

Memorandum



To: Mayor and Town Council

From: Linda Gaddy

Date: 1/8/2025

Re: NC G.S. 143-805 prohibition of pornography on government networks

Please find the following information and supporting documents that explain the new requirement to prohibit pornography on government networks according to the requirements of **G.S. 143-805** passed by the legislature in July of 2024.

Background:

The General Assembly passed a new state law that states the following relative to pornography: Local governments must adopt policies that restrict pornography on local government devices, including phones, computers, networks, etc. The policy must be in place by January 1, 2025. All pornography must be removed from local government devices by January 1, 2025. Pornography is restricted from local government devices. The adoption of the proposed policy also incorporates it into the Town's personnel policy. Violation of the policy by any Town staff can result in disciplinary action up to and including termination. Violation of the policy by any appointee can result in removal from office. Annual reporting is required to the State Chief Information Officer.

Network and device usage policy requirements.

The new law does not specify any particular language that must be in the required network and device usage policy, except that it must "delineate the disciplinary actions that will be taken in response to a violation of that policy." Presumably, however, the policy should reflect G.S. 143-805(a)-(b):

- prohibiting the viewing of pornography by its **employees** on a network of that public agency; and
- prohibiting **employees, elected officials, appointees, or students** of the public agency to view pornography on any device owned, leased, maintained, or otherwise controlled by that public agency.

The terms "pornography," "device," and "network" should be defined in the policy as they are defined in [G.S. 143-805\(g\)](#). The policy should also include an exception for officials and employees who are engaged in certain activities in the course of their official duties, listed at [G.S. 143-805\(d\)](#). These exceptions are important to include since some local government employees, such as law enforcement officers and department of social services employees, will sometimes have to view material that would be considered "pornography" under the new law in order to carry out their official duties.

If a local government already has a policy regarding the use of its networks and devices (as Pineville does), then that existing policy could be modified to include these new terms.

Employees' personal devices

The law requires local governments to institute two different prohibitions: 1) employees must be prohibited from viewing pornography on the government's *networks*, and 2) employees, elected officials, appointees, and students must be prohibited from viewing pornography on *devices* owned, leased, maintained, or otherwise controlled by the local government.

Prohibition #1, regarding viewing pornography on a government's **networks**, applies regardless of whether an employee is using their personal device or a government-owned device. An employee must not view pornography on *any* device if they are doing so via the government's *networks* (e.g., the city or county's Wi-Fi). The law does not, however, impact what an employee is allowed to view on their personal devices on *other* networks (e.g., on their home Wi-Fi or coffee shop Wi-Fi).

Prohibition #2, on the other hand, applies to viewing pornography on **devices** owned, leased, maintained, or otherwise controlled by the local government, regardless of where those devices are used or what network is used to connect them to the internet. It does not, however, apply to personal cell phones or other personal devices that are owned by an employee. Merely paying a stipend to an employee to help cover the cost of their personal phone bill does not transform an employee-owned device into a device "owned, leased, maintained, or otherwise controlled" by a local government employer.

Deadline for removing pornography from government devices.

Employees, elected officials, appointees, and students of each "public agency" (including local governments and all the governmental entities described above) who have pornography (as that term is defined by the new law) saved to a device owned, leased, maintained, or otherwise controlled by the public agency must remove, delete, or uninstall that pornography no later than January 1, 2025. Once again, there is an exception for certain employees and officials who are engaged in certain activities in the course of their official duties, listed at [G.S. 143-805\(d\)](#)

Next: actual text of **G.S. 143-805**

Next: Handbook Policies revised