



Classification No.: 2165.1

Approval Date: 05/15/2003

Review Date: 05/15/2006

Software Management and Piracy Policy

Purpose: This Software Management and Piracy Policy establishes and describes the Environmental Protection Agency's (EPA) approach to complying with Executive Order 13103 (October 1998) on Computer Software Piracy. It also supersedes and rescinds Chapter 4 - Software Management - in the Environmental Protection Agency's IRM Policy Manual 2100.

Audience: This policy applies to all EPA personnel, agents or others authorized to work or conduct business:

- in an EPA facility,
- in a flexiplace work arrangement, or
- from any other remote location while conducting authorized EPA activities.

This policy applies to EPA contractors and recipients of EPA financial assistance, such as grants, Interagency Agreements (IAGs), and loans.

Background: Section 1 of Executive Order 13103 (October 1998) on Computer Software Piracy states:

"It shall be the policy of the United States Government that each executive agency shall work diligently to prevent and combat computer software piracy in order to give effect to copyrights associated with computer software by observing the relevant provisions of international agreements in effect in the United States, including applicable provisions of the World Trade Organization Agreement on Trade-Related Aspects of Intellectual Property Rights, the Berne Convention for the Protection of Literary and Artistic Works, and relevant provisions of Federal law, including the Copyright Act."

Compliance with this EO will ensure that the Agency does not acquire, reproduce, distribute, or transmit computer software in violation of applicable copyright laws. In addition, effective software management will help to protect EPA information as a valuable national resource.

Authorities:

Executive Order 13103 (October 1998) on Computer Software Piracy
(http://www.gsa.gov/attachments/GSA_PUBLICATIONS/extpub/19.pdf)
Federal Information Security Management Act of 2002 (PL 107-347)
Clinger-Cohen Act of 1996
Title 17 of United States Code, Federal Copyright Act
Federal Acquisition Regulations
The Digital Millennium Copyright Act of 1998
OMB Circular A-130, Appendix III

Related Documents:

EPA's Directive 2100, IRM Policy Manual
EPA's Directive 2195 A1, EPA Information Security Manual
Chief Information Officers (CIO) Council model policy on "Implementing the Executive Order on Computer Software Piracy" (June 2000)
Chief Information Officers (CIO) Council "Guidelines for Implementing the EO 13103 on Computer Software Piracy." (August 1999)
EPA Delegation of Authority 1-84, Information Resources Management
(http://intranet.epa.gov/rmpolicy/ads/dm/1-84_534.htm)
EPA LAN Operating Procedures (LOPS) 2002
Chapter 2.3, Licensing
Chapter 3, Support Roles, Responsibilities and Resources
NTSD Operational Directives:
100.02: Contracts for Third Party Software Packages
270.04: Personal Computers Security
270.05: Personal Computers Configuration and Inventory Management
EPA Order 2195.1 A4, Agency Network Security Policy
Standards of Ethical Conduct for Employees of the Executive Branch,
U.S. Office of Government Ethics, 9/99
EPA Order 3120.1, Conduct and Discipline, or successor documents
EPA Order 2100.3, Limited Personal Use of Government Office
Equipment

Policy:

EPA employees who purchase and install Agency software must do so in accordance with:

- EO 13103 on Computer Software Piracy;
- EPA's Delegation of Authority 1-84, Information Resources Management

Therefore, software acquired by the Agency, used for Agency-related business, or approved for installation on Agency computers must:

- Have the appropriate license(s);

- Be used in accordance with applicable licenses;
- Be appropriately documented and records of the software licenses maintained; and
- Meet EPA's Enterprise Architecture and standards requirements.

The requirements of this Policy apply to existing as well as new or modified/enhanced software and software systems, freeware or shareware, including those which may be downloaded from the Internet or other sources.

Roles and**Responsibilities:**

All users of EPA personal computers and/or software, EPA contractors, and recipients of EPA Federal financial assistance are responsible for

adhering to this policy. An Agency employee, EPA contractor, or recipient of EPA financial assistance may be held personally liable for willful, deliberate violations of copyright laws (e.g., using unlicensed, copyrighted software on his/her work station). Employees should report any misuse or unauthorized copying of software within the organization or Agency to his/her manager. Employees shall permit the Senior Information Resources Management Officer (SIRMO), or his/her designee, to inventory on demand the software installed on their PC.

The Senior Resource Official (SRO) of each Agency office is responsible for establishing auditable procedures to ensure all software acquired and/or installed within or for their organization adheres to this policy (e.g., software is acquired with appropriate licenses and used in accordance with those licenses, records of software licenses are appropriately maintained, and contracts and/or assistance agreements issued for the organization include requirements that Federal funds recipients shall not violate applicable software copyright laws). When establishing such procedures, offices should be mindful that other Agency documents give specific responsibilities in this area to certain Agency employees and officials. Responsibility for tracking, inventorying, management and oversight may be redelegated by the SRO to the following officials/employees. Examples include:

- LOPS 2002, Chapter 2.3, Licensing, and Chapter 3, Support Roles, Responsibilities and Resources: **LAN Systems Administrators (SA)/Managers** and the LAN staff [who are EPA employees] are responsible for ensuring all network installed software is licensed and being used in the manner for which its license was purchased.
- NTSD Operational Directives 270.05: **Senior Information Resources Management Officers (SIRMOs) and Regional IRM Branch Chiefs** of each organization have primary responsibility

for the tracking, inventorying, management and oversight of all software used at their locations.

- EPA Directive 2195.A1, Information Security Manual, Chapter 6: **Information Security Officers (ISOs)** are responsible for coordinating “security activities with others who are directly responsible for implementing the practices and safeguards of their security program,” including software management.
- NTSD Operational Directives 270.04: **PC Site Coordinators (PCSCs)** are responsible for deploying software and software upgrades onto computer hard drives from approved site licenses to their organizations.

The Deputy Chief Information Officer for Technology (DCIOT) in the Office of Environmental Information is responsible for defining, identifying, developing, issuing, and communicating procedures, technical operations and standards, and guidance in support of the Agency’s Software Management and Piracy Policy.

The Office of Environmental Information, Office of Technology Operations and Planning, Information Technology Policy and Planning Division (OEI-OTOP-ITPPD) is responsible for addressing questions and concerns regarding interpretation of this policy.

Definitions:

For purposes of this policy:

Software: Includes stand-alone software programs, Original Equipment Manufacturer (“OEM”) or ‘bundled’ software, new and upgraded versions of software, or any other licensed software

Piracy: Illegally copying software, using software that violates licensing restrictions, and/or other misuse of the license agreement.

Additional Information:

For more information on this policy, contact your Senior Information Resources Management Officer (SIRMO), IRM Branch Chief, and/or Information Security Officer. You also may contact the Office of Environmental Information, Office of Technology Operations and Planning, Information Technology Policy and Planning Division.

For more information on how to follow this policy, please refer to the Software Management and Piracy Policy Guidelines. This document provides recommendations for offices to establish auditable procedures.

You may find the Guidelines on the following website:

<http://intranet.epa.gov/rmpolicy/infoman.htm>

Policies and other information may be viewed on the EPA Intranet website:

- <http://intranet.epa.gov/rmpolicy/infoman.htm> (policies issued by OEI)
- <http://intranet.epa.gov/rmpolicy/direct.htm> (Official Agency Directives).

**Recertification
Date:**

This policy will be reviewed for recertification three years from date issued, unless superceded or rescinded prior to that date.
