

Executive Order

BY THE
GOVERNOR OF THE STATE OF TEXAS

Executive Department
Austin, Texas
April 5, 2006

EXECUTIVE ORDER
RP 58

Relating to peer-to-peer file-sharing software.

WHEREAS, government has a sacred trust to guard taxpayers' dollars and maintain the highest standard of integrity and conduct, and has a fiduciary responsibility to prevent, detect, and report fraud, piracy, and theft; and

WHEREAS, the State of Texas is entrusted by the taxpayers of the state to provide responsible stewardship through efficient and honest governance, and all state agencies have a responsibility to prevent and eliminate fraud, piracy, and theft, and every state employee has an affirmative responsibility to report incidents of fraud, piracy, and theft; and

WHEREAS, the State of Texas is entrusted with the proper and ethical operation and maintenance of its information management systems to prevent fraud, piracy and theft; and

WHEREAS, the use of certain peer-to-peer file-sharing software on state computers creates a potential security risk by allowing individuals outside of state government to access the state's information management systems; and

WHEREAS, without adequate protections and procedures in place, the use of peer-to-peer file-sharing software can result in the presence of viruses and malicious programs on state information management system computers and networks and consume network resources resulting in the creation of inefficiencies in the performance of those systems; and

WHEREAS, the use of peer-to-peer file-sharing software to illegally download and disseminate copyrighted material such as music, motion pictures, software, and video games results in significant losses of revenue to the entertainment industry inside and outside the State of Texas;

NOW THEREFORE, I, RICK PERRY, Governor of the State of Texas, by virtue of the power and authority vested in me by the Constitution and the laws of the State of Texas, do hereby issue the following order:

1. The Department of Information Resources shall develop a statewide policy for use by each state agency, department, board, and commission which prohibits unauthorized or illegal use of peer-to-peer software programs. While most software has inherent risks, it

is the unauthorized or illegal use that poses the greatest risk to the security and integrity of the State's information management systems. The policy shall also define authorized use of legitimate file-sharing between, among, or within federal, state, or local government entities for official business, or law enforcement purposes, the use of which should not pose security risks to the government's computer systems.

2. The Department of Information Resources shall assess the availability and cost effectiveness of technologies that may be used to prevent fraud, piracy, and theft by prohibited peer-to-peer file-sharing activities on state government computers, networks, and other information management systems.

3. The statewide policy provided for in this executive order shall not apply to the legislative and judicial branches of government, nor shall it apply to the constitutional officers of the state. However, these branches of government and constitutional officers may adopt, and I invite them to implement, the statewide policy.

4. The chair or executive director of each state agency, department, board, or commission shall be responsible for ensuring compliance with the statewide policy. DIR shall use its best efforts to develop a policy that minimizes any negative fiscal impact on state agencies.

5. For purposes of this executive order, "peer-to-peer file-sharing software" means computer software, other than computer and network operating systems, that has as its primary function the capability of allowing the computer on which the software is used to designate files available for transmission to another computer using the software, to transmit files directly to another computer using the software, and to request transmission of files from another computer using the software.

This executive order supersedes all previous orders in conflict or inconsistent with its terms and shall remain in effect and in full force until it expires or it is modified, amended, rescinded, or superseded by me or by a succeeding governor.

Given under my hand this the 5th
day of April, 2006.

RICK PERRY
Governor