

# **COMPUTER SOFTWARE POLICY**

## Section 1. General Guidelines.

1.1. This policy provides guidelines on the proper handling of computer software throughout the WVBEP.

Only authorized software shall be installed and used on WVBEP computers and networks.

Violations of this policy will subject an individual to disciplinary action ranging from a warning, suspension of privileges, or dismissal from the WVBEP and prosecution under state and/or federal statutes - depending on the circumstances of the incident.

## Section 2. Definition of Terms.

2.1. Authorized Software: Authorized software is defined as software, including demonstration versions, that: [a] is approved for use by the WVBEP MIS Division on WVBEP computers and/or networks, [b] has been legally obtained (see section 4.), [c] is required in the support of the function to which the computer and/or network is assigned, and [d] has been approved by the supervisor responsible for the computer and/or network. If software on a WVBEP computer or network does not meet all four (4) criteria, the software is considered unauthorized and must be removed from that WVBEP computer and/or network.

The role of the WVBEP MIS Division in the authorization process is to: (1) identify off-the-shelf software that performs the function required; (2) verify that it can operate within the WVBEP environment without negatively impacting operations; and (3) establish a true cost of ownership including product and support costs.

Usually, software provided by federal agencies, such as the Department of Labor, or their instrumentalities for official WVBEP use will be considered authorized. However, it must not negatively impact the WVBEP operating environment and still must be: obtained through proper channels, required in the support of the function, and approved by the supervisor of the function using the software.

2.2. Third Party Software: Third party software shall be defined as any software, to include shareware and freeware, that was not developed for the exclusive use of the WVBEP, its employees or its agents.

## Section 3. Policy Notification.

3.1. Any individual requiring the use of a WVBEP computer and/or network shall be made aware of this software policy by the supervisor granting access to the WVBEP computer and/or network prior to getting access to the WVBEP computer and/or network. The individual must indicate in writing that s/he has read this policy by signing in the space provided on the last page of this policy.

## Section 4. Software Acquisition.

4.1. When it is determined that software, including demonstration versions, is required and the request approved, it shall be acquired in accordance with WVBEP purchasing procedures and established standards as well as with the concurrence of the designated WVBEP MIS personnel.

4.2. All third party software vendors or authors shall be compensated appropriately for any software products approved for use within the WVBEP.

## Section 5. Software Duplication.

5.1. All software, including demonstration versions, and its documentation shall be used in accordance with its licensing agreement. Unless otherwise provided for, any duplication of the software, except for backup and/or archival purposes, and its documentation subjects the individual and/or the WVBEP to civil and criminal penalties including fines and imprisonment. Therefore, duplication of software or its documentation is not permitted without the prior written approval of the WVBEP MIS Division.

Software and its documentation are protected under the United States Copyright Act and West Virginia Code sections 61-3C-1 through 61-3C-21.

#### Section 6. Virus Protection.

6.1. WVBEP virus protection procedures, issued by the WVBEP MIS Division, shall be applied to all media (diskette, hard drive, CD-ROM, magnetic tape, etc.) prior to its installation on any WVBEP computer and/or network. The WVBEP MIS Help Desk shall be contacted if there is any question regarding these procedures.

#### Section 7. Software Distribution and Freedom of Information Act (FOIA) Requests.

7.1. Third party software, including demonstration versions, and/or its documentation shall not be given to any outside party including clients, customers, co-workers, friends, etc. Software, and its documentation, developed for or by the WVBEP shall not be given to any outside party unless prior written approval of a WVBEP Division Director is obtained or it is appropriate for a response to a valid FOIA request as determined by the WVBEP Legal Services Division.

#### Section 8. Software Audits.

8.1. In order to protect the WVBEP and its employees, software audits of WVBEP computers and networks shall be conducted randomly and without notice to ensure compliance with this software policy.

8.2. Whenever possible, these audits will be conducted in the presence of the supervisor responsible for the computer and/or network.

#### Section 9. Supplements and Exceptions.

9.1. Supplements to this computer software policy may be issued by each WVBEP Division to address specific concerns or operational needs. However, any exceptions to this computer software policy shall require prior written approval of the Director of MIS and the Commissioner of the WVBEP.

Sign: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

I acknowledge that I have read the WVBEP Computer Software Policy on the above date.