

## USING OR DISCLOSING CONFIDENTIAL INFORMATION FOR PRIVATE PURPOSES

Public servants are forbidden to disclose or use for personal gain any confidential information they have learned as a City employee. Confidential information is defined as any information unavailable to the general public.

**Example:** As a result of your work for the City, you learn that a City agency is developing a plan to rent office space in a certain building and that the plan has not been made public.

It would be a violation of Chapter 68 for you to give this advantageous information to a friend, relative, or anyone else in the real estate business, or in any business, since the information is confidential; it was learned on the job and it is unavailable to the public. And giving an unfair advantage to one party through such a disclosure certainly throws the integrity of the City agency out the window.



## MISUSING ONE'S CITY JOB FOR PRIVATE ADVANTAGE

Chapter 68 forbids using one's City position for private or personal gain or advantage for oneself, one's close relatives, or one's business associates.

**Example:** Using your position as a Department of Health employee to obtain a favorable or speedy inspection for your brother's restaurant is a violation of the Conflicts of Interest Law.

**Example:** If you have a personal tax problem, you cannot write a letter about it to the Department of Finance on your City letterhead.

Writing a letter on City agency letterhead for any personal reason is strictly forbidden, especially if you are sending the letter to another City agency.

As a general rule the City Charter prohibits the use of City letterhead, personnel, equipment, resources, or supplies for any non-City purpose.

## THE ACCEPTABLE USE POLICY

Having said that, many agencies have adopted an “Acceptable Use Policy,” that lays out some guidelines for acceptable “incidental personal use” of some City resources. Under this policy, local personal calls may be acceptable, as long as they are of an incidental nature and don’t interfere with your job performance. The same goes with many other elements of office technology.

**Example:** An **occasional, short** call to one’s mom in Brooklyn would be seen by the Board as an “incidental personal use” of City time and telephony, and therefore acceptable.

That same call to one’s mom in Australia, using City long distance, would not, however, be acceptable, no matter how occasional or short. (Except, of course, if your agency has a program which allows reimbursement of personal calls using City long distance, and you participate in that program.)

**Not all agencies have adopted this “Acceptable Use Policy,” so it’s advisable to check with your agency counsel what your specific policy on incidental use of office technology and resources is.**

## UNACCEPTABLE PERSONAL USE

There are many types of personal use of even small items of City property, however, that will always be unacceptable and may result in agency disciplinary action or in prosecution by the Conflicts of Interest Board. This is particularly true if the improper use was for a private business purpose, but there are non-business uses of City resources that clearly fall outside of the “Acceptable Use Policy,” too: *sending hate speech or political literature on a City computer are examples.* The unauthorized use or borrowing of valuable items from your agency may even result in criminal prosecution.

Lastly, just to repeat: be aware that many agencies have stricter conflicts-related rules in many areas, including the use of City property for non-City purposes, than the general conditions this booklet has discussed. Public servants are bound to obey the stricter rules, so check with your agency counsel for your official policy.