

Governor Schwarzenegger Prohibits Use of State Resources for Illegal Downloading of Copyrighted Material

Governor Arnold Schwarzenegger today signed Executive Order S-16-04 prohibiting the use of state resources to illegally download copyrighted material.

"So many of the entertainment industry's talented musicians, actors, writers and programmers devote their careers to creating products that enrich our society. We need to do our part to protect the creative and intellectual property they work so hard to create for the rest of us." said Governor Schwarzenegger. "Today California is taking a stand against use of state resources for illegal downloading of this material and standing in support of the work of these talented Californians."

Peer-to-peer file-sharing software technology holds the potential for many legitimate uses. However, these services are often used to enable illegal dissemination and downloading of copyrighted material. The presence of this software on state computers also presents a security and privacy risk by allowing individuals outside of the state system to access confidential and sensitive information. The executive order tasks the State Chief Information Officer with the development of a statewide policy regarding the use of peer-to-peer file-sharing programs on state computers. The policy applies to all state agencies, departments, boards, commissions and offices of the executive branch.

The full text of Executive Order S-16-04 is below.

EXECUTIVE ORDER S-16-04

WHEREAS, the presence of certain peer-to-peer file-sharing software on state computers presents a significant security risk by potentially allowing individuals outside of the state system to access confidential and sensitive information that may be stored or maintained on state computers and networks; and

WHEREAS, use of some peer-to-peer file-sharing services on state government computers and networks can threaten the security and privacy of the information on those computers; and

WHEREAS, some peer-to-peer file-sharing services may permit viruses and other malicious programs to gain access to state computer systems; and

WHEREAS, use of some peer-to-peer file-sharing services consumes network resources, which may reduce the performance of state computer systems and impact the state's ability to effectively function and provide efficient services to the public; and

WHEREAS, while peer-to-peer technology holds the potential for many legitimate uses, currently peer-to-peer file-sharing services are often used to enable illegal dissemination and downloading of copyrighted material, including music, motion pictures, software and video games, resulting in huge losses of revenue to the state's valuable entertainment industry; and

WHEREAS, state government should take steps to ensure that state computers are not being used to disseminate or download copyrighted material through peer-to-peer file-sharing programs.

NOW, THEREFORE, I, ARNOLD SCHWARZENEGGER, Governor of the State of California, by virtue of the power and authority vested in me by the Constitution and statutes of the State of California, do hereby issue this order to become effective immediately:

1. For purposes of this Executive Order, "peer-to-peer file-sharing program" means computer software, other than

computer and network operating systems, that has as its primary function the capability to allow 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 the transmission of files from another computer using the software.

2. The State Chief Information Officer shall develop a statewide policy for use by each state agency, department, board, commission and office of the executive branch regarding the use of peer-to-peer file-sharing programs on state computers, including a prohibition of such programs that pose risks to the security and integrity of state computer systems. The policy shall not prohibit legitimate file-sharing between, among or within federal, state or local government entities for official business through the use of file-sharing programs that do not pose risks to the security and integrity of state computer systems or that are not used for illicit purposes. The head of each executive agency shall be responsible for ensuring compliance with the statewide policy.

3. The State Chief Information Officer shall explore the availability and cost effectiveness of filtering, screening or blocking types of technology applicable for use on state government computers and networks.

4. 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 this state. However, I invite these branches of government and the constitutional officers to adopt and implement the statewide policy.

5. For the purposes of this order, the University of California and the California State University System are requested to comply with the statewide policy provided for in this Executive Order.

IN WITNESS WHEREOF I have hereunto set
my hand and caused the Great Seal of the State
of California to be affixed this 16th day of September 2004.

ARNOLD SCHWARZENEGGER
Governor of California

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