

Introduced by: Council Present

AN ORDINANCE OF THE CITY OF BERKELEY AMENDING THE EMPLOYEE HANDBOOK OF PERSONNEL RULES AND REGULATIONS, POLICIES, AND BENEFITS IN SECTION 17.09; RELATING TO SECURITY BY ADDING DATA BACKUP, OCCURRENCES, COPYRIGHTS, AND SOFTWARE LICENSING

WHEREAS, Information Technology (IT) Security is essential to the mission of the City; and it is the council's responsibility to protect the confidentiality, integrity and availability of the City's IT assets; and,

WHEREAS, the purpose of this amendment is to establish data backup occurrences, unauthorized copying of the city's licensed software; and to prevent modification, deletion, or disclosure of information that can compromise the integrity of the City, as well as violate commercial licensing rights, and possibly constitute a criminal act;

Now, Therefore, Be it ordained by the City Council of the City of Berkeley, Missouri, as follows:

Section 1 The City's Personnel Handbook, Section 17.09, is hereby amended by adding definitions, and additional language for data server's backup timelines, copyright infringements of the City software, and data file servers:

DATA BACKUP

Backing up digital communications, data, and other electronic files is an essential IT practice to ensure against the loss of valuable information. The purpose of back-ups is to restore a system to a current state (as of the date of the most recent back-up) in case of system failure, or to restore individual files inadvertently deleted or lost. Back-up media is not intended to serve as short or long-term storage of information. Retrieval or archive storage is a separate process used to remove or duplicate files from an active system to another system or digital media for short or long-term storage.

DATA BACK-UP SHALL OCCUR AS FOLLOWS:

The purpose is to establish a limit on the length of time backups are maintained and to encourage personnel to distinguish between the purposes and practices of backing-up data vs. retrieval or archive storage of data

- All servers shall have a full back-up each Friday
- Every day during the week the servers will only backup the changes from Friday to Friday
- Virtual Back-up shall occur once a week, and always restore to the last back-up snapshot
- Back-ups of email and other files should be retained for no more 60 days.

DEFINITIONS

Back-up

A copy of data from an original electronic source transferred to a separate medium (CD, tape, disk). The purpose of back-ups is to restore information lost because of purposeful or inadvertent user action or system failure.

Retrieval Storage (Archive)

The movement of data from its original source to a separate medium (CD, tape, diskette). The purpose of retrieval storage is to move data no longer needed on a day-to-day basis to another location from which it can be retrieved at a later date, if needed. Example: Movement

of dated transaction files to CD or an external drive.

Retention policies

Legal requirements or policies dictating that records of specific types be maintained in retrievable form for a specific period. The purpose of retention policies is to maintain an audit trail or history of information. Example: Specific personnel records must be retained for 10 years. All other retention shall be in accordance with Missouri Revised Statutes Chapter 109.

Local disk

Data storage on a personal PC managed by the user. Data on local disks may or may not be backed-up.

Remote disk

Data storage on a server managed by a server administrator. Data may be transferred to the remote disk by user action or by automatic process. Data on remote disks may or may not be backed-up.

Deleted files

When a user deletes files, the files are moved from the active area of either the local or remote disk to "trash". Any files that exist in trash continued to exist until the user empties the trash. Any backups that take place while files remain in trash will be copied to the back-up tape along with all other active files. So, while the user believes the file has been deleted, it will continue to exist until the trash is emptied and all backup tapes have been rewritten or destroyed.

Business files

Official files associated with the business processes of the unit. Examples: financials, purchase requisitions, criminal justice files, court records, permit files, and personnel notices, etc.

Personal files

Non-official files created and/or used by an individual as part of their work. Examples: email, spreadsheets, informal memos, etc.

Lifetime of files

The lifetime of files on local, remote, or retrieval storage is subject to the practices of the individual and/or the administrator of the remote server. Unless deleted, files exist indefinitely.

SOFTWARE LICENSING

Softlifting

Softlifting is making illegal copies of software. Common reasons people give for softlifting are to make extra copies to use on other machines in the office, to take home, or to give to another person. For most software licenses, one purchased license is required for each installed copy. Since software is protected under the Copyright Act of the US Code, unauthorized duplication of software is a Federal offense; and the City will take the offended position.

Software and Copyright

The US Copyright Act automatically protects software when it is created. The owner of the copyright has the exclusive right to reproduce and distribute the software. Those who purchase a license for a copy of software do not have the right to make additional copies without the permission of the copyright owner, except (i) copy the software onto a single computer and (ii) make "another copy for archival purposes only," which are specifically provided in the copyright act. It is illegal to use licensed software on more than one computer or to copy or distribute that software for any other purpose unless the copyright holder has specifically given permission in the software license agreement. Software agreements vary and IT personnel should always read and ensure the terms applicable to any software package. City employees may not use City computing facilities, networks, or other resources to violate software copyrights. Employees who copy material shall be disciplined in accordance to the Employee Handbook

Software Categories

Commercial, shareware, freeware, and public domain are categories of software distinguished by different rules about how the software may be distributed, copied, used, and modified.

Commercial

The purchaser of commercial software does not own the software, but rather has acquired a license from the copyright holder to use the software. Conditions and restrictions of license agreements vary so you should read the agreement carefully. The Copyright Act gives the purchaser the right to copy the software onto a single computer and to make another copy for archival purposes only.

Shareware

The copyright holders for shareware allow purchasers to make and distribute copies of the software, but require that, if after testing the software you adopt it for use, you must pay for it.

Freeware

The reproduction and distribution of freeware is allowed and encouraged as long as it is not for profit and with the condition that derivative works must also be designated as freeware. That means that you cannot take freeware, modify or extend it, and then sell it as commercial or shareware software.

Public Domain

Public domain software comes into being when the original copyright holder explicitly relinquishes all rights to the software. Since under current copyright law, all copyrighted works (including software) are protected as soon as they are committed to a medium, for something to be public domain it must be clearly marked as such.

Antivirus

Anti-virus software is a program or set of programs that are designed to prevent, search for, detect, and remove software viruses, and other malicious software like worms, Trojans, adware, and more. Servers, desktops, and laptops shall have current up to date antivirus to prevent outside interference with city data. City purchased antivirus software shall not be copied, or taken home, or given to another person.

Responsibilities of All Employees, Consultant, and 3rd Party Users

Management, IT staff, consultants, and third party users must be aware of the copyright and licensing requirements of the software they use and must be able to show licensing documentation for

software installed on servers, desktops and laptops. These responsibilities include:

- Retaining documentation of proof of purchase or other authorization of all software residing on computers under their control. This includes license agreements and documentation of shareware, freeware, and public domain approval. Some documentation may be held by the City Clerk for site licenses and bulk purchases, but software license compliance is the responsibility of the IT staff.
- Purchasing a license for each installed software copy. This includes the appropriate number of copies to support the simultaneous users in a networked environment. The City has special site licenses and bulk purchases to reduce the cost of certain software. This software is still subject to copyright and license restrictions including reproduction and distribution limitations.
- Removing software from old computers when that licensed software is installed on replacement computers.
- Restoring computers to its original setting before selling/auctioning.
- Removing demonstration copies of software when not purchased for use.
- Not using unauthorized copies of software.
- Not making unauthorized copies of software for their own use or distribution.
- Not making available software masters for others to use for unauthorized copies.

Section 2 All staff are responsible for using computer software legally, and may be required to demonstrate that the software on their computers is appropriately licensed.

Section 3 That all ordinances and parts of ordinances in conflict herewith are hereby repealed for purposes of this ordinance only, and only to the extent of the conflict.

Section 4 This Ordinance shall be in full force and effect from and after the date of its passage.

1st Reading this _____ day of _____ 2017

2nd Reading this _____ day of _____ 2017

3rd Reading, PASSED and APPROVED, this _____ **day of** _____ **2017**

Theodore Hoskins, Mayor

ATTEST:

Deanna L. Jones, City Clerk

Approved As To Form:
Donnell Smith, City Attorney

Final Roll Call:

Mayor Hoskins	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Hoskins	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Kirkland	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Mathison	Aye ___	Nay ___	Absent ___	Abstain ___
Councilman-at-Large McDaniel	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Mitchell	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Williams	Aye ___	Nay ___	Absent ___	Abstain ___