



Office of Information Technology Services

State Capitol P.O. Box 2062
Albany, NY 12220-0062
www.its.ny.gov

New York State Information Technology Policy	No: NYS-P10-001
IT Policy: Advertisements, Endorsements and Sponsorships on State Entity Websites	Updated: 10/03/17
	Issued By: NYS Office of Information Technology Services Owner: Division of Legal Affairs

1.0 Purpose and Benefits

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 does not imply State endorsement.

2.0 Authority

Section 2 of Executive Order No. 117 provides the State Chief Information Officer, who also serves as director of the Office of Information Technology Services (ITS), 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

This policy applies to ITS (Information Technology Services), all State Entities (SE) that receive services from ITS, and affiliates of same (e.g., contractors, vendors, solution providers), which have access to or manage SE information. It also serves as recommended practice for the State University of New York, the City University of New York, non-Executive branch agencies, authorities, NYS local governments and third parties acting on behalf of same.

4.0 Information Statement

4.1 Authority for Acceptance of Advertising by State Agencies

State Agencies may have either express or implicit statutory authority to accept advertising from a private entity. Agencies should consult with their legal counsel regarding such authority and the extent to which such authority allows for such advertisements.

A state government entity's web page must not be used for commercial, non-official-related purposes. This is the case even if the state government entity's web site is hosted by a private entity. Consequently, before permitting **any** advertising on a state government entity website, the state government entity should check with its Legal Counsel to determine whether it has the requisite express or implicit authority and whether such advertising would further the agency'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 state government entity's Legal Counsel:

- Advertising for private individuals, firms, or corporations can imply that the state government entity 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 state government entity'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 state government entity. 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 web sites, 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 web site which contains software that is necessary or enhances the operation of the site (e.g. Adobe Acrobat) are appropriate.
- A state government entity should limit external linking to information or services necessary for the proper performance of an agency function or in furtherance of an agency mission. Agencies 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 resourceful in nature.
- The State government entity's web site should contain a statement that the links do not constitute endorsements, including a disclaimer. A sample statement and disclaimer follow:

External Links

We provide many links to external web sites. 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 Web site please notify us at 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 web sites of other organizations to provide visitors with certain information. If you click on the links on these pages, you will be leaving AGENCY. 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 Web sites. These Web sites operate under the auspices and at the direction of their respective owners. If you have a question or comment about any of these sites, please contact them directly on their site.

4.4 Sponsorships

It might be appropriate to acknowledge sponsorships with subtle logos. Before permitting such a logo, the State government entity should check with Legal Counsel.

5.0 Compliance

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

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

Term	Definition
Advertisement	<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">• Displaying the name, logo, product or service of a non-government entity in exchange for money, services, or other special consideration, including reduced cost for a product or service may also constitute “advertising”; for example, "Powered by Company X" or "Web design by Company X."• Linking to external sites that provide a particular commercial product or service. A state government entity should ensure that all links to non-government websites further the agency's mission, functions, and responsibilities.
Banner Ad	Typically rectangular advertisement placed on a Web site, above, below, or to the side of the site's main content area.
Endorsement	Statement of approval of a product, service or individual business, person or any other non-governmental entity.
Pop Up Ad	Type of window that appears on top of (over) the browser window of a Web site 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.
Sponsorship	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

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

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
10/03/2017	Policy updated and reformatted	Division of Legal Affairs

9.0 Related Documents

[NYS-P08-003 Domain Names for State Government Entities](#)