

U.S. Department of Energy
Washington, D.C.

ORDER

DOE O 203.1A

Approved: 11-23-2024
Chg. 1 (AdminChg): 01-30-2025

**SUBJECT: LIMITED PERSONAL USE OF GOVERNMENT OFFICE EQUIPMENT INCLUDING
INFORMATION TECHNOLOGY**

1. PURPOSE.

- a. To establish requirements and assign responsibilities for employees' limited personal use of Government resources. The term Government resources as used in this Order is comprised of office equipment including information technology within the Department of Energy (DOE), including the National Nuclear Security Administration (NNSA).
- b. To provide guidance on appropriate and inappropriate uses of Government resources.
- c. To create a more supportive work environment for DOE employees.

2. CANCELS/SUPERSEDES. DOE O 203.1, Limited Personal Use of Government Office Equipment including Information Technology, dated 01-07-2005.

3. APPLICABILITY.

- a. Departmental Applicability. This Order applies to all Departmental Elements, including those created after the Order is issued.

The Administrator of NNSA shall assure that NNSA employees and contractors comply with their respective responsibilities under this Order. Nothing in this directive will be construed to interfere with the NNSA Administrator's authority under section 3212(d) of Public Law (P.L.) 106-65 to establish Administration-specific policies, unless disapproved by the Secretary.

- b. DOE Contractors. This Order does not contain a Contractor's Requirement Document.
- c. Equivalencies/Exemptions. Equivalencies and exemptions to this Order are processed in accordance with DOE O 251.1, *Departmental Directives Program*, current version.
- d. Equivalency. In accordance with the responsibilities and authorities assigned by Executive Order (E.O.) 12344, codified at 50 USC sections 2406 and 2511, and to ensure consistency throughout the joint Navy/DOE organization of the Naval

- e. Nuclear Propulsion Program, the Deputy Administrator for Naval Reactors (Director) will implement and oversee requirements and practices pertaining to this Directive for activities under the Director's cognizance, as deemed appropriate.

4. REQUIREMENTS.

- a. Limited Personal Use. This Order authorizes employees to make limited use of Government resources for personal purposes, in accordance with the provisions herein. This Order does not modify the requirements of the Standards of Ethical Conduct for Employees of the Executive Branch [Title 5 Code of Federal Regulations (CFR), 2635], including the employee's responsibility to protect and conserve Government property using it for authorized purposes only and use official time in an honest effort to perform official duties [5 CFR 2635.704(a) and (b)]. Nothing herein pertains to or restricts use of Government property by an employee to carry out his or her official duties and responsibilities in furtherance of the mission of the Department.
 - (1) Employees must be authorized to use government resources for official business before resources are available for limited personal use.
 - (2) Employees may use authorized Government resources for personal purposes, but only where such use—
 - (a) involves de minimis additional expense to the Government,
 - (b) does not interfere in any way with the mission or operations of the Department, and
 - (c) is otherwise permissible under DOE Orders and applicable State and Federal laws and regulations.
 - (3) This Order does not grant to employees or create an inherent right to use Government resources, and one should not be inferred.
 - (4) Use of authorized Government resources in support of or in connection with a private business with which an employee is associated is not considered a personal purpose under this Order and is not authorized by this Order.
 - (5) The privilege to use authorized Government resources for personal purposes may be limited or revoked at any time by an appropriate Department official (e.g., a supervisor in the employee's organizational chain of command).
 - (6) Circumstances that may result in a supervisor's curtailing or halting an employee's personal use of authorized Government resources include uses that—

- (a) result in a loss of productivity,
- (b) interfere with official duties,
- (c) compromise the mission of the Department or organization,
- (d) exceed de minimis expense to the Government,
- (e) violate Department Policies and Orders or State and Federal laws and regulations, or
- (f) are inconsistent with the guidance contained in this Order.

b. Privacy.

- (1) DOE employees do not have a right to nor at any time should they have an expectation of privacy while using authorized Government resources at any time.

NOTE: Each employee's use of his or her Government computer is preceded by a security banner, which advises the employee that the user has no expectation of privacy; that all uses and files in the system may be intercepted, monitored, recorded, and disclosed. The employee agrees to these terms and conditions prior to being granted access. Further, the Department has its privacy policy available for persons accessing its website. The policy specifically covers Security, a General Disclaimer, a Privacy Notice, and Comments Sent by Email. Employees who use these resources are deemed to waive any right to privacy pursuant to the published notices therein.

- (2) Employees who wish for their personal activities to be private should not conduct such activities using authorized Government resources.
- (3) Employees who use authorized Government resources implicitly consent to review and disclosure of their Internet, web search history, email, chat, text messages, social media, or other information technology uses when deemed appropriate by DOE or as mandated by law.
- (4) The content of any files or information maintained in or on Government equipment or transmitted using Government equipment may be disclosed in response to a valid, authorized subpoena, warrant, court order, Freedom of Information Act (5 U.S.C. Section 552) request, or other direction (e.g., employee's supervisor, Inspector General investigator, etc.).
- (5) Using authorized Government resources, including Internet access and email, implies consent to monitoring with or without cause. Any use of

Authorized Government resources is with the understanding that such

use is generally not private, or anonymous (18 U.S.C. Section 2511).

- (6) System owners may employ monitoring tools to detect improper use of electronic communications systems (18 U.S.C. Section 2511).
- c. Security. Personal use of authorized Government resources is not authorized on computer systems or other office equipment that is designated for classified use.
- d. Misrepresentation. The Standards of Ethical Conduct for Employees of the executive branch states that an employee must not "use or permit the use of his Government position or title or any authority associated with his public office in a manner that could reasonably be construed to imply that his agency or the Government sanctions or endorses his personal activities or those of another" [5 CFR 2635.702(b)].
 - (1) It is the responsibility of each employee to ensure that their use of authorized Government resources does not give the impression of acting in an official capacity while using authorized Government resources for personal purposes.
 - (2) If it is likely that an employee's personal use of authorized Government resources will create an appearance of official Government action, the employee must discontinue the activity or use a disclaimer such as the following:

*The contents of this message are mine personally and
do not reflect the views or position of the U.S.
Department of Energy or the Federal Government.*
- e. Appropriate Uses of Government Resources for Personal Purposes. The following is provided for employees and supervisors in determining acceptable personal uses of authorized Government resources.
 - (1) Personal use of authorized Government resources is authorized only if it involves de minimis additional expense to the Government and does not interfere in any way with the mission or operations of the Department and is otherwise permissible under DOE Orders and applicable State and Federal laws and regulations. Examples of appropriate personal uses may include:
 - (a) checking credit union or Thrift Savings Plan accounts using information technology equipment;
 - (b) retaining personal data in electronic files (e.g., C or O drives, LAN, OneDrive, SharePoint) with the understanding that data may be deleted without notice as a result of records management requirements;

- (c) accessing library books and equipment, public reading rooms and materials, and other publicly available data;
 - (d) obtaining detailed information or conducting research (e.g., reading newspaper and magazine articles, comparing airline prices and schedules, browsing sales catalogs, or comparing prices of automobiles) on the Internet during non-work hours; and
 - (e) occasional personal use of technology, to include laptop computers, pagers, smartphones, and tablets (when such use will not incur additional charges) issued by the Department for official business.
 - (2) Personal use of Government-provided long distance or international telephone service (landline or cellular) must be consistent with General Services Administration regulations ([GSA Telecommunications Policy](#)). For travel-related communications and data usage inquiries, contact your respective DOE IT department.
 - (3) Other personal use of authorized Government resources is authorized, but only if it results in minimal impact or normal wear and tear of the equipment, requires de minimis workday time for personal pursuits, and requires use of de minimis consumable items (paper, ink, toner, etc.), as determined by a reasonable person with knowledge of all the relevant facts.
- f. Inappropriate Uses of Government Resources. Employees are expected to conduct themselves professionally in the workplace and to refrain from using authorized Government resources inappropriately. Examples of misuse of Government resources include, but are not limited to, the following:
 - (1) modification of Government equipment, particularly information technology, by loading application software or making configuration changes not approved for use in the site's operating environment;
 - (2) seeking help from Government employees or contractor personnel (e.g., librarians, computer support staff, administrative assistants, or paralegals) in pursuit of personal projects;
 - (3) any frequent personal use that may cause congestion, delay, or disruption of service to any Government system or equipment, including greeting cards, streaming video and audio, and similar uses;
 - (4) any personal use (including email, mobile hotspot/tethering and Internet service) that may impair the performance of the Department's network or other networked systems, including:
 - (a) opening a program with large file attachments (e.g., music or graphic files) or

- (b) extensive use of a program or Internet site that provides continuous data streams, e.g., continuous stock quotes, or headline news updates, etc.;
 - (c) the use of email merge or other multiple or mass email generation capabilities;
 - (d) use of government equipment, such as computers, smartphones, or email for any gambling activities. Federal rules prohibit employees from gambling while on duty, or while on government-owned or leased property. These restrictions apply not only to federal employees, but also to members of the public at large, contractors, vendors, and exhibitors when on GSA-controlled property. 5 C.F.R. §735.201; 41 C.F.R. §101-11.6.
- (5) creating or sharing inappropriate social media posts or reposting spam, regardless of the subject matter;
 - (6) intentionally creating, copying, or transmitting any materials or communications that may be considered a hate incident directed at any protected class including race, color, sex, sexual orientation, national origin, ethnicity, age, religion, or disability;
 - (7) use of Government office equipment or services to intentionally and knowingly view, download, store, display, transmit, or copy any materials that are sexually explicit, or are predominantly sexually oriented. "Intentionally" and "knowingly" may be inferred based on repeated downloading, viewing, storing, displaying, transmitting, or copying of the prohibited materials referenced in this section;
 - (8) creating, downloading, viewing, storing, copying, or transmitting materials in the conduct or furtherance of any type of illegal activity;
 - (9) unauthorized acquisition, use, reproduction, transmission, or distribution of controlled information (e.g., computer software and data; classified, business sensitive, or other nonpublic data; proprietary data; export controlled software or data; or any information in violation of the Privacy Act, copyright, trademark, or other intellectual property rights beyond fair use);
 - (10) gaining unauthorized access to internal or external systems or networks using DOE or personal computer systems and technology;
 - (11) fundraising other than the Combined Federal Campaign, including Feds Feed Families, etc.;
 - (12) participating in any lobbying activity;

- (13) engaging in any prohibited political activity under the Hatch Act (See 5 CFR 734);
 - (14) any personal use of authorized Government resources that is misleading in that it creates the impression that the employee is acting in an official capacity¹;
 - (15) using authorized Government resources for commercial pursuits, to support for-profit activities, or to benefit any outside employment or business activities (e.g., receiving personal business calls on the office telephone, sending or receiving email messages related to a part-time business venture, or selling or trading business merchandise over the Internet);
 - (16) using authorized Government resources (e.g., copying, printing, etc) for any non-official activity that results in greater than de minimis expense; and
 - (17) communicating Agency information to external news groups, bulletin boards, or other public forums without authority.
- g. Official Union Business. The privileges and limitations enumerated in this Order do not supersede the negotiated rights of exclusive representatives of bargaining unit employees in the conduct of their official business.
- h. Sanctions for Misuse. Unauthorized or improper use of Government resources may result in losing or having limitations placed on use of Government resources, disciplinary or adverse actions (up to and including separation from Federal service), criminal penalties, and/or financial liability for the cost of improper use.

5. RESPONSIBILITIES.

- a. DOE Employees.
- (1) Ensure that they are not giving the impression of acting in an official capacity when using Government resources for personal purposes.
 - (2) Use Government resources for personal purposes only as allowed in this Order and to the extent consistent with law.
 - (3) Consult their supervisors or other appropriate person if they have any questions concerning this Order or other related matters (paragraph 8, Contacts).
 - (4) Report instances of fraud, waste, and abuse of Government resources (including information technology) to the Office of Inspector General (OIG) in accordance with DOE O 221.1, *Reporting Fraud, Waste and Abuse to the Office of Inspector General*, current version.

- b. Supervisors.
 - (1) Ensure that their employees are aware of this Order.
 - (2) Initiate appropriate action when employees disregard requirements set forth in this Order.
 - c. Director, Naval Nuclear Propulsion Program. Ensures consistent implementation of the requirements of this Order throughout the joint Navy/DOE Naval Nuclear Propulsion Program.
6. INVOKED STANDARDS. This order does not invoke any DOE technical standards or industry standards as required methods. Note: DOE O 251.1, Departmental Directives Program, current version, Appendix D provides a definition for "invoked technical standard."
7. REFERENCES.
- a. Executive Order 13011, Federal Information Technology, dated 7-16-96, which integrates provisions of the Clinger-Cohen Act of 1996, the Paperwork Reduction Act of 1995, and the Government Performance and Results Act of 1993.
 - b. Department of Energy Organization Act (P.L. 95-91), as amended, Sec. 644 (42 U.S.C. 7101 note).
 - c. Standards of Conduct for Employees of the Executive Branch (5 CFR 2635).
 - d. Office of Management and Budget Circular No. A-130, Appendix III, Security of Federal Automated Information Resources.
 - e. Electronic Communications Privacy Act of 1986 (P.L. 99-508, 18 U.S.C. 2511).
 - f. 5 CFR 734.102 (Regulations implementing the Hatch Act provisions on political activity).
 - g. 10 CFR 1010.103 and DOE O 221.1 (Employee duty to report fraud, waste, and abuse to the Office of Inspector General).
 - h. GSA Telecommunications Policy (No. 2165.2 CHGE 1 CIO P)
8. DEFINITIONS.
- a. De minimis Additional Expense. The cost that results when small amounts of electricity, ink, toner, or paper supplies are used for purposes other than performance of official duties. For example, the cost from a relatively small number of brief telephone calls, electronic mail messages, or internet sessions, result in de minimis, if any, additional expense to the Government. In contrast, the cost associated with large copying or printing projects, downloading large files, such as a motion picture video, or the contents of an entire CD, DVD, or

Blu-Ray disc, or other files with large space requirements, would exceed de minimis additional expense

- b. Government Resources. Office equipment and other resources including information technology within the Department of Energy (DOE), including the National Nuclear Security Administration (NNSA). Examples include: Personal computers and related peripheral equipment and software, library resources, paper, telephones, facsimile machines, photocopiers, and information technology. As used in this Order, the term Government resources does not include an employee's scheduled work time or the time of Department contractors.
- c. Hate incident. Any intentional act (conduct or speech) of intolerance committed against a person, a group of individuals, or property which is motivated, in whole or in part, by the offender's bias against a race, color, religion, sex, national origin, disability, age, or sexual orientation and which is intended to or is more likely than not to have the effect of intimidating others or inciting others to similar conduct.
- d. Illegal discrimination. Any intentional action or omission that results in the adverse treatment of a person because of that person's race, color, religion, national origin, disability, handicap, age, or sex, including sexual harassment or intentional actions or omissions in reprisal.
- e. Information Technology. Any equipment or interconnected system or subsystem of equipment that is used in the acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information by the executive agency. For purposes of the preceding sentence, equipment is used by an executive agency if the equipment is used by the executive agency directly or is used by a contractor under a contract with the executive agency which: (i) requires the use of such equipment; or (ii) requires the use, to a significant extent, of such equipment in the performance of a service or the furnishing of a product. The term information technology includes computers, ancillary equipment, software, firmware and similar procedures, services (including support services), and related resources.
- f. Limited Personal Use of Government Resources. Use of Government resources for purposes other than performance of official duties that results in de minimis additional expense to the Government, does not interfere with the mission or operations of the Department, and are otherwise permissible under DOE Orders and applicable State and Federal laws and regulations. The personal uses allowed in this Order are authorized uses of DOE Government resources.
- g. Non-work Hours. Limited to those periods for which an employee is not being compensated—lunch break, time before or after regular duty hours, and weekends or holidays—when the space is normally available and requires no special arrangements for entry, utilities (such as heat or air conditioning), or other services not usually provided at such times.

- h. Sexually Explicit or Predominantly Sexually Oriented. Includes, but is not limited to any material that depicts, in actual or simulated for, or explicitly describes sexual content (sexual contact, nudity, child pornography, sexting, etc.).
 - i. System Owner. Person or organization having responsibility for the development, procurement, integration, modification, operation and maintenance, and/or final disposition of an information system.
- 9. CONTACTS. Questions concerning this Order should be referred to the OCIO IT Policy Office at im-20_policy@hq.doe.gov.

BY ORDER OF THE SECRETARY OF ENERGY:



DAVID M. TURK
Deputy Secretary