

ADMINISTRATIVE ORDER NUMBER 8-21**SUBJECT: Cloud Policy**

Responsible Department: Information Services**Date Issued: 09/21/2020****Date Revised:****Approved: *(Signature on File)***

Purpose

The purpose of this policy is to provide guidelines for cloud computing or hosted services for use by the City of Fresno, its employees and/or agents. "Cloud" is a generic term for a hosted systems and services provided over an internet or remote network. Systems can include remote email, applications, remote backups, remote data storage, remote desktop access, etc., and can be offered as remote or "cloud-based." Cloud use can range from small scale to large scale and can include business, personal, or public use. Services can be free or paid, however, most free services are not for business use. This policy shall attempt to cover multiple aspects of Cloud use for the City of Fresno and set policy for engaging in Cloud Services. This policy applies to any employee or agent of the City of Fresno or its related agencies who utilizes social media sites, tools or technology in an administrative capacity or as an agency representative.

Policy***City Use***

The City of Fresno recognizes that Cloud Computing can be a valuable solution to computing services. There are many situations in which Cloud Computing should be embraced and other situations that should be thoroughly investigated to ensure that it is cost effective to do so. The City already utilizes cloud services and its policy is to embrace Cloud Computing when it makes business sense, is cost effective, and meets our security, and administrative requirements.

Ownership

Any data created by a City employee or Department for City operations, regardless of the platform, is the property of the City of Fresno. All City of Fresno data is subject to the California Public Records Act (Government Code §§6250 – 6276.48) and may require disclosure as required by the Act. As such, any cloud service used shall have an agreement in which the City retains the rights to such data. There is no guarantee of privacy for any cloud service.

Agreements/Purchases

Any department wishing to purchase cloud services for any reason shall engage the Information Services Department (ISD) before any purchase or entering into any agreement. Any cloud service must be reviewed and approved by ISD to ensure security, integrity, availability, manage risk, usability, as well as abide by the City's cloud standards. Depending upon complexity and scope, the agreement will be reviewed by Risk to approve Indemnity language, Insurance coverage and other risk factors and may also be reviewed by the City Attorney's Office.

ISD will work with each department collaboratively on any solution, however, ISD shall have the final decision-making authority on the approval of any cloud service relative to licensing, security and technology best practices/system fit. If the requesting department disputes the decision of ISD, the department may seek City Manager intervention.

End users are not authorized to set up individual accounts with cloud providers including data sharing services such as DropBox, OneDrive, etc., as it brings risk to the City. End users are to use City provided solutions where possible or seek approval from ISD for the business need or to seek an alternative solution. In the case of any existing or future end user agreements, this Administrative Order shall supersede any individual agreement in that it gives the City ownership of that data unless the City Attorney deems otherwise.

Security

ISD shall review any cloud service for security standards. These standards shall be kept in a separate document within the Department. As a minimum for any cloud service/data hosting, the following must be followed:

- All data is to remain the property of the City of Fresno.
- All data is to remain within the United States.
- The solution must comply with all state and federal laws.
- The solution must comply with many difference regulations and/or standards depending on the need including, but not limited to:
 - Americans with Disabilities (ADA)
 - Health Insurance Portability and Accountability Act (HIPAA)
 - California Law Enforcement Telecommunications Network (CLETS)
 - Criminal Justice Information Services (CJIS)
 - Federal Aviation Administration (FAA)
 - Federal Transportation Administration (FTA)
- The solution must comply with ISD's security provisions/policies and be approved by ISD.

ISD reserves the right to inspect the data and/or access the data and/or provider logs for the protection of the City.

Personal/Private Cloud Use

In accordance with Administrative Order 8-11 (Use of Electronic Systems & Tools), Cloud computing from a personal perspective for City business or on the City's systems is not permitted. This includes consumer-grade remote storage services that offer any type of data sharing including DropBox, OneDrive, Google Drive, etc. These systems do not meet the security standards of the City of Fresno and have been compromised at various times. In addition, it should be noted that any personal cloud use for City purposes could be subject to disclosure as required by Government Code §§6250 – 6276.48 (California Public Records Act) therefore, the use of personal cloud services for City purposes is strictly prohibited

Procedures

Any cloud service being sought by any Department of the City of Fresno shall have, at a minimum:

- Clear articulation of the business need for this service.
 - ISD retains the right to direct the request(s) to a similar existing service, either provided on premise or through existing agreements with Cloud service providers, if it meets the business need.
- Written evidence that the service meets the City's security and compliance requirements.
- Requirements collection and onboarding documentation.
- Adhere to ISD's cloud requirements.
- Approval for the cost of the subscription via an approved ISD purchasing mechanism.

Employee Responsibility

Any employee or other agent of the City found to have violated this policy may also be found in violation of the City's Use of Electronic Systems & Tools policy, [Administrative Order 8-11](#), and may be subject to account termination without prior notice and/or may be subject to appropriate disciplinary action, up to and including termination of employment. Violation of state and local laws will be referred to the proper authorities. In addition, any issues arising from the use of personal cloud services without the express written permission of the City of Fresno's Information Services Department will be the sole responsibility of the individual.