ADMINISTRATIVE REGULATION

Effective Date: January 15, 2000   Administrative Regulation: 1-38

Revision Date: April 29, 2024   Supersedes: November 21, 2022

Approved By: William H. Ashton II

Subject: Use of Town Technology, Artificial Intelligence (AI), Social Media and Mobile Devices

I.   Purpose

This policy applies to use of the town information technology network and equipment, including but not limited to, all computers, fax machines, copiers, phones and all forms of Internet/Intranet access, mobile devices and telephonic communications systems; and all communications and information transmitted by, received from or stored in these systems. These systems are the property of the Town of Herndon and as such, must be used for job-related functions, except under limited circumstances detailed herein.

This policy outlines the acceptable use of generative Artificial Intelligence (AI) within the town. It is intended to promote the safe and responsible use of generative AI within the town systems, while also protecting employee personally identifiable information (PII) and security of both town employees and town residents.

This policy applies to all personnel using town resources or supporting town business, and use or have access to generative AI technologies.

This policy does NOT apply to other types of AI, such as machine learning or data analysis, which is used for decision-making processes or identifying patterns in data.

This policy applies to all current and future generative AI technologies. It includes the following and future generative AI technologies being developed and researched.

Employees should carefully review any content produced by generative AI platforms to ensure that unintended or undesirable instances of bias or even potentially offensive or harmful material, is changed or removed.

The town recognizes that the use of generative AI may provide significant benefits to employees by enabling them to work more effectively and efficiently.

II.   Definition of Terms

The following terminology will be used throughout this document. These terms are intended to be applied within the context of this document.

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Access: Refers to accessing or having access to any Town of Herndon information technology system or Town of Herndon data.

Access to data: shall include creation, viewing, modification, transmission, dissemination, storage or destruction of any town electronic data.

Access to systems: shall refer to any co-system, device or network connection which may have the ability to access town data in any way or form.

AI or Artificial Intelligence: refers to the development of computer systems or machines that can perform tasks that typically require human intelligence. It involves creating algorithms and models that enable machines to perceive, reason, learn and make decisions in a way that imitates human cognitive abilities. AI encompasses various techniques such as machine learning, natural language processing, computer vision and robotics, among others, to enable machines to analyze data, adapt to new inputs, and carry out specific tasks with a certain level of autonomy and efficiency.

AI Chatbot: An AI chatbot is a computer program or software application that uses artificial intelligence techniques to simulate human-like conversations with users. It is designed to understand and respond to user queries, provide information and engage in interactive discussions through a chat interface. This includes but is not limited to Bard, ChatGPT and Copilot.

Bard: Bard AI Chatbot is an advanced language model developed by Google and OpenAI that utilizes the GPT architecture to provide natural language processing to generate human-like responses to engage in conversational interactions.

ChatGPT: ChatGPT is a generative AI language model developed by OpenAI, based on the Generative Pre-Trained Transformer (GPT) architecture. It is a state-of-the-art language model that is capable of generating human-like text based on the input it receives.

Copilot: Microsoft Copilot is an Artificial Intelligence (AI) tool developed by OpenAI in collaboration with Microsoft. It is designed to assist software developers in writing code by providing suggestions, autocompletions and code snippets, based on the context and patterns in the code being written.

Data: While data may be non-digital when referenced within this document, the term data refers to any digital information, whether complete or in part, regardless of content or application, stored or transmitted on a Town of Herndon technology system.

Excessive Use: Interferes with normal job functions, responsiveness or the ability to perform daily job activities. Electronic communication should not be used to solicit or sell products or services that are unrelated to town business; non-town sponsored charity donations; distract, intimidate, or harass coworkers or third parties; or disrupt the workplace.

Non-Public Data: Data not for public distribution, which may contain private or confidential information. Non-public data may be personnel records and information, criminal justice data, HIPAA data, financial records, video recordings or other data considered non-public by any local, state or federal statute or law.

Political Activities: Includes, but is not limited to: voting; registering to vote; soliciting votes or endorsements on behalf of a political candidate or political campaign; expressing opinions, privately or publicly on political subjects and candidates; displaying a political picture or slogan; participating in the activities of, or contributing financially to a political party, candidate, campaign, or an organization that supports a political candidate or campaign or engaging in fund-raising activities for any political party, candidate or campaign.

Public Data: Data legally accessible by anyone

Supervisor: A user's supervising authority. This may be a supervisor, department head, the Town Manager or Town Attorney.

System: Includes, but is not limited to: any desktop, laptop, server, network switch, firewall, wireless connection, ethernet connection, software, database or storage device. The term "system" shall include any physical, virtual or cloud-based resource that is utilized to store or transport Town of Herndon data.

III.   Acceptable use

While on the job, or while using publicly owned or publicly provided information-processing resources, employees must use these resources (including but not limited to, telephone, cellular telephone, mobile devices, fax, electronic mail, voice mail, Internet and associated hardware) responsibly and professionally, and should make no intentional use of these tools for unlawful or unethical purpose.

In cases where the use of generative AI can help employees to perform their job duties more effectively and efficiently, personnel are allowed to use generative AI technologies in accordance with the policies and guidelines set forth in this policy. The use of generative AI should always be subject to careful consideration and evaluation to ensure that it aligns with the town's values, goals and best practices.

IV.   Monitoring and Privacy

The town may exercise its right to monitor, inspect or retrieve data stored, accessed, processed, or transmitted by or through its' technology systems without advance notice to any user. While using town technology systems, this policy shall be considered notice that users have no right to expect privacy related to any data created, accessed, stored or transmitted through town technology systems. Department heads and supervisors have access to review usage history to assess the professionalism, timeliness and effectiveness of communications.

V.   Usage

Technology systems shall only be used for Town of Herndon business directly related to the user's employment duties. Proper use is the responsibility of each user. All communication records are subject to disclosure pursuant to the Virginia Freedom of Information Act.

Employees should be aware that the use of generative AI systems may result in the creation of public records under Virginia's Freedom of Information Act. The Town Public Records Officer, Town Attorney and Town Clerk may be consulted regarding the records retention requirements for material produced with generative AI systems.

Users shall adhere to the following:

A. Protect town data and technology systems.
B. Report lost or stolen devices to town IT staff immediately.
C. Never share login credentials.
D. Comply with all applicable state and federal data compliance regulations or statutes, such as but not inclusive of, Government Data Collection & Dissemination Practices Act Chapter 38 of Title 2.2 of the Code of Virginia, Criminal Justice Systems (CJIS), HB 2178 Virginia voter registration system; security plans and procedures; remedying security risks, and the Health Insurance Portability and Accountability (HIPAA).
E. Complete the town cyber security training periodically as required, in addition to other applicable technology training required for one's position within the town.
F. Report suspicious activity to the IT Department immediately by email or CityWorks request.
G. Only use technology systems authorized by the IT Department.
H. Include the IT Department in any technical support issues, including issues involving third party vendors or contractors.
I. Generative AI must not be used for any information, images or data being shared with the public; however, it may be used for generating drafts or ideas that will be transformed and edited by humans for public consumption.
J. Personnel must never provide organization-specific names, titles, terminology, personally identifiable information (PII), medical information, crime data, locations, etc. when using generative AI. All prompts should be generalized and vague.
K. No data classified as "confidential" or "regulatory related" should be provided to the generative AI.
L. All generative AI use should encourage and promote inclusive growth, human-centered values, transparency, safety, security and accountability.
M. Generative AI may be used for research purposes, such as generating new ideas or prototypes.
N. Generative AI may be used for artistic or creative purposes, such as drafting original content for marketing campaigns or advertising.
O. Generative AI may be used for training and development purposes, such as creating simulated scenarios for employee training.

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VI. Personal Use

With supervisor approval, incidental personal use is allowed if usage complies with all applicable town policies and does not:

A. Result in the hinderance of a user's ability to complete official duties.
B. Result in any incremental cost to the town, or results in an incremental cost small enough to make accounting for it unreasonable or administratively impracticable, to include the compensable hours.
C. Create or increase security risk.
D. Create or increase legal liability for the town.
E. Create or increase the likelihood that IT support services may be required.

VII. Prohibited Use

While using town technology resources, users are prohibited from the following:

A. Usage that may impair the quality or productivity of the employee or other employees.
B. Storing personal/non-work-related music, video, photos etc.
C. Gaming, gambling, non-work-related streaming media, streaming music, non-work related social media, bandwidth intensive or other high-risk activity unless specifically related to job duties.
D. Installing hardware or software without permission from the IT Department.
E. Promoting a political or private cause.
F. Accessing, uploading, downloading, transmitting, receiving or distributing pornographic, obscene, abusive or sexually explicit, harassing or discriminatory materials or language.
G. Violating any local, state or federal law, or engaging in any type of illegal activities including violation of any copyright, trademark or intellectual property laws, use of pirated or otherwise unlawful or unauthorized software.
H. Accessing and/or retrieving online materials related to prohibited controlled substances, products or paraphernalia or any type of violence, vandalism or illegal activity unless specifically related to job duties.
I. Using town technology systems for direct or indirect personal gain.
J. Using town technology in any way that violates AR 1-28, *Standards of Conduct*, or any other town policy.
K. Generative AI must not be used for decision-making processes, such as determining eligibility for employment, housing, personnel decisions or financial services.
L. Generative AI must not be used for any information, images or data being shared with the public.
M. Generative AI must not be used to generate content that violates the organization's code of conduct, ethics policies or laws.
N. Computer code created by Generative AI will not be utilized in the town's production environments as written. It may only be used for proof of concepts and idea generation.

VIII.   Reporting Misuse

Any allegations of misuse should be promptly reported to supervisors, Director of Information Technology or Director of Human Resources.

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William H. Ashton II
Town Manager