



Moratorium on the Use of Advertisements, Endorsements, And Sponsorships on State-Controlled Web sites	NO: ITP F.35
	Effective: 10/23/2000
	Issued By: Gregory S. Jackson Assistant Director Department of Administrative Services Chief Information Officer, State of Ohio Published By: Office of Statewide IT Policy

1.0 Purpose

As the state makes services and information more available via the Internet, new challenges emerge. One of these challenges is advertising on state-controlled websites or creating partnerships with advertising companies to host an agency's website. From a funding aspect, this opportunity looks very attractive. However, there are numerous legal and policy issues that surface when considering advertising on state-controlled websites. Until the issues surrounding *web advertisements* on state-controlled websites have been fully studied and presented to the Governor's Council on Electronic Commerce for review, agencies shall not allow advertisements, *sponsorships* or *endorsements* on state-controlled websites including vendor-hosted websites. The details of this moratorium are stated below in the Policy section.

2.0 Scope

All Agency Directors, Agency Information Technology (IT) Managers and Agency Chief Legal Counsels.

3.0 Background

The Internet has become one of the state's most important resources for providing easy access to information, both internally and to our citizens and customers. There are many challenges such as funding of web-based initiatives, appropriate use of the Internet, security and privacy that need to be addressed as the state moves toward providing an increasing number of services on the Internet. One such challenge is the issue of placing advertisements on state-controlled websites in order to ease funding pressures. However, there are complex legal and policy issues that arise regarding advertising on state-controlled websites. Because of their importance, the chief information officer in consultation with the Governor's Council on Electronic Commerce must carefully research and consider these issues in order for the state to progress in a uniform manner in this area since the actions of individual agencies may set a precedence that impacts the entire state. Examples of these issues include:

- 3.1 Legal implications such as the legal authority under Ohio law including the Ohio Constitutional Lending Aid and Credit Clause, the potential for legal liability and U.S. First Amendment implications for agency control and content guidelines;
- 3.2 Potential privacy abuses when a user accesses web advertisements – since advertisers may track the visitors linking to their site, there is a loss of a level of privacy control, and while some privacy requirements could be placed on advertisers, those requirements need to be clearly and comprehensively defined;
- 3.3 Lack of accepted public-sector standards and guidelines regarding "best practices" in web advertising – few states, if any, have adopted policies on advertising on state websites.
- 3.4 Impact on performance – without clear standards, there is a danger that advertisements will degrade website performance or create confusing websites, and as such, those standards need to be comprehensively defined;
- 3.5 Impact on public perception and customer confidence – website visitors may perceive that the state service or information delivered is controlled by or associated with the advertiser either directly or indirectly;
- 3.6 Appearance of endorsement by the state of Ohio – potential consequences are the appearance of favoritism, public or media scrutiny of a state agency promoting a certain businesses, products, etc., as well as potentially implicating liability issues;
- 3.7 Control of downstream navigation and content – with the ability of websites to re-direct their visitors to other websites, the state may lose control of providing a means for visitors to return to the state website, and, furthermore, there is a danger that the visitors may very quickly be directed to problematic websites;
- 3.8 Impact on revenue allocation – this new funding source needs to be carefully examined for its impact on funding overall, including the implications to agencies receiving federal funds; and
- 3.9 Risk of litigation – apart from any of the legal implications described above, web advertisements may entail a high-risk of litigation, the cost of which must be considered.

4.0 References

- 4.1 This moratorium replaces all previously released memoranda regarding this topic.
- 4.2 A glossary of terms found in this policy is located in Section 8.0 – Definitions. The first occurrence of a defined term is italicized.

5.0 Policy

Until the issues surrounding web advertisements on state-controlled websites have been fully studied and presented to the Governor's Council on Electronic Commerce for review, agencies shall not allow advertisements, sponsorships or endorsements on state-controlled websites including vendor-hosted websites. This moratorium is effective

immediately and will remain in effect until the Department of Administrative Services in consultation with the Governor’s Council on Electronic Commerce issues a final statewide policy. Agencies with explicit statutory authority regarding advertisements may request a waiver of this moratorium through Mary Carroll, deputy director of IT policy, at 614.995.1057 or mary.carroll@das.state.oh.us.

5.1 Acknowledgements

State agencies may include *acknowledgements* on their websites as long as the acknowledgement is:

- 5.1.1 Made discreetly and subtly;
- 5.1.2 Not linked to any external websites; and
- 5.1.3 Accompanied by a disclaimer that the acknowledgement does not constitute endorsement.

5.2 Directories

A web directory is a listing of external websites that might serve as a source of additional information for website visitors. An agency who offers a web directory with links to external websites on a state-controlled website, must define a class of entities that may be listed in the directory, allow anyone within that class to be linked, disclose on the website the criteria and procedures for requesting a link and disclaim endorsement. The criteria that the agency uses for determining if an entity to be linked via a directory falls within the class must be approved by the agency’s director and then submitted to the Department of Administrative Services along with the director’s approval. The criteria should be sent to Mary Carroll, deputy director of IT policy, at mary.carroll@das.state.oh.us.

5.3 Required Software

Whenever an agency website requires the use of particular software that the website visitor may need to download (e.g., .PDF formatted files require the Adobe Acrobat Reader software), the link to the download site may be included. The link should be accompanied by a statement that the particular software is required.

6.0 Procedures

None.

7.0 Revision History

Date	Description of Change
10/23/2000	Original Policy. This Policy replaces all previously released memoranda regarding this topic.
09/26/2001	ITP policy ITP F.35 supersedes ITP policy OPP-035: A new numbering system and a new policy format have been introduced.
10/03/2001	Updated policy to reflect office name change from the Office of IT Policy and Planning (OPP) to the Office of Statewide IT Policy (ITP).

Date	Description of Change
10/31/2001	Modified URL references to reflect the new address for the IT Policy home page.
01/31/2002	Completed minor modifications to the policy template.

8.0 Definitions

- 8.1 Acknowledgement. A statement, which may include a logo, graphic or text, that identifies but does not promote an individual business, person or any other non-governmental entity as the source of work, material, equipment or services for a project.
- 8.2 Advertisements. A logo, graphic, text, sound, video or any other means of promoting the commercial, political or other activities of an individual business, person or non-governmental entity.
- 8.3 Endorsement. A statement of approval of a product, service or individual business, person or any other non-governmental entity.
- 8.4 Sponsorship. A logo, graphic, text, sound, video, or any other means of recognizing an individual business, person or any other non-governmental entity in exchange for underwriting a project.

9.0 Related Resources

None.

10.0 Inquiries

Direct inquiries about this policy to:

Office of Statewide IT Policy
 Computer Services Division
 Department of Administrative Services
 30 E. Broad Street, 39th Floor
 Columbus, Ohio 43215

Voice: 614-644-9352
 FAX: 614-644-9152
 Email: OPP.policy_mgr@das.state.oh.us

ITP policies can be found on the Internet at:
<http://www.state.oh.us/ITP/>

11.0 Attachments

None.