

CITY OF HIGH POINT

AGENDA ITEM



TITLE: Resolution – Policy Updates to Comply with S.L. 2024-26	
FROM: Adam Ward, IT Services Director	MEETING DATE: December 16, 2024
PUBLIC HEARING: N/A	ADVERTISED DATE/BY: N/A
ATTACHMENTS: Resolution	

PURPOSE: To approve a resolution to comply with S.L. 2024-26 and update policies accordingly.

BACKGROUND: The North Carolina General Assembly enacted a new statute, N.C. Gen. Stat. § 143-805, in Section 7 of S.L. 2024-26. The new statute requires local governments to prohibit viewing pornography on government networks and viewing pornography on devices owned, leased, or controlled by the local government.

Policies must delineate disciplinary actions and apply to employees, elected officials, and appointees. The policies must be adopted by January 1, 2025, and there are annual reporting requirements to the State Chief Information Officer. S.L. 2024-26 also requires all employees, elected officials, and appointees with pornography saved to a device owned, leased, maintained, or otherwise controlled by the local government to remove, delete, or uninstall the pornography no later than January 1, 2025.

The City's existing policies partially address these requirements, but updates are needed to fully comply with S.L. 2024-26. Current IT controls, including Checkpoint Firewall and Trend Micro Vision One, are in place to enforce restrictions and generate logs for reporting purposes.

BUDGET IMPACT: None.

RECOMMENDATION /ACTION REQUESTED: Staff recommends City Council approve the resolution to comply with S.L. 2024-26 and to direct staff to update the appropriate policies accordingly.



A RESOLUTION OF THE CITY OF HIGH POINT CITY COUNCIL ADOPTING A
POLICY PROHIBITING VIEWING OR SAVING PORNOGRAPHY ON CITY
NETWORKS AND DEVICES

WHEREAS, Section 5.20 of the City of High Point Personnel Resolution contains an Acceptable Use Policy that prohibits employees from accessing sexually explicit websites or sending sexually explicit materials and messages using any of the City's electronic equipment, which is defined in the Acceptable Use Policy to include all computer systems (including, without limitation email systems, network equipment, software programs, electronic files, and data storage), telephones, voicemail, other communication systems, facsimiles, copiers, scanners, and all other forms electronic equipment that are City property; and

WHEREAS, the Acceptable Use Policy in Section 5.20 of the Personnel Resolution provides that a violation of the Acceptable Use Policy may result in disciplinary action, including but not limited to, loss of system privileges, employee reimbursement of personal use expense to the City, disciplinary actions, and/or termination of employment; and

WHEREAS, the North Carolina General Assembly enacted a new statute, N.C. Gen. Stat. § 143-805, in Section 7 of S.L. 2024-26, which prohibits local governments from allowing pornography to be viewed on local government networks or devices; and

WHEREAS, N.C. Gen. Stat. § 143-805 requires local governments to adopt a policy prohibiting employees, elected officials, and appointees from viewing pornography on the local government's networks and devices, and specify what disciplinary action will be taken for a violation of the policy; and

WHEREAS, in order to comply with N.C. Gen. Stat. § 143-805, City staff shall incorporate this policy into the Acceptable Use Policy in the City of High Point Personnel Resolution consistent with N.C. Gen. Stat. § 143-805; and

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of High Point that:

Section 1. The City Council hereby adopts a policy consistent with N.C. Gen. Stat. § 143-805 prohibiting the viewing or saving of pornography by employees, elected officials, or appointees on or to any device owned, leased, maintained, or otherwise controlled by the City.

Section 2. City staff shall incorporate this policy into the Acceptable Use Policy in the City of High Point Personnel Resolution consistent with N.C. Gen. Stat. § 143-805.

Section 3. The Acceptable Use Policy shall be revised to incorporate the definitions provided in N.C. Gen. Stat. § 143-805(g).

Section 4. The Acceptable Use Policy shall be revised to require all employees, elected officials, or appointees with pornography saved to a device owned, leased, maintained, or otherwise controlled by the City to remove, delete, or uninstall the pornography.

Section 5. The Acceptable Use Policy shall be revised to prohibit all employees from viewing pornography on any of the City' networks, or saving any pornography to a device owned, leased, maintained, or otherwise controlled by the City.

Section 6. This policy shall not apply to an official or employee that is engaged in any of the following activities in the course of that official's or employee's official duties:

- (i) Investigating or prosecuting crimes, offering or participating in law enforcement training, or performing actions related to other law enforcement purposes.
- (ii) Identifying potential security or cybersecurity threats.
- (iii) Protecting human life.
- (iv) Establishing, testing, and maintaining firewalls, protocols, and otherwise implementing this policy.
- (v) Participating in judicial or quasi-judicial proceedings.

Section 7. The Acceptable Use Policy shall be revised to require that the City of High Point IT Services Director report annually, but no later than August 1st of each year, to the State Chief Information Officer, in the format required by the State Chief Information Officer, on the number of incidences of unauthorized viewing or attempted viewing of pornography on the City's network; whether or not the unauthorized viewing was by an employee, elected official, or appointee of the City; and whether or not any of the unauthorized viewing was on a device owned, leased, maintained, or otherwise controlled by the City.

Section 8. Consistent with Section 5.20 of the Acceptable Use Policy, the Acceptable Use Policy shall be revised to state that a violation of this policy may result in disciplinary action, including but not limited to, loss of system privileges, employee reimbursement of personal use expense to the City, disciplinary actions, and/or termination of employment.

Section 9. This resolution is effective upon adoption.

**Adopted by the City Council
City of High Point, North Carolina
The 16th day of December 2024**

By: _____

Cyril Jefferson, Mayor

ATTEST:

Sandra Keeney, City Clerk

**RESOLUTION OF THE HIGH POINT CITY COUNCIL
PROHIBITING VIEWING OR SAVING PORNOGRAPHY
ON CITY NETWORKS AND DEVICES**

WHEREAS, the North Carolina General Assembly enacted a new law, N.C. Gen. Stat. § 143-805, in Section 7 of S.L. 2024-26, which prohibits local governments from allowing pornography to be viewed on local government networks or devices, establishes a deadline for local government employees and officials to delete any pornography from their government devices, creates reporting requirements for unauthorized viewing or attempted viewing of pornography, and requires local governments to adopt policies governing the use of their networks and devices and what disciplinary action will be taken for violation of these policies; and

WHEREAS, in order to comply with N.C. Gen. Stat. § 143-805, City staff shall update City policy accordingly, consistent with N.C. Gen. Stat. § 143-805.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of High Point that the City Council hereby adopts this Resolution consistent with N.C. Gen. Stat. § 143-805 prohibiting the viewing or saving of pornography by employees, elected officials, or appointees on or to any device owned, leased, maintained, or otherwise controlled by the City and directs City staff to update City policy to comply with N.C. Gen. Stat. § 143-805.

Section 1. City policy shall be updated to require all employees, elected officials, or appointees with pornography saved to a device owned, leased, maintained, or otherwise controlled by the City to remove, delete, or uninstall the pornography.

Section 2. City policy shall be updated to prohibit all employees from viewing pornography on any of the City' networks, or saving any pornography to a device owned, leased, maintained, or otherwise controlled by the City.

Section 3. City policy shall not apply to an official or employee that is engaged in any of the following activities in the course of that official's or employee's official duties:

- (i) Investigating or prosecuting crimes, offering or participating in law enforcement training, or performing actions related to other law enforcement purposes.
- (ii) Identifying potential security or cybersecurity threats.
- (iii) Protecting human life.
- (iv) Establishing, testing, and maintaining firewalls, protocols, and otherwise implementing this policy.
- (v) Participating in judicial or quasi-judicial proceedings.

Section 4. City policy shall be updated to require that the City of High Point Information Technology Services Director report annually, but no later than August 1st of each

year, to the State Chief Information Officer, in the format required by the State Chief Information Officer, on the number of incidences of unauthorized viewing or attempted viewing of pornography on the City’s network; whether or not the unauthorized viewing was by an employee, elected official, or appointee of the City; and whether or not any of the unauthorized viewing was on a device owned, leased, maintained, or otherwise controlled by the City.

Section 5. City policy shall be updated to state the disciplinary action for violation of this policy.

Section 6. This resolution is effective upon adoption.

Adopted, this the 16th day of December, 2024.

By: _____

Cyril Jefferson, Mayor

ATTEST:

Sandra Keeney, City Clerk