



OFFICE OF ADMINISTRATION ADMINISTRATIVE POLICY

POLICY TITLE: Software Use and Piracy	AUTHORIZED BY:
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ISSUED: February 1, 1993	REVISED: October 2003

I. General Statement

This policy sets forth the guidelines for computer software installed on computers owned by the Office of Administration.

It is the policy of the State of Missouri to give effect to copyrights associated with computer software by observing the relevant provisions of federal law, including the U.S. Copyright Act, and applicable licensing restrictions. The Office of Administration will abide by working diligently to prevent and combat computer software piracy. State of Missouri shall not acquire, operate or maintain computer software in violation of U.S. Copyright laws or applicable licensing restrictions. The Office of Administration will take all steps necessary to prohibit users from duplicating any licensed software or related documentation for use by Office of Administration or its contractors and recipients of State financial assistance including grants and loan guarantee assistance. Office of Administration prohibits employees to use software in any manner inconsistent with the applicable license agreement, including giving or receiving software from clients, contractors, customers and others.

II. Guidelines

Software will be installed and used only in accordance with its license agreement. Unless otherwise provided in the license, any duplication of copyrighted software, except for backup and archival purposes by software manager or designated department, is a violation of copyright law. In addition to violating copyright law, unauthorized duplication of software is contrary to Office of Administration standards of conduct. The following points are to be followed to comply with software license agreements:

- A. All users must read and understand the Office of Administration's Software Use Policy and use all software in accordance with its license agreements and Office of Administration's Software Use Policy. All users acknowledge that they do not own this software or its related documentation, and unless expressly authorized by the software publisher, may not make additional copies except for archival purposes.
- B. The Office of Administration prohibits the use of any unauthorized copies of software in our organization. Unauthorized reproduction of software is a federal offense. All users must not condone illegal copying of software under any circumstances and anyone who makes, uses or otherwise acquires unauthorized software will be appropriately disciplined.
- C. No user will give software to any outsiders including clients, contractors, customers and others. Under no circumstances shall an unauthorized user load any software on his/her office computer. Any software not loaded by authorized staff is subject to removal and may generate other discipline.



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- D. Any user who determines that there may be a misuse of software within the Office of Administration will notify the designated software manager, department manager, or legal counsel.
- E. All software used by the Office of Administration on Office of Administration-owned computers will be purchased through appropriate procedures.

III. Acquisition of Software

- A. All requests for new software needed within the Office of Administration shall be submitted for review to the Director of the Division of Information Services.
- B. The Director of the Division of Information Services will review the request and determine the following:
 - 1. If applicable requirements of the proposed software (hard drive space, processor, memory, etc.) are met.
 - 2. Ensure that no unused licenses for the same software exists within the department.
 - 3. Recommend alternate software or in-house development that provides the same or similar functionality for cost savings or enhanced functionality/compatibility.
- C. After the Director of the Division of Information Services reviews the request, approval for purchase of the software will be sent to the requesting division.
- D. If the request involves software that is to be evaluated or developed, the Division of Information Services will review the request. (All Requests for Proposal (RFP) or Invitations for Bid (IFB) issued for acquisition or development of software must include the contract language developed by the Office of Information Technology and the Office of Administration Division of Purchasing and Materials Management.)
- E. Under most circumstances, it is the sole responsibility of each division within the Office of Administration to purchase software to be used within their division.

IV. Software Record Keeping

- A. Software must be installed and registered in the name of the State of Missouri, Office of Administration. Software shall not be installed or registered under the name of the individual user.



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- B. The division coordinator or designated software coordinator for each division within the Office of Administration must keep record of all software installed on each computer within their division. The record must contain the following:
1. Name and publisher of the software (ex. Microsoft Office 2000).
 2. How the software was acquired (i.e. network copy or division purchase).
 3. If the software is an upgrade or full version license.
 4. When the license expires (if applicable).
 5. The location of each software installation (on what computer).
 6. Serial number for the software if software was acquired directly by the division.
 7. Date of Purchase of the software and Purchase Order Number.
- C. The record will be kept in a database located in a central location accessible to all Office of Administration division coordinators. The coordinators must keep the information in this record updated and accurate.
- D. A software license is a contract and the Office of Administration shall retain all software license records for the duration of its use plus five years in order to defend any lawsuits challenging the state's lawful use of the software. The invoice used to purchase the software is considered the license and must be retained.

V. Media Storage and Possession

Once installed, the original media will be kept in a safe storage area maintained by the division coordinator or Office Automation. User manuals, if provided, will reside with the user or division coordinator.

VI. Home Use

Office of Administration computers are state-owned assets and must be kept both software legal and virus free. Users are not permitted to load personal software on to State agency computers. Software owned by the Office of Administration cannot be loaded on to a user's home computer.

VII. Audits

- A. Within six months after the effective date of the ITAB Software Piracy Policy, the designated division coordinators will conduct an initial audit of all division computers to ensure that the Office of Administration is in compliance with all software licenses. This information will be placed in the record as described in section IV.



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- B. By December 1 of each year, each division coordinator will update the record for their division. Each division will submit a letter or e-mail to Office Automation indicating that an annual audit has been completed and ensuring that all software installed within their division is legal and in compliance with the terms and conditions set forth in section I. of this policy.

- C. After Office Automation has received notification from the division coordinators, Office Automation will submit a letter in December of each year to the Chief Information Officer (CIO) certifying that the annual audits have been completed and all divisions are properly maintaining a record of all software and adhering to the terms of all software licenses.