copyright and licensing restrictions of all software applications and shall not copy software from internal or external sources unless legally authorized. Employees shall observe copyright restrictions of any documents, images or sounds through or stored on email.

To eliminate the risk of virus proliferation or data corruption, UJS employees shall follow UJS standards when downloading software from the internet. UJS employees will only download software from the internet that is necessary for official UJS business. Anything downloaded from the internet should be virus scanned prior to the file being opened or run.

6. Monitoring.

Internet access is allowed through the state's Wide Area Network (WAN). Like other state resources, it is intended to be used for UJS business and other UJS-sanctioned activities. UJS employees have no expectation of privacy when using state-furnished equipment, internet access and email. All internet and email data that is composed, transmitted and/or received by UJS computer systems is considered to belong to the UJS and is recognized as part of its official data. The UJS reserves the right to monitor internet traffic and monitor and access data that is composed, sent or received on UJS equipment or through its online connections. All sites and downloads may be monitored and/or blocked by the UJS if they are deemed to be harmful and/or not productive to business.

It is a supervisory responsibility to oversee use and to determine if internet and email use is appropriate to assigned work. Content of UJS employees email messages are not routinely monitored or disclosed; however, employees should understand that email messages and internet transactions, including those they delete or erase from their own files, may be backed up or recorded and stored centrally for system security and investigation purposes. This information may be retrieved and viewed by someone with proper authority at a later date.

Monitoring or disclosure may occur internally under administrative procedure and externally under subpoena or other legal actions in connection with charges of improper or illegal actions by an individual, unexpected absence of an employee, or upon request for public data and other appropriate or technical reason.

It is the responsibility of the user to abide by this policy. The use of the network is a privilege, not a right, which may be revoked at any time for abusive conduct.

B. Employee Use of Social Media Guidelines.

The exploding use of "social media" has made these communication platforms an everyday part of many people's lives, including those of UJS employees. Social media formats, which include such things as Face Book, Twitter, LinkedIn, MySpace, blogs, YouTube, video sharing sites, wikis, discussion groups, *etc.*, allow for the instantaneous dissemination of

information and communications to a large and diverse audience. The perceived anonymity of some formats may make users less concerned about the privacy and confidentiality of the information they share. This may at times conflict with the fact that UJS employees work in an environment where discretion, impartiality and confidentiality are imperative.

Social media communications can have a significant impact on personal and professional reputations. Many forms of social media blur the lines between the users private and professional life. As a result, the Court has created and adopted certain guidelines for UJS employees as they utilize these new and ever-changing social media formats. Consider these guidelines as a way to protect your personal and professional reputation when participating in social media. These guidelines are not meant to be [and probably could never be] all-inclusive given the fast pace of advancements in technology. However, this Rule outlines the Court's expectations for UJS employees when using social media resources.

- **Do not engage in the personal or unauthorized use of social media during work hours or with UJS equipment. Social media usage during work hours or with UJS equipment must be approved by your supervisor.**
- The Code of Judicial Conduct and the UJS Personnel Rules apply to online activities, including social media. These guidelines do not otherwise broaden those provisions, but are intended to provide guidance to employees when using social media. These guidelines are not intended to restrict private employee conduct, but to achieve the ethical and security standards necessitated by employment with the UJS.

- Very little, if anything, on the web is anonymous and it exists forever. Remember that nothing is truly “private” on the internet. Assume anything you post will be publicly available.
- Do not post or link to any material that is defamatory, discriminatory, harassing or indecent.
- Do not post anything confidential. UJS employees handle confidential and sensitive information and the restrictions concerning confidential information at the workplace apply to the use of social media. Never comment on pending cases.
- Refrain from discussing any internal court operations, procedures or security protocols. Do not display pictures of UJS facilities, court events, judicial officers or employees that may compromise security and safety.
- Think before you post. Your use of social media must be able to withstand public scrutiny without embarrassment to the UJS, its customers or its employees.
- Speak for yourself, not the UJS. Carefully evaluate whether you should offer any information that identifies you as a court employee or your job responsibilities. Knowledge of your place of employment could place employees in compromising situations that could impact the integrity of the judicial process.
- Avoid negative commentary involving court personnel, the judicial system, members of the public you interact with at work and your co-workers.
- Always remember that you are an employee and representative of the UJS and should conduct yourself accordingly. Judicial employees are expected to avoid impropriety and to conduct themselves in a manner that reflects upon the dignity and independence of the judiciary.
- Restrictions on political activity applicable to UJS employees also apply to the use of social media.
- Unauthorized use of UJS insignia, letterhead or symbols is expressly prohibited.
- Do not offer or appear to offer legal advice.

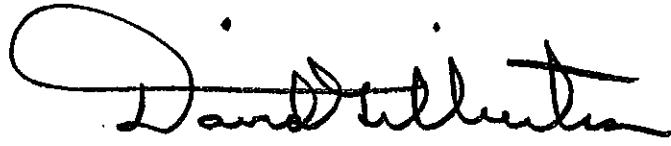
- If in doubt about whether or not to post or provide certain information, err on the side of caution or consult your supervisor. You are ultimately responsible for what you post or share through social media. Exercise common sense and sound judgment with the online and social media world- just like you would in the real world.
- The Court respects the right of employees to use social media as a vehicle for self-expression and public conversation and will not discourage or discriminate against employees who use social media as long as such uses do not violate UJS standards of conduct.
- Deviation from these guidelines and the standards required of judicial employees may result in disciplinary or other appropriate action up to and including termination.

It is the responsibility of UJS employees to be aware of this Rule and govern themselves accordingly. The effective date of this Rule is October 1, 2011.

This Rule supersedes IP Rule 2007-02 and shall remain in effect until further order of this Court.

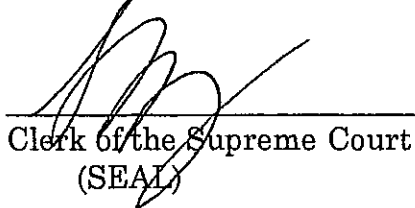
DATED at Pierre, South Dakota this 20th day of June, 2011.

BY THE COURT:



David Gilbertson, Chief Justice

ATTEST:



Clerk of the Supreme Court
(SEAL)

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

JUN 20 2011



Sheryl A. Johnson, Legal
Clerk

**Employee Acknowledgment
IP Rule 2011-01**

*(Please return this form to your Circuit Administrator
or the Director of Human Resources)*

I, _____, acknowledge receipt of IP Rule 2011-01 (In the matter of the Adoption of a Policy Regarding Use of Internet, Email and Social Media) and have read and agree to adhere to the Rule. I understand if I have any questions regarding the Rule and/or its interpretation that I should discuss them with my direct supervisor, the Circuit Administrator, or the Human Resources office.

Print Name

Signature

Date