

State Website Linking and Privacy Policy

Purpose

The purpose of the State Website Linking and Privacy Policy is to define provisions for members of the public to use, copy information from, or link to a state website maintained by or for a Texas state agency, including an institution of higher education, and to protect the personal identifying information of members of the public who provide or receive information from or through a state website.

Scope

This policy applies to Texas state agencies and institutions of higher education as defined in Title 1, Texas Administrative Code (1 TAC) Chapter 206. A Texas state agency, including an institution of higher education, should refer to this policy in conjunction with 1 TAC Chapter 206 and Texas Government Code, Chapter 2054 to implement provisions of law, administrative rule, and policy, and to develop and adopt its policies related to website linking and privacy.

Policy

1. General Provisions

In order for members of the public to make informed decisions about accessing, using, copying information from, or linking to a state website, or providing or receiving information from or through a state agency website, a state agency must publish a notice regarding its website linking and privacy policies and practices on either its home page and all key public entry points or its site policies page.

2. Fees

A state agency may not charge a fee to access, use, or reproduce information on its website or to link to information on its website, unless specifically authorized to do so by the Texas Legislature.

3. Linking to State Agency Websites

- A. Advance permission to link to a state agency website is not required.
- B. Links should be established through the appropriate base uniform resource locator (URL) and not through an abbreviated form.
- C. The origin or ownership of the content of a state agency website must not be misrepresented by an entity or individual that links to the site.
 - i. A state agency page may not be captured within the frame of another site without prior permission from the agency.

- ii. A state agency's website content may not be presented as an entity's or individual's own.
 - iii. Certain information displayed on a state agency's website may be trademarked, service-marked, or otherwise protected as intellectual property and must be used in accordance with state and federal laws and must reflect the proper ownership of the intellectual property.
- D. Links should be full forward links that pass the client browser directly to the targeted website.
 - E. Links that create a downloading burden on a state agency's server(s), such as certain graphics or tables, constitute a misuse of state resources. To prevent that, entities or individuals should contact the appropriate state agency to request permission to post a copy of the state agency's graphics or tables within their website.
 - F. Entities or individuals that link to a state agency's website should use reasonable efforts to ensure that persons with disabilities may access their websites.
 - G. Because state agencies may change their subordinate pages at any time without notice, entities and individuals should routinely verify links to state agency subordinate pages.

4. Linking from State Agency Websites

- A. The State of Texas recommends linking to federal, state, and local government websites that provide information and services that benefit Texas citizens, Texas local government, and Texas state agencies.
- B. Linking to third-party websites that contain information and/or services that further the business goals and missions of state agencies may be considered if there is a public purpose for establishing the link.
- C. A state agency reserves the right to deny links if it determines that a website contains misleading or unsubstantiated claims, conflicts with the purpose of the agency, or fails to conform to the requirements of the state agency's linking policy.
- D. Linking to another entity's website does not constitute an endorsement of the content, viewpoint, accuracy, opinions, policies, products, services, or accessibility of the site.
- E. A state agency that provides links to a third-party website should publish a disclaimer that specifically disclaims liability and responsibility for third-party website content.
- F. A state agency must either
 - i. post a link to this State Website Linking and Privacy Policy from the web page that contains their state agency's linking notice, or
 - ii. materially present the provisions contained in this policy on the web page that contains their state agency's linking notice.

5. Copying Information from State Agency Websites

- A. Information posted on a state website, and accessible to members of the public, may be copied, provided that it
 - i. is in accordance with any limitations specified by the state agency policy,
 - ii. is not presented in a misleading way, and
 - iii. is not construed to be endorsed by the State of Texas.
- B. Entities or individuals that copy and present state agency information must identify the source of the content, including the
 - i. URL for the content or nearest entry point leading to the content if a URL is not available, and
 - ii. date the content was copied.
- C. Entities or individuals that copy and present state agency information on their websites must accompany that information with a statement that neither the entity or individual nor the information, as it is presented on its website, is endorsed by the State of Texas or any state agency.
- D. To protect the intellectual property of state agencies, copied information must reflect the copyright, trademark, service mark, or other intellectual property rights of the state agency whose protected information is being used by the entity or individual.

6. Privacy

- A. Information posted on a state website that is accessible to members of the public is presumed to be public, subject to specific exceptions in the Public Information Act (Chapter 552, Texas Government Code).
- B. To protect from public disclosure of personal identifying information submitted by a member of the public to a state agency's website, a state agency's website privacy notice must
 - i. address how it protects the privacy rights of individuals regarding information collected from the individual or the individual's computer network location via the state agency's website;
 - ii. disclose its information collection practices, including the information collected by web server technologies and processes, such as through the use of logging software and cookies, as well as information collected via email and web-based forms;
 - iii. describe what information is being collected about an individual or about the individual's computer network location, including what information is being collected by means that are not obvious;

- iv. disclose whether and how personal information may be used for purposes beyond those for which the information was provided;
 - v. describe methods for ensuring that the information collected from individuals is accurate and secure from unauthorized use;
 - vi. provide a procedure to inform an individual, on request, about information the state agency has collected about that individual, and to enable the individual to
 - a. receive and review information collected about him or herself, and
 - b. correct erroneous information about him or herself without undue burden on the individual.
- C. Email addresses of members of the public that are provided to a state agency for electronic communication are confidential and may not be disclosed by the state agency unless the affected member of the public consents to the disclosure.
- D. A state agency must either
- i. post a link to this State Website Linking and Privacy Policy from the web page that contains their state agency's privacy notice, or
 - ii. materially present the provisions contained in this policy on the web page that contains their state agency's privacy notice.

Change Management

This policy is subject to change.

Definitions and Acronyms

Cookie

A record containing unique information a website can use to track such things as passwords, lists of pages visited, and the date when a specific page was accessed, or to identify a user session at a particular website.

Link

A link (or hyperlink) is a reference to a web page or document that an individual can directly follow, or that is followed automatically.

State Website

A website that is connected to the Internet and is owned, funded, or operated by or for a state agency or institution of higher education, including the home page, all subordinate pages, and other key public entry points.

Uniform Resource Locator (URL)

A reference or address to resources, such as pages, documents, images, downloadable files, or services on the web.

References

- Texas Government Code, Section 2054.126
- Texas Administrative Code Title 1, Chapter 206
- Texas Government Code, Chapter 552
- Texas Government Code, Chapter 559

Version History

Version 1.1 – March 23, 2015 – Reviewed and reposted with new review date of March 24, 2019.

Version 1.0 – February 9, 2012 – Adopted policy.