



# Office of Information Technology Services

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Albany, NY 12220-0062  
[www.its.ny.gov](http://www.its.ny.gov)

<b>New York State Information Technology Policy</b>	<b>No:</b> NYS-P10-001
<b>IT Policy:</b>  <b>Advertisements, Endorsements and Sponsorships on State Entity Websites</b>	<b>Updated:</b> 08/16/2021
	<b>Issued By:</b> NYS Office of Information Technology Services  <b>Owner:</b> Division of Legal Affairs

## 1.0 Purpose and Benefits

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State government websites should only be used for official New York State business. Such websites should never be used to advertise for private individuals, firms, or corporations or imply in any manner that New York State endorses or favors any specific commercial product, commodity, or service. Similarly, State websites should not be used for political campaigning or other partisan activities, nor should they link to any political or campaign websites. Agencies should be especially careful when posting links to non-governmental websites such as vendor pages or news organization to ensure such links do not imply State endorsement.

## 2.0 Authority

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Section 103(10) of the State Technology Law provides the Office of Information Technology Services (ITS) with the authority to establish statewide technology policies, including technology and security standards. Section 2 of Executive Order No. 117, issued January 2002, provides the State Chief Information Officer with the authority to oversee, direct and coordinate the establishment of information technology policies, protocols and standards for State government, including hardware, software, security and business re-engineering. Details regarding this authority can be found in NYS ITS Policy, [NYS-P08-002 Authority to Establish State Enterprise Information Technology \(IT\) Policy, Standards and Guidelines.](#)

## 3.0 Scope

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This policy applies to all “State Entities” (SE), defined as “State Government” entities as defined in Executive Order 1171, issued January 2002, or “State Agencies” as defined in Section 101 of the State Technology Law including their employees, and all third parties (e.g., local governments, consultants, vendors, and contractors), that use or access any IT resource for which the SE has administrative responsibility, including systems managed or hosted by third parties on behalf of the SE. While an SE may adopt a different policy, it must include the requirements set forth in this one.

## 4.0 Information Statement

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### 4.1 Advertising by Private Entities on State Entity Websites

An SE’s website must not be used for commercial, non-official-related purposes. This is the case even if the SE’s website is hosted by a private entity. Consequently, before permitting **any** advertising on an SE website, the SE should check with its legal counsel to determine whether it has the requisite express or implicit authority and whether such advertising would further the SE’s purpose.

### 4.2 Banner Ads, Pop Ups and Vendor-Hosted Website Advertising

Banner Ads, Pop Up Ads, and vendor-hosted website advertising create the following issues which should be assessed by the SE’s legal counsel:

- Advertising for private individuals, firms, or corporations can imply that the SE endorses or favors a specific commercial product, commodity, or service. Citizens expect their government to be impartial. Concomitantly, businesses and for-profit entities expect to be treated fairly by the government. Endorsing some commercial products and services, while excluding others, constitutes preferential treatment. It is important to consult with legal counsel to consider the implications of advertising before permitting it.
- Privacy violations may occur when a user accesses web advertisements. This is because advertisers frequently engage in behavioral targeting of web users through data collection. Some websites record information about users by automatically depositing a piece of information in the "cookie" file on the user’s computer. The cookie helps track information communicated between the user’s browser and the server.
- Redirect options are not within the SE’s control. The state is unable to exercise full control over banner advertisement “redirects” that may result in unintended consequences to the user and/or the SE. Individuals "clicking" on a banner advertisement have little or no control of the redirect options to return the user to the original website. Re-routed advertising links can result in the user being linked to questionable or problematic websites, which may negatively impact the state’s image.

### 4.3 Links and Endorsements on Websites

- Links to federal, state, and local government sites are appropriate.
- Links that provide access to a website which contains software that is necessary or enhances the operation of the site (e.g., PDF viewer) are appropriate.
- An SE should limit external linking to information or services necessary for the proper performance of an SE function or in furtherance of an SE mission. SEs should not provide links to private businesses, unless all such businesses are provided equal access; unless a formal business partnership has been established; and/or unless the reason for the link is primarily educational or informational in nature.
- The SE's website should contain a statement that the links do not constitute endorsements, including a disclaimer. An SE should consult with their legal counsel prior posting any such statement. A sample statement and disclaimer follow:

#### External Links

We provide many links to external websites. These links are provided for your convenience and do not in any way constitute an endorsement of the software or companies, as noted in our disclaimer.

Sometimes external page links provided are moved or removed creating a broken link. If you think you have discovered a broken link on our website please notify us at [webfeedback@agency.ny.gov](mailto:webfeedback@agency.ny.gov).

#### Website Disclaimer

Thank you for visiting the AGENCY website.

We hope your visit was helpful and informative. AGENCY provides links to other governmental agencies in the State and Federal government. We also provide links to websites of other organizations to provide visitors with certain information. If you click on the links on these pages, you will be leaving AGENCY website. Our provision of these links does not imply approval of the listed destinations, warrant the accuracy of any information in those destinations, constitute endorsement of the entities to whose sites the links are made, or endorse any of the opinions expressed on any of these outside websites. These websites operate under the auspices and at the direction of their respective owners. If you have a question or comment about any of these websites, please contact them directly on their website.

### 4.4 Sponsorships

It might be appropriate to acknowledge Sponsorships with subtle logos. Before permitting such a logo, the SE should consult with their legal counsel.

## 5.0 Compliance

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This policy shall take effect upon publication. Compliance is expected with all enterprise policies and standards. ITS may amend its policies and standards at any time; compliance with amended policies and standards is expected.

## 6.0 Definitions of Key Terms

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Except for terms defined in this policy, all terms shall have the meanings found in <http://www.its.ny.gov/glossary>.

Term	Definition
<b>Advertisement</b>	<p>Logo, graphic, text, sound, video, or any other means intended to promote or market a service, facility, or product offered by an entity for a commercial purpose. Advertising includes messages containing qualitative or comparative language, price information or other indications of savings or value, an endorsement, or an inducement to purchase, sell, or use any company, service, facility, or product.</p> <ul style="list-style-type: none"><li>• Copyright notices and displaying the name, logo, product or service of a non-government entity whether or not in exchange for money, services, or other special consideration, including reduced cost or no-cost use in the context of open-source development products or services, may also constitute “advertising”; for example, "Powered by Company X" or "Web design by Company X."</li><li>• Linking to external websites that provide a particular commercial product or service. An SE should ensure that all links to non-government websites further the SE's mission, functions, and responsibilities.</li></ul>
<b>Banner Ad</b>	Typically, rectangular advertisement placed on a website, above, below, or to the side of the website's main content area.
<b>Endorsement</b>	Statement of approval of a product, service or individual business, person or any other non-governmental entity.
<b>Pop Up Ad</b>	Type of window that appears on top of (over) the browser window of a website that a user has visited. In contrast to a pop-under ad, which appears behind (in back of) the browser window, a pop-up is more obtrusive as it covers other windows, particularly the window that the user is trying to read. Pop-ups ads are used extensively in advertising on the Web.

Term	Definition
<b>Sponsorship</b>	Logo, graphic, text, sound, video or any other identifier recognizing an individual business, person or any other non-governmental entity in exchange for donation of services, support, underwriting a project, etc.

## 7.0 Contact Information

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Submit all inquiries and requests for future enhancements to the policy owner at:

**Division of Legal Affairs**  
**Reference: NYS-P10-001**  
**NYS Office of Information Technology Services**  
**State Capitol, ESP, P.O. Box 2062**  
**Albany, NY 12220**  
**Telephone: (518) 473-5115**  
**Email: its.sm.dla@its.ny.gov**

Statewide technology policies, standards, and guidelines may be found at the following website: <http://www.its.ny.gov/tables/technologypolicyindex>

## 8.0 Revision History

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This policy shall be reviewed at least once every two years to ensure relevancy.

Date	Description of Change	Reviewer
03/25/2010	Issued policy	CIO/OFT
09/12/2012	Reformatted and updated to reflect current CIO, agency name, logo, and style.	CIO/OFT
09/25/2017	Policy updated and reformatted	Division of Legal Affairs
08/16/2021	Policy updated and reformatted	Division of Legal Affairs

## 9.0 Related Documents

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