

I. PURPOSE

To establish a uniform policy and procedure for prevention of software copyright infringement.

II. SCOPE

This policy applies to all officers and units of the Executive Branch of State Government.

III. DEFINITIONS

In this policy, the following words have the meaning indicated.

“**Agency**” means a unit of the Executive Branch of State Government.

“**Authorized Software**” means software used in accordance with the Software license or owned by the agency.

“**Computer**” means an electronic, magnetic, optical, organic, or other data processing device or system that performs logical, arithmetic, memory or storage functions. It includes any data storage facility, or communications facility that is directly related to or operated in conjunction with a device or system.

“**Software**” means computer programs, instructions, procedures, or associated documentation that is concerned with the operation of a computer system.

IV. POLICY

- A. The state will not permit the making or using of unauthorized software copies under any circumstances.
- B. The State will provide legally acquired software to meet legitimate software needs in a timely fashion and in sufficient quantities to satisfy those needs.
- C. The State will enforce internal controls to prevent the making or using of unauthorized software copies, including measures to verify compliance with these standards and appropriate disciplinary actions for violations of these standards.
- D. The agency heads are responsible for ensuring that the agency is abiding by the terms of all software licenses.
- E. For additional authority and guidance in prevention of software copyright infringement and protection from computer viruses refer to the current version of the State Data Security committee’s **STATE POLICY; DATA PROCESSING RESOURCES SECURITY** and the **Annotated Code of Maryland** Article 27, Section 146

V. AGENCY RESPONSIBILITIES

- A. The agency head, or designee, is responsible for compliance with Federal copyright statues and State software policy, maintaining adequate software records, and supervising compliance with this policy.
- B. The agency head shall implement the State of Maryland Software Code of Ethics (see 95-1 Attachment 1). The Software Code of Ethics (SCOE) shall be signed by all present employees and by new employees at the time of hire for all employees with access or potential access to computers.
- C. The agency head, or designee, shall establish and maintain positive control of software, including inventory measures and accounting procedures that document all purchases of software. Each agency shall establish written procedures that include as a minimum the following:
 - i. Establishes control of all software and software licenses.
 - ii. Establishes a program that informs employees about the need to comply with software licenses.
 - iii. Maintains records of all software and software licenses.
- D. The agency head shall certify in writing each July 1st to the Secretary of Budget and Fiscal Planning that the agency is in compliance with this policy (see 95-1 Attachment 3).
- E. The agency head, or designee, shall establish a software compliance employee information program that:
 - i. Explains the SCOE and agency software policies.
 - ii. Informs employees about software piracy and why it is a problem. All new employees should receive this information as part of an employee orientation program.
 - iii. Provides employees access to licenses for software used by the agency.

VI. ATTACHMENT

- A. Attachment 1 contains the format for establishing an agency Software Code of Ethics.
- B. Attachment 2 contains the format for agency head certification.