

IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

NO. 04-8500

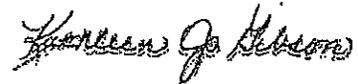
SUPREME COURT OF NEW MEXICO

IN THE MATTER OF THE APPROVAL OF THE  
COMPUTER USE AND INTERNET POLICY  
FOR THE JUDICIAL BRANCH OF GOVERNMENT

**FILED**

OCT 19 2004

ORDER

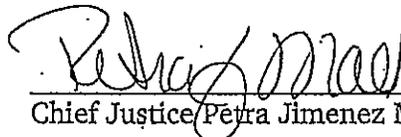


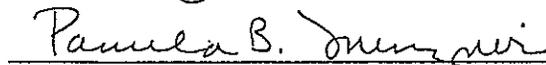
WHEREAS, this matter came on for consideration by the Court upon the recommendation of the Judicial Information Systems Council (JIFFY) to adopt a computer use and internet policy for the Judicial Branch of Government, and the Court having considered said recommendation and being sufficiently advised, Chief Justice Petra Jimenez Maes, Justice Pamela B. Minzner, Justice Patricio M. Serna, Justice Richard C. Bosson, and Justice Edward L. Chávez concurring;

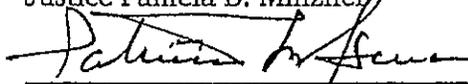
NOW, THEREFORE, IT IS ORDERED that the computer use and internet policy, as attached, hereby is APPROVED and ADOPTED for the Judicial Branch of Government; and

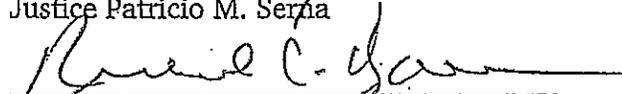
IT IS FURTHER ordered that the computer use and internet policy shall be effective immediately.

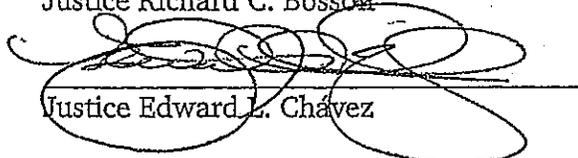
IT IS SO ORDERED.

  
Chief Justice Petra Jimenez Maes

  
Justice Pamela B. Minzner

  
Justice Patricio M. Serna

  
Justice Richard C. Bosson

  
Justice Edward L. Chavez

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# New Mexico Judicial Branch Computer and Internet Use Policy

## Judiciary-supplied Computer Hardware and Software

Computer hardware and software are provided to assist you in accomplishing your work. You may use the equipment that you have been assigned for any work-related purpose. You may *not* use New Mexico Judiciary equipment for non-judicial business purposes, which includes but is not limited to political or business-for-profit activities. Limited personal use is permitted during normal breaks, lunch periods or before and after normal business hours (or before or after regular working hours for staff and judges on flex time) as long as such use does not interfere with judicial business. The Judicial Information Division (JID) may perform audits on any judicially owned computer.

## E-mail and the Internet

### *1. Purpose of the Internet and e-mail*

The purpose of the Internet and e-mail is to conduct the business of the New Mexico Judiciary. Staff and judges are encouraged to use the Internet and e-mail when such use can make communication more efficient and effective or provide valuable sources of work-related information. For the purpose of this policy, the Internet includes but is not necessarily limited to e-mail, chat groups, newsgroups, listserv subscriptions, and electronic surveys. For legal and practical reasons, it is essential that we work together to maintain the integrity of these systems. Please note that e-mail is a transmission mechanism for documents and not a document type. Depending on the context, e-mail can be a memorandum, a letter (correspondence), or another document type.

### *2. Ownership and use of Internet/e-mail*

Internet access systems including office e-mail are owned and operated by the New Mexico Judiciary to enhance the efficiency and effectiveness of its staff and judges. Every staff member and judge is responsible for using the New Mexico Judiciary's e-mail and Internet access systems in an ethical and appropriate manner. This policy was developed to ensure that such resources are used appropriately.

### *3. Exercise of care when sending electronic communications using judicial resources*

Staff and judges must exercise the same care in drafting e-mail, communicating in Internet chat groups, and posting items to Internet newsgroups as they would for any other written office communications. Externally distributed broadcast e-mail by staff, that is, e-mail sent to e-mail subscriber groups or other groups of recipients, must be approved by the staff member's supervisor before being posted or sent. An exception will be made for those who subscribe to work-related e-lists (list-servs™) or other Internet services for exchanging information as long as the staff member obtains permission in advance to subscribe to such services from his/her supervisor. Any such communications that are traceable to judicial computers (IP addresses or URLs) must be clearly identified as not

- being official judicial communications. Please remember that all *nmcourts.com* e-mail may be perceived by external recipients as having the same weight as official correspondence and should be treated as such.

#### *4. Login authentication and passwords*

Staff and judges should only access and use the e-mail and Internet accounts assigned to him or her. Each is responsible for the security of the e-mail and Internet accounts assigned to him/her, and must protect his/her accounts by using a secure password for each account. Staff and judges should not disclose passwords to others within the New Mexico Judiciary except on a need-to-know basis. Passwords are not to be disclosed to anyone outside the Judiciary. Unless you have specific authorization, you must not access another person's e-mail or Internet accounts.

#### *5. Prohibited uses of the Internet and e-mail*

The following are examples of prohibited uses of the Internet and e-mail:

- The New Mexico Judiciary's Internet/e-mail resources may not be used for transmission, retrieval or storage of materials of a discriminatory or harassing nature, or materials that are pornographic, obscene, defamatory or otherwise abusive or inappropriate.
- No derogatory or inflammatory remarks about an individual's sex, race, age, disability, religion, national origin, physical attributes or sexual preferences shall be transmitted using New Mexico Judiciary resources.
- The New Mexico Judiciary's e-mail/Internet resources may not be used for commercial advertisements, solicitations or promotions, personal gain, or political activities.
- The Judiciary's Internet/e-mail resources may not be used for any purpose that is illegal, against policies and procedures, or contrary to the interests of the New Mexico Judiciary.

#### *6. Personal use of the Internet and e-mail*

Limited, occasional or incidental personal use of e-mail and the Internet is allowed when such use takes place on a person's own time (e.g., before or after work or during the staff member's assigned regular breaks or lunch hour). This use is subject to the limitations set forth in this policy and must not: (a) directly or indirectly interfere with the Judiciary's operation of computing facilities or e-mail services, (b) burden the Judiciary with noticeable incremental cost, or (c) interfere with the Internet/email user's employment or other obligations to the Judiciary.

#### *7. Internet downloads including downloads of software applications, streaming video, movies, games, music, and graphics*

All Internet downloads of commercial software applications and/or copyrighted material copied from non-judiciary computers or networks must be approved in advance of the download by the employee's supervisor. In addition, staff and judges should be cautious

about downloading materials that may contain invasive computer code (e.g., viruses, worms and trojans). Any computer used to access the Internet must have licensed virus protection software installed and configured to scan all incoming files. It is the responsibility of all staff and judges to verify that the virus protection on any machine that they use is operating and up-to-date as defined by JID.

### **Copyright**

Staff and judges obtaining access to materials from outside the New Mexico Judiciary, whether through the Internet, e-mail or other means must respect all copyrights and may not copy, retrieve, modify or forward copyrighted materials except with either explicit written permission from the owner or other accepted fair-use exception.

### **Monitoring and Expectation of Privacy**

The Judiciary reserves the right to access and/or monitor all Internet, e-mail and computer storage at any time for any reason including, but not limited to: (a) system administration and maintenance; (b) when there is a valid business reason; (c) to ensure compliance with this policy; and (d) as required to comply with a court order or legal obligation to produce records or information. Remember, even if material is erased or deleted from these systems, it can often be reconstructed and retrieved; therefore assume that every message created may be disclosed. JID staff and judges are required to keep information about the records of all staff and judges confidential except as otherwise ordered by a court. In addition, the New Mexico Judiciary reserves the right to revoke access to its Internet and/or e-mail systems at any time for any reason, including, but not limited to, violations of this policy.

### **Discipline**

Violations of this policy may subject staff members to disciplinary action, consistent with the procedures set out in the New Mexico Judicial Branch Personnel Rules. Violations may subject judges to referral to the Judicial Standards Commission.