



# CITY OF HOUSTON

## Administrative Procedure

Subject: **MOBILE DEVICE ELIGIBILITY**

A.P. No: 8-8

Effective Date: Upon Approval

### 1. PURPOSE

- 1.1 The City of Houston (City) may, at its discretion and in accordance with this administrative procedure (policy), provide users with mobile devices that transmit voice or data wirelessly or through a cellular network and the related wireless or cellular communication services at the City's expense for the primary purpose of conducting City business.
- 1.2 All City-owned mobile devices are the property of the City. The purpose of this policy is to establish user responsibilities for the appropriate use of the City-owned mobile device, as well as the security and safekeeping of the device, as outlined in this policy and other City and departmental policies.

### 2. OBJECTIVES

- 2.1 Establish criteria, based on job roles and responsibilities, for determining eligibility for City-owned mobile devices, and set forth procedures for monitoring and controlling costs related to use of City-owned mobile devices.
- 2.2 Establish guidelines and procedures that:
  - 2.2.1 Create a supportive and productive work environment by providing City-owned mobile devices for employees with certain job roles or duties.
  - 2.2.2 Promote employee safety when using City-owned mobile devices.
  - 2.2.3 Improve the management of costs related to the use of City-owned mobile devices.

### 3. SCOPE

- 3.1 This policy applies to all persons, to whom a City-owned mobile device is issued for the purpose of conducting City business, including without limitation, City employees, City officials, contractors, independent contractors, consultants, and temporary employees.
- 3.2 This policy does not apply to City-owned mobile devices that do not transmit voice or data using wireless or cellular services provided or paid for by the City; and other technologies approved in accordance with Section 13, Exceptions.

### 4. DEFINITIONS

City Business – Action, work, or function a person is authorized to perform on behalf of the City or in connection with conducting or transacting business for or with the City. City business includes any one or more of the following activities: (i) transacting or engaging in any official business as defined by Texas Government Code Section 552.003(2-a), as amended from time to time; (ii) connecting to the City's Information Technology (IT) resources to read or send email, access and view intranet web resources, perform system and administrative functions, and download or store City information; or (iii) performing work

Approved by:

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Date Approved:

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where the City's information may be created, transmitted, or stored on a City-owned mobile device.

City Information – Digital form of information that is created, produced, collected, assembled, or maintained in connection with the transaction of City business, including any sensitive information or confidential information, and any data or information created on, stored on, residing in, processed by, transmitted to, received by, maintained by, or accessed using the City's IT resources, including City-owned mobile devices. City information also includes any public information, in electronic form, as defined in Section 552.002 of the Texas Government Code, as amended from time to time.

City Resources – IT resource or a collection of IT resources that are used, owned, leased, operated, managed, controlled by, or in the custody of the City. City IT resources include software that the City purchases, licenses, subscribes to, installs, or develops; City-owned mobile devices; City-published websites and software; IT resources the City provides to users to facilitate accomplishing City business; and City IT assets as defined in Administrative Procedure 8-3, Managing IT Policy Exceptions Policy.

IT Resource – Systems, hardware, software, equipment, supporting infrastructure, and the data contained in, stored on, or processed by any of these resources, including computers, servers, websites and file transfer protocol (FTP) sites, databases, applications, mobile devices, storage media, portable storage, printers, scanners, fax machines, telecommunications equipment and devices, voice and data systems, internet, intranet, email, social networking, user and network accounts, and all associated processes, services, and data.

Mobile Device – City-owned device (or device paid for or leased by the City) that can be carried by a person or is generally intended to be portable and the device transmits voice or data wirelessly or through a cellular network, even temporarily. Mobile device also includes machine to machine (M2M) devices that utilize cellular or wireless communications purchased under the City-wide wireless services contract and managed by Houston Information Technology Services (HITS), even if the devices are not portable. Examples of mobile devices that transmit voice or data using wireless, Wi-Fi, or cellular services include air cards, notepads, tablet PCs, tablets, smartphones, cell phones, cellular devices, pagers, personal digital assistants (PDAs), Blackberry© devices, and Bluetooth© devices. Unless otherwise specifically stated, all references in this policy to mobile devices, refers to City-owned mobile devices that are used, in whole or in part, in connection with conducting City business.

Sensitive Information – Information deemed by the City or by law to be sensitive in nature and merits limited access and special precautions to protect the information from inappropriate or unauthorized use, access, disclosure, modification, loss, or deletion. Sensitive information may be public, confidential, or personally identifiable information. Sensitive information may include credit card numbers, social security numbers, driver's license numbers, date and place of birth, financial information, criminal or employment history, sensitive security information as defined by the Code of Federal Regulations, 49 C.F.R. §1520.5, as amended from time to time, protected health information, information that would violate an individual's privacy rights if disclosed, information protected by non-disclosure obligations, and information protected from disclosure under the Texas Public Information Act (TPIA), Texas Government Code Section 552.

User – Person to whom a City-owned mobile device is issued for the purpose of conducting City business.

Wireless Coordinator – Person designated by the department director to manage and maintain records regarding the purchase and cost associated with cellular/wireless devices and related goods and services.

## 5. COMPLIANCE

5.1 Users who violate or otherwise fail to adhere to this administrative procedure may be subject to appropriate legal, disciplinary or remedial action, up to and including immediate removal of any City IT resource, wholly or partially restricted access to City information and City IT resources, indefinite suspension, and termination of employment or contractual agreements.

- 5.2 Noncompliance with this policy and its resulting procedures, if any, may involve civil or criminal penalties and the user's payment of reimbursement expenses, fines, or penalties assessed or imposed on the user.
- 5.3 Data will be reported to and from the City's Mobility Portal facilitated by the City's Telecom Expense Management Software (TEMS) to all departments.

**6. DEVICE ELIGIBILITY**

- 6.1 Eligibility for a City-owned mobile device will be determined by the user's department director or designee, based on any one or more of the following factors:
  - 6.1.1 The user conducts more than 50% of his or her work remotely,
  - 6.1.2 The user is required to be contacted on a regular basis, including after-hours, or
  - 6.1.3 The job function or duties or other safety requirements require the user to have a mobile device, wireless data, or internet access.
- 6.2 On a monthly basis, the department wireless coordinator will monitor mobile device spending for devices recorded in TEMS, including reviewing usage and consumption and trend analysis reports at the individual user level. HITS will issue guidelines on the review criteria.
- 6.3 Users do not have any right or entitlement to the issuance or use of a City-owned mobile device, even if their job duties or responsibilities require the use of a mobile device. Department directors or their designees may, at their discretion, choose not to provide a mobile device for users employed in or for whom compensation is paid by their respective department, even though the user may be eligible per the above criteria.
- 6.4 The department director or designee must approve exception requests authorizing a City-owned mobile device to a user who is not eligible for the mobile device per the above criteria.

**7. ACCEPTABLE USE**

- 7.1 Users must adhere to all applicable City ordinances, policies and procedures, and federal and state laws and regulations regarding the use of mobile devices, such as Administrative Procedure 2-2, Motor Vehicle Assignment and Use (A.P. 2-2). A.P. 2-2 governs the use of a mobile device while operating a privately owned or City-owned vehicle while conducting City business. A.P. 2-2 prohibits reading or sending text messages while driving.
- 7.2 Charges and data usage associated with using a City-owned mobile device, including text messages, email, and voice calling, count towards the monthly cost of the device. Personal use of a City-owned mobile device should be minimized and all usage must comply with Administrative Procedure 8-1, Use of City Information and City IT Resources (A.P. 8-1).

**8. FINANCIAL RESPONSIBILITY**

- 8.1 All City invoices and mobile device charges will be charged to applicable cost centers. All City invoices will be reconciled through a third party TEMS provider.
- 8.2 The City will not transfer or allow City cell phone numbers to be ported to personal cellular devices.
- 8.3 New features and equipment that becomes available will be evaluated by HITS and the requesting department wireless coordinator or director. Features and equipment deemed by HITS to be beneficial and supported by a business justification will be added to the existing packages.

8.4 Purchase of accessories will be at the discretion of the department director or designee.

## 9. REPLACEMENT MOBILE DEVICES

9.1 The City does not carry insurance on mobile devices. Wireless coordinators must not add insurance to a City-owned mobile device or accompanying plan unless authorized by their department director. The City will pay for a replacement device once per 12-month period per user.

9.2 If the user's device is lost, broken, or stolen more than once in a 12-month period, the user may be subject to appropriate disciplinary, legal, or remedial action.

## 10. WIRELESS COORDINATOR RESPONSIBILITY

10.1 The wireless coordinator is responsible for the following tasks:

10.1.1 Terminating City-owned mobile device lines that have no usage for a determined period of time where it serves little or no business purpose to continue maintaining that line, unless the department director or designee authorizes an exception to maintain the low or no usage mobile device.

10.1.2 Monitoring usage of City-owned mobile devices and ensuring mobile devices are on an appropriate plan.

10.1.3 Sending written notice to users with unjustified high usage of City-owned mobile devices and alerting users to their mobile device plan limitations and excess charges.

10.1.4 Maintaining a reasonable number of City-owned mobile devices for short-term assignments and for use as loaner or replacement devices.

10.1.5 Redeploying, where practicable, City-owned mobile devices not in use prior to ordering new devices.

10.1.6 Placing orders for mobile devices, wireless services, plan modifications, on behalf of users, using TEMS.

10.1.7 Promptly deactivating or cancelling City-owned mobile devices (excluding laptops) and wireless services upon receipt of an appropriately issued request or when notified that the mobile device (excluding laptops) is, or has been lost, stolen, broken, or its security has been compromised.

## 11. EMPLOYEE RESPONSIBILITY

11.1 City-owned mobile devices (including the applications and software residing or stored on the device) are the property of the City and must be treated, used, and safeguarded as such. If the user damages or loses a City-owned mobile device, the user must notify the user's manager and department wireless coordinator immediately.

11.2 Users should contact their department wireless coordinator to place orders for City-owned mobile devices and services or to make changes to existing devices or plans.

## 12. PRIVACY EXPECTATIONS

12.1 As more fully described in A.P. 8-1, City information and all data stored or residing on a City-owned mobile device remains the property of the City and the City may engage in monitoring efforts (as

defined in A.P. 8-1). There should be no expectation of privacy, anonymity, or confidentiality regarding any of the user's activities and the data stored or residing on the City-owned mobile device.

### **13. EXCEPTIONS**

13.1 Departments that are unable to follow any portion of this policy shall request an exception to the policy and seek approval through the process established in Administrative Procedure 8-3, Managing IT Policy Exceptions Policy.

### **14. LEGAL REFERENCES**

- Administrative Procedure 2-2, Motor Vehicle Assignment and Use
- Administrative Procedure 8-1, Use of City Information and City Information Technology Resources
- Administrative Procedure 8-2, Cybersecurity Program
- Administrative Procedure 8-3, Managing IT Policy Exceptions Policy
- Administrative Procedure 8-4, Password Policy