
Software Management and Piracy Policy

Directive No: 2104.3

*Issued by the EPA Chief Information Officer,
Pursuant to Delegation 1-19*

Software Management and Piracy Policy

1. PURPOSE

This Software Management and Piracy Policy establishes and describes the Environmental Protection Agency's (EPA or Agency) approach to complying with Executive Order 13103 (September 30, 1998) on Computer Software Piracy. The primary purpose of this policy is to ensure that all EPA-approved software is appropriately licensed, approved for use, and is not pirated software. The Agency is committed to the effective utilization of resources during the entire lifecycle of software products and licenses.

2. SCOPE

This Policy is applicable to all EPA-approved software, licenses, service agreements, maintenance and the hardware using that software (computers, laptops, servers, and mobile devices). It governs the actions and behaviors of anyone using or installing software on any EPA computer system and using or installing any software.

3. AUDIENCE

All managers and users of EPA-owned or leased computers, systems, and/or software; EPA contractors; and recipients of EPA federal financial assistance must adhere to this policy.

4. BACKGROUND

Executive Order (EO) 13103 (September 30, 1998) on Computer Software Piracy states that each federal agency must develop a software management policy on the acquisition and use of software by the Agency and its employees. Compliance with EO 13103 establishes and ensures that the Agency does not acquire, reproduce, distribute, or transmit computer software in violation of applicable copyright laws. In addition, effective software management helps to protect EPA information as a valuable national resource. EPA is issuing this policy, which replaces EPA's previous policy on Software Management and Piracy issued in May 2003, to ensure that the Agency continues to meet the requirements of EO 13103. Many of the details contained in the previous policy will be included in a separate Software Management and Piracy Procedure.

5. AUTHORITY

- Clinger-Cohen Act of 1996
https://www.treasury.gov/privacy/Documents/Clinger-Cohen_Act_of_1996.pdf

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- Copyright Act, Title 17 of United States Code.
<https://www.law.cornell.edu/uscode/text/17>
- Digital Millennium Copyright Act of 1998
<http://www.copyright.gov/legislation/dmca.pdf>
- Executive Order 13103 on Computer Software Piracy
<https://www.govinfo.gov/link/cpd/executiveorder/13103>
- Federal Acquisition Regulation, 48 C.F.R. Part 27, Patents, Data, and Copyrights
<https://www.govinfo.gov/content/pkg/CFR-2002-title48-vol1/pdf/CFR-2002-title48-vol1-part27.pdf>
- Federal Information Security Management Act of 2002, 44 U.S.C. 3541 et seq.
<http://csrc.nist.gov/drivers/documents/FISMA-final.pdf>
- OMB Circular A-130
https://www.whitehouse.gov/wp-content/uploads/legacy_drupal_files/omb/circulars/A130/a130revised.pdf
- OMB Memorandum M-16-12: Software Licensing Memo to Heads of Department and Agencies
https://obamawhitehouse.archives.gov/sites/default/files/omb/memoranda/2016/m-16-12_1.pdf
- Enhancing the Security of the Software Supply Chain through Secure Software Development Practices
<https://www.whitehouse.gov/wp-content/uploads/2022/09/M-22-18.pdf>

6. POLICY

Only software that is properly licensed and approved for use may be installed on EPA computer systems, including personal computers (PCs) and servers. This requirement also applies to freeware, shareware, and demonstration software. All installed software must carry an appropriate Agency software license and be approved for use.

All software procured by the Agency is subject to the software publisher's license agreement. That agreement typically restricts how, and to whom, the software may be distributed. Agency software purchasers, IT technicians, end users, and anyone who approves the installation of software on Agency hardware must be knowledgeable of applicable license and Agency requirements and ensure that the use of the software will not violate any restrictions imposed by the software publisher.

EPA employees who purchase and install Agency software must do so in accordance with EO 13103 on Computer Software Piracy, OMB memoranda and current guidance.

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Information Management Officers (IMOs), within each Program Office or Region, must ensure that software acquired by the Agency and approved for installation and use on Agency computers:

- has the appropriate license(s);
- is used in accordance with applicable licenses;
- is appropriately documented with records of the software license(s) procurement, and assignment;
- complies with all IT security, records management , and other policies, procedures, OMB and other guidance;
- ensure product functions are not duplicative or conflicting with other Agency standards, enterprise architecture, and centralized procurement initiatives.

Only software that has been approved by the IMO or the Agency's OMS-EI Office of Information Technology Operations Director and properly acquired by the Agency may be installed on EPA computer systems.

Installed software, which is discovered to be unlicensed, unauthorized, obsolete, or does not comply with Agency or other standards shall be promptly uninstalled/removed. IMOs are not responsible for enterprise (Agency) licenses, including core-configuration software (Windows, Adobe, MS-Office, etc.). The Office of Information Technology Operations (OITO) Director is responsible for managing enterprise software licenses.

Each Program Office or Region must establish auditable procedures to ensure that all software purchased or acquired, and all software installed on EPA computer systems adheres to EPA's Software Management and Piracy Policy and Procedures.

All installed software products must have current commercial vendor or local technical support services for the entire lifecycle. This includes support for custom created and developed software or code. Utilizing software that is obsolete and/or does not receive support, updates, or security patches is unauthorized as this would present a risk to the Agency's mission.

The requirements of this Policy apply to existing as well as new or modified/enhanced software and software systems.

Consequences for Software Piracy or License Misuse

Please refer to the Standards of Ethical Conduct for Employees of the Executive Branch and to EPA Order 3120.1, Conduct and Discipline.

7. ROLES AND RESPONSIBILITIES

The **Chief Information Officer (CIO)**, who is also the Deputy Assistant Administrator for Environmental Information in the Office of Mission Support, is responsible for issuing the Software Management and Piracy Policy and providing Offices and Regions with guidance to help them comply with the requirements of this policy.

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The **Office of Information Technology Operations Director (OITO)** is responsible for providing procedures, standards, and guidance to senior level managers in support of the Agency's Software Management and Piracy Policy and for managing enterprise software licenses.

Senior Information Officials (SIOs) are responsible for ensuring compliance with the Software Management and Piracy Policy within their office, and for apprising the Chief Information Officer Strategic Advisory Council (CIO SAC) of major Software Management and Piracy Policy issues within their office.

Information Management Officers (IMOs) and IRM Branch Chiefs (IRMBCs) are the **approving authority for purchase (below the micro purchase threshold) and use of software within their office (excluding enterprise software) and are responsible for carrying out procedures that support compliance with the policy within their office.**

Information Security Officers (ISOs) are responsible for ensuring that responsible program offices and individuals throughout their Program or Regional Office are cognizant of security requirements and processes mandated by this policy.

EPA Managers are responsible for addressing incidents of non-compliance with this policy. Manager may choose to inventory the software installed on an employee's computer system at any time.

Deputy Ethics Officials (DEO) are responsible for addressing questions and concerns from employees related to any ethics issues inherent in this policy.

All Agency employees must ensure that only software that is properly acquired, licensed and authorized by the Agency is installed on Agency computer systems. Employees and other users must exercise common sense and good judgment in the use of government office equipment and government-approved software. Employees must safeguard, protect, and conserve government property and are responsible for the care, safety, and effective use of that property in accordance with this policy. Employees should report any misuse or unauthorized copying of software within the organization or Agency to his/her manager.

The Office of Mission Support – Environmental Information, Office of Information Technology Operations, Endpoint & Collaborations Solutions Division (OMS-EI-OITO-ECSD) is responsible for addressing questions and concerns regarding interpretation of this policy.

8. RELATED INFORMATION

- CIO 2101.1, EPA's Policy on Limited Personal Use of Government Office Equipment <https://www.epa.gov/irmpoli8/limited-personal-use-government-office-equipment-policy>
- E-Government Act of 2002 <https://www.govinfo.gov/content/pkg/PLAW-107publ347/pdf/PLAW-107publ347.pdf>

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- Information Security Policy, CIO 2150.5, August 2019
https://www.epa.gov/sites/default/files/2019-09/documents/information_security_policy_20190820_508_vwn.pdf
- EPA Delegation of Authority 1-84, Information Resources Management
http://intranet.epa.gov/rmpolicy/ads/dm/1-84_534.htm
- EPA's Directive 2195 A1, EPA Information Security Manual
<http://intranet.epa.gov/rmpolicy/ads/manuals/Manual.PDF>
- EPA Order 3120.1, Conduct and Discipline Manual
http://intranet.epa.gov/rmpolicy/ads/orders/3120_1.pdf
- EPA Acquisition Guide, Chapter 39 – Acquisition of Information Technology
https://usepa.sharepoint.com/:w:/r/sites/AcquisitionRegulationsandPolicy/_layouts/15/Doc.aspx?sourcedoc=%7Bfea03482-5c99-4197-bb15-0d5c16506d21%7D&action=view&wdAccPdf=0&wdparaid=46E28F6
- Mobile Computing Policy and Procedure
<https://www.epa.gov/irmpoli8/mobile-computing-policy-and-procedures>
- U.S. Office of Government Ethics, Standards of Ethical Conduct for Employees of the Executive Branch, U.S. Office of Government Ethics, October 2017
https://www.oge.gov/web/oge.nsf/resources_standards-of-conduct

9. DEFINITIONS

Computer System: Any type of equipment that stores, processes, or transmits electronic data such as a server, desktop computer or laptops.

EPA Approved: The Agency holds a valid license to use the software or the local IMO has approved the software for purchase or use on an EPA computer system.

Software: Programs and applications that run on a computer, for example, word processors, utilities, apps, spreadsheets and databases. This policy is inclusive of all software applications including those that are original equipment manufacturer or 'bundled' software, freeware, shareware and demonstration software.

Personal Computer (PC): All agency owned or leased laptop and desktop computers.

Personally-owned Computer: Any laptop or desktop computer owned by the employee.

Piracy: Illegal duplication of software for commercial or personal use. For purposes of this policy, "piracy" will also mean use of software that violates licensing restrictions and/or other misuse of the license agreement.

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Pirated Software

Types of pirated software or licensing violations include:

- Software that has been illegally copied
- Software that has been reproduced and/or distributed in violation of a software license

Examples of pirated software include:

- **Counterfeit software:** unauthorized copies of software created with the intent to directly imitate the copyrighted product. Counterfeit software is typically reproduced and distributed in a form to make the product appear legitimate and thus may include sophisticated efforts to replicate packaging, documentation, registration, logos, and security features.
- **Compilation Compact Discs (CDs):** unauthorized copies of multiple software programs compiled onto a single CD. Compilation CDs typically include software programs published by a variety of software publishers.
- **Online pirated software:** unauthorized copies of software distributed and downloaded via the Internet (including through peer-to-peer file sharing).
- **Other illegally copied software:** software copied from drives, disks, CDs, or other systems without authorization of the copyright owner.

10. WAIVERS

No waivers will be accepted from the requirements of this policy.

11. MATERIAL SUPERSEDED

This policy supersedes CIO Policy 2104.2, Software Management and Piracy Policy.

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12. CONTACTS

For more information on this policy, please contact the Office of Mission Support – Environmental Information, Office of Information Technology Operations, Endpoint & Collaboration Solutions Division.

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