

AUTHORIZED PERSONAL USE OF PUBLIC PROPERTY MODEL POLICY

PURPOSE

This policy provides public servants guidance as to authorized personal use of public property, as defined in Utah Code section 76-8-101(5), to help them avoid unintentional violations of Utah Code sections 76-8-402 and 404, Offenses Against the Administration of Government. Violation of Utah Code section 76-8-402 is a felony.

A public servant is not guilty of a violation of Utah Code section 76-8-402 for authorized personal use of public property. "Public servant" means a public officer, an appointed official, employee, consultant, or independent contractor of a public entity, or a person hired or paid by a public entity to perform a government function. "Public property" means real or personal property that is owned, held, or managed by a public entity.

This policy constitutes a "written policy of the public servant's entity" for purposes of Utah Code section 76-8-402(1)(b)(iii). For purposes of this policy, "public servants" will be referred to as "employees".

POLICY

Employees are responsible to protect and conserve government owned or leased property and use official time in an honest effort to perform official duties. This policy does not grant to employees or create an inherent right to use government resources, and one should not be inferred. The privilege to use public property for personal purposes may be limited or revoked at any time by an appropriate [fill in, e.g., Department manager] (e.g., a supervisor in the employee's organizational chain of command).

Employees do not have a right to nor should they have an expectation of privacy while using government resources at any time, including when they are accessing the internet, using email, instant messaging, or telephones. Employees who wish for their personal activities to be private should not conduct such activities using public property.

To help improve the effectiveness and efficiency of government services, incidental personal use of public property is authorized under Utah Code section 76-8-402 and is further authorized under this policy. Incidental personal use includes:

1. Use of public property for limited personal use when an employee is using the public property to perform their duties of office or employment; and
2. Use of public property of a personal nature when such use of the public property:
 - a. Is allowed to be used by the general public;
 - b. Is allowed for training or skill development;

- c. Is provided or required to be provided to the public servant as an employee benefit or convenience, such as lunchroom, fitness, and/or nursing room facilities;
 - d. Provides value to [insert name of public entity] that substantially outweighs the personal benefit received by the employee;
 - e. Is otherwise permitted by an employee's manager or supervisor (e.g., a supervisor in the employee's organizational chain of command) in writing prior to usage; or
 - f. Is otherwise permissible under state or federal law, administrative rule or policy.
3. Notwithstanding (2), incidental personal use does not include any use that:
 - a. Significantly, interferes with the mission or operations of the [fill in, e.g., Department];
 - b. Significantly, interferes with the performance of the employee's or any other employee's official duties;
 - c. Significantly, compromises the integrity of public property; or
 - d. Is for private financial gain, including but not limited to conducting outside business, employment, or other income generating activities.

This policy does not modify the requirements of laws, rules, or policies regulating state employees' use of public property, including but not limited to the following:

- [Fill in with title of Agency Code of Conduct]
- Utah Administrative Code R477-9-7, Acceptable Use of Information Technology Resources, <https://rules.utah.gov/publicat/code/r477/r477-009.htm>
- The Utah Public Officers' and Employees' Ethics Act, https://le.utah.gov/xcode/Title67/Chapter16/67-16.html?v=C67-16_1800010118000101
- Utah Code § 67-19-19 – Political activity of employees – Rules and regulations – Highway patrol – Hatch Act, https://le.utah.gov/xcode/Title67/Chapter19/67-19-S19.html?v=C67-19-S19_1800010118000101
- DTS Policy 5000-0002.1 – Enterprise Information Security Policy (Statewide), <https://dts.utah.gov/policies/enterprise-information-security-policy>
- DTS Policy 5000-0003 – Enterprise Mobile Device Policy (Statewide), <https://dts.utah.gov/policies/enterprise-mobile-device-policy>
- DTS Policy 5000-0004 – Enterprise Web Filter Policy (Statewide), <https://dts.utah.gov/policies/enterprise-web-filter-policy>
- Utah Administrative Code R895-7, Acceptable Use of Information Technology Resources, <https://rules.utah.gov/publicat/code/r895/r895-007.htm>
- Division of Finance Policies, including FIACCT – O5-15.00 – Purchasing Card and FIACCT – 10-01.00 – Travel – Personal Use of State Vehicles, http://apps.finance.utah.gov/nxt/gateway.dll?f=templates&fn=default.htm&q=05-15_00&x=advanced
- Utah Administrative Code R27-3 – State Vehicle Use Standards, <https://rules.utah.gov/publicat/code/r027/r027-003.htm>
- Utah Administrative Code R27-6 – Fuel Dispensing Program, <https://rules.utah.gov/publicat/code/r027/r027-006.htm>

- Governor's Executive Order 002 2014: Establishing an Ethics Policy for Executive Branch Agencies and Employees, or
- Any [agency/Department/Division....] specific statutes, rules, or policies.

**** **[Note: Not all state public entities are subject to each law, policy, and rule listed above, for example, some entities are not subject to Utah Department of Technology Services or Utah Department of Human Resources statutes/rules. Each entity should work with its respective counsel to ensure that any statutes/rules/policies cited in this paragraph apply to them.],**