

## Office of Government Ethics

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### Letter to an Employee dated September 24, 1993

I am writing in response to your letter of July 28, 1993, regarding personal use of the Government's electronic mail system. In your letter you ask whether it is permissible for an employee to use electronic mail to send an occasional, short, personal message to another person at the employee's Government station. You also ask how such use of electronic mail differs from use of a Government telephone for the same purpose.

"The Standards of Ethical Conduct for Employees of the Executive Branch," recently issued by the Office of Government Ethics, provide that "[a]n employee has a duty to protect and conserve Government property and shall not use such property, or allow its use, for other than authorized purposes." 5 C.F.R. § 2635.704(a) (emphasis added). The regulation then goes on to define some of the terms used in this section. It makes clear that electronic mail and telephones are both included within the meaning of "Government property" and that "authorized purposes" are purposes "authorized in accordance with law or regulation." See 5 C.F.R. § 2635.704(b). The regulation does not attempt, however, to set forth the purposes which are authorized. To determine which uses of the electronic mail or telephone systems are authorized, one must look to sources of law outside the jurisdiction of the Office of Government Ethics. These might include, for example, regulations issued by the General Services Administration or department-specific regulations. If use of property at [one of your department's facilities] is in issue, Department regulations would be relevant.

Federal departments and agencies generally have their own ethics offices, with staffs knowledgeable about the statutes and regulations that apply to employees at those agencies. For this reason, the questions raised in your letter are best addressed by the ethics office within your department. We are, accordingly, forwarding your letter to the Alternate Designated Agency Ethics Official [of your] Department.

Sincerely,

Stephen D. Potts

Director