



**NEW MEXICO JUDICIAL BRANCH
GENERAL PERSONNEL POLICY AND PROCEDURE:
Computer and Internet Use Policy**

Policy No. 2017.NMJB.95

Dev: 7/6/06; Rev 3/1/17, 1/12/24
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COMPUTER AND INTERNET USE POLICY

1.0 PURPOSE

The purpose of this policy is to establish standards and procedures for an employee's use of the New Mexico Judicial Branch computers, including tablets, Internet and electronic mail (e-mail). The New Mexico Judicial Branch recognizes that use of the Internet and e-mail have many benefits and can make workplace communication more efficient and effective; therefore, it is important that employees use the Internet and e-mail systems appropriately. This policy is governed by and intended to supplement the New Mexico Judicial Branch Personnel Rules, and the New Mexico Judicial Branch Code of Conduct. This policy applies to all New Mexico Judicial Branch employees and judges.

2.0 REFERENCES

New Mexico Judicial Branch Code of Conduct
New Mexico Judicial Branch Computer and Internet Use Policy

3.0 DEFINITIONS

- A. Cracking** – Software cracking is the modification of software to remove or disable features, such as copy protection features.
- B. Confidential Information** – Information required to be kept confidential by federal law, state law, court rules, administrative regulation or court order, unless an exception has been made by the Judicial Entity, and/or the information is not able to be redacted. E-mail between or amongst employees of the NMJB or those acting on behalf of the NMJB may include confidential information. Confidential information should never be in the subject line of an e-mail message and only the minimum amount of information necessary to perform official duties of the NMJB should be included in an e-mail.
- C. E-mail** – Electronic mail messages sent to users on the local or wide area network or to anyone on the Internet who has or had an e-mail account. 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.



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- D. E-mail Forging or Spoofing** – E-mail with a forged sender address.
- E. IT Purchasing Policy** – The Internet price list and policy is defined at: <http://www.nmcourts.gov/intranet/policies-and-pricelists.aspx>.
- F. Public Records** – Public records are any materials made or received by a public agency as part of its official business.
- G. Tagline** – Extraneous information, such as slogans, quotes, sayings, catchphrases, symbols, graphics, images, pictures, animations, etc., added to an e-mail or e-mail signature block.
- H. White List** – The White List is a listing of Hardware, Software and Services that are approved to be purchased by the judiciary. The full list can be found by using the following link; <http://www.nmcourts.gov/intranet/policies-and-pricelists.aspx>.

4.0 GENERAL POLICY

The New Mexico Judicial Branch (NMJB) supplied technology, including computer systems, equipment and related work records belongs to the NMJB and not to the user. Computer hardware and software are provided to assist employees in accomplishing their work. Employees may use the equipment they have been assigned for any work-related purpose. Employees 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 employees and judges on flex time) as long as such use does not interfere with judicial business. The Judicial Information Division (JID) and local IT may perform audits on any judicially owned computer or software.

The JID reserves and may exercise the right, at any time and without prior notice or permission, to intercept, monitor, access, search, retrieve, record, copy, inspect, review, block, delete and/or disclose any material created, stored in, received or sent over the NMJB e-mail system for the purpose of protecting the system from unauthorized or improper use or criminal activity.



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5.0 THE INTERNET AND E-MAIL

A. 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. NMJB employees 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 NMJB employees and judges work together to maintain the integrity of these systems.

B. Ownership and Use of Internet or 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 employees and judges. Every employee and judge is responsible for using the New Mexico Judiciary's Internet and e-mail access systems in an ethical and appropriate manner. This policy was developed to ensure that such resources are used appropriately.

C. Exercise of Care when Sending Electronic Communications Using Judicial Resources

Employees 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 employees, that is, e-mail sent to e-mail subscriber groups or other groups of recipients, must be approved by the employee'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 employee 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.gov* e-mail may be perceived by external recipients as having the same weight as official correspondence and should be treated as such.

D. Login Authentication and Passwords

Employees and judges should only access and use the Internet and e-mail accounts assigned to them. Each employee is responsible for the security of the e-mail and Internet accounts assigned to them, and must protect his/her accounts by using a secure password for each



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account. Employees 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 an employee has specific authorization, they must not access another person's e-mail or Internet accounts.

E. Acceptable Uses of E-mail:

While the NMJB does not prohibit all personal use of e-mail, employees should use their employer provided e-mail carefully and judiciously. Employees may be allowed limited personal use of information resources if the use does not result in a loss of productivity, interfere with official duties or business, and provided all such use is in compliance with the NMJB Personnel Rules and policies. Acceptable limited personal use of e-mail is where the communication is brief, does not interfere with the normal performance of an employee's job duties, does not consume significant amounts of state information technology resources, does not subject the NMJB to any additional cost, does not involve an employee's personal business enterprise, is not otherwise prohibited by the NMJB Personnel Rules or policies, and is consistent with the requirements contained in this policy and other policies related to the employee's responsibility and duties. The format of your e-mail should maintain a professional image and a respectful tone.

F. Prohibited uses of the Internet and E-mail

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

1. The New Mexico Judiciary's Internet and e-mail resources may **not** be used for materials that might adversely or negatively reflect on the NMJB or be contrary to its legitimate business interest.
2. Any illegal activities, including piracy, cracking, extortion, blackmail, copyright infringement and unauthorized access to any computers on the Internet or e-mail are forbidden.
3. The New Mexico Judiciary's Internet and 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, sexually suggestive, sexually explicit, intimidating, derogatory, violent, vulgar, obscene, threatening, defamatory or otherwise abusive or inappropriate unless related to a specific work related purpose.
4. The New Mexico Judiciary's Internet and e-mail resources may **not** be used to send messages or request information or materials that may be fraudulent.



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5. The New Mexico Judiciary's Internet and e-mail resources may not be used to promote a political position or action.
6. The New Mexico Judiciary's Internet and e-mail resources may **not** be used to transmit work-related confidential information when not authorized to do so.
7. The New Mexico Judiciary's Internet and e-mail resources may **not** be used to send malware, SPAM, chain letters, or contain forging/spoofing e-mail headers. No e-mail or other electronic communications may be sent that hide the identity of the sender or represent the sender as someone else.
8. The New Mexico Judiciary's Internet and e-mail resources may **not** be used for transmission, retrieval or storage of materials containing derogatory or inflammatory remarks about an individual's sex, race, color, age, disability or serious medical condition, pregnancy, religion, national origin, citizenship, ethnic origin, ancestry, marital status, military leave, veteran status, genetic information, socioeconomic status, political affiliation, physical attributes, gender identity, sexual orientation or preference, or any other protected status.
9. The New Mexico Judiciary's Internet and e-mail resources may **not** be used for non-state sponsored solicitations, commercial advertisements or promotions, personal gain, or political activities.
10. The New Mexico Judiciary's Internet and e-mail resources may **not** be used for any purpose that is illegal, against rules, policies and procedures, or contrary to the interests of the New Mexico Judiciary.
11. The New Mexico Judiciary's Internet and e-mail resources may **not** be used to attempt any unauthorized use, or interfere with other user's legitimate use of any internal or external computer.

G. E-mail Signature Blocks Including Taglines

E-mails sent from an NMJB computer address that contain a signature block should reflect the professional environment of the NMJB. E-mail signature blocks shall not include taglines or extraneous information such as slogans, quotes, sayings, catchphrases, symbols, graphics, images, pictures or animations. The Administrative Authority for a Judicial Entity may approve e-mail signature blocks containing statements related to the NMJB and the Judicial Entity's business operations. Requests to include a tagline to an employee's e-mail signature block should be submitted to the employee's Administrative Authority or designee for approval. E-mail containing



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confidential information should carry a notice, warning the recipient of the confidential nature of the information and the applicable limits on its use and subsequent disclosure.

H. E-mail Profile Picture

E-mail profile pictures may be authorized so long as the picture is of the corresponding NMJB e-mail account user and is a current (within approximately the last five years), professional looking, clear image. The only approved substitution is a picture of the official seal of the court.

No inanimate objects, group shots, or photos of the employee with their significant other, child or pets, or graphics or images that could reasonably be construed as communicating content promoting a message, idea, brand, logo, slogan, or content that is defamatory, discriminatory, harassing, sexually provocative or explicit, or other non-Judiciary related content.

I. 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 employee'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/e-mail user's employment or other obligations to the Judiciary.

J. Internet downloads including downloads of software applications, streaming video, movies, games, music, and graphics

Any downloads of software applications copied from non-judiciary computers or networks is prohibited unless approved through the IT purchasing policy using the Exception for Software or White listing process.

K. Use of and/or Attaching to Non-Judicial Wireless Networks Prohibited

Judges and employees must use Judiciary-owned equipment to access networks operated by the judiciary when available. Wireless networks are proliferating and many Judicial Entities may be within the range of wireless networks operated by other organizations. Unauthorized use of these wireless networks may subject the Judiciary to many risks.

For judges and staff who must travel, use of non-judiciary wireless or non-wireless access is permitted as long as the access is related to the Judicial Entity's business or



operational needs, and the judiciary owned portable computer used to access such networks has been setup to securely access public networks by technical staff that have been authorized to do so by the Judicial Information Division. When using a public connection, even a connection provided by the judiciary for the convenience of the public, all communication must be tunneled through a Virtual Private Network (VPN) connection supplied by the judiciary.

6.0 Copyright

Employees 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.

7.0 Monitoring, Expectation of Privacy and Retention

E-mail and other electronic communications transmitted by equipment owned by the NMJB, or used during the course of business for the NMJB, as well as systems and networks are the property of the NMJB. Therefore, the NMJB reserves the right to examine, monitor and regulate e-mail and other electronic communications, directories, files and all other content, including Internet use, transmitted by or stored in its technology systems, whether onsite or offsite. The contents of e-mail or Internet access files or data may be disclosed without the permission of the user.

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.

NMJB employees and judges have no right to privacy and shall have no expectation of confidentiality. Material that is erased or deleted from the NMJB systems may be reconstructed and retrieved; therefore employees and judges should assume that every



message created may be disclosed. Employees and judges are required to keep information about the records of employees 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.

Internal and external e-mail, voicemail, and text messages are considered business records and may be subject to discovery in the event of litigation. Employees must be aware of this possibility when communicating electronically within and outside of the NMJB.

8.0 Responsibilities and Discipline

Employees shall be held responsible for the security and integrity, to the degree that their job requires, for the use of the e-mail system. Fulfillment of these responsibilities shall be mandatory, and violation of security requirements or other provision of this policy may be cause for disciplinary action. Employees are responsible for the content of all text, audio or image files that they place or send over the NMJB Internet or e-mail systems.

Employees should not open e-mail messages from unknown sources to avoid viruses. If an authorized user/employee receives an e-mail that contains a virus, they are to immediately contact the JID or their Judicial Entity's IT division. Intentional damage or misuse of the NMJB computer systems, or a failure to follow this policy, or related NMJB Rules or policies, may result in appropriate corrective action being taken. Loss or damage of court issued electronic device must be reported to the Administrative Authority or JID within fifteen working days.

Violations of this policy may subject NMJB employees to disciplinary action, consistent with the procedures set out in the NMJB Personnel Rules. Violations may subject judges to referral to the Judicial Standards Commission. The JID reserves the right to remove content including profile pictures that violate this policy.

Employees and judges are responsible for informing management and the JID of any violation of the NMJB Computer and Internet Use Policy, including the receipt of any prohibited and inappropriate content sent to them at an nmcourts.gov e-mail address, or similar. If an employee or judge receives an inappropriate e-mail communication or similar item they are to inform the JID, their Judicial Entity's IT security officer, and Human Resources for further instruction. If the inappropriate item is in violation of Section 5.F.8 of this policy, Human Resources must be notified prior to the inappropriate item being deleted. If applicable the employee or judges shall promptly inform the sender to not send



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inappropriate items to work e-mail, or unsubscribe from any site that may be deemed inappropriate.

9.0 Training

Each judicial entity shall ensure every employee and judicial officer receive the NMJB Computer Internet Use Policy and sign the acknowledgment form every even numbered year. The Administrative Authority or designee shall certify to the AOC HR Director by June 30 of the even numbered year in a letter or email that all current employees and judicial officers of that judicial entity have received the NMJB Computer Internet Use Policy and signed the acknowledgment form.

Effective Date: January 12, 2024

Cassandra Hayne, Chief Technology Officer
Administrative Office of the Courts

1/9/2024

Date

The Honorable Jane C. Levy, District Court Judge
Judicial Technical Council (JTech), Chair

1-9-2024

Date

Arthur W. Pepin, Director
Administrative Office of the Courts

1-12-2024

Date