



Office of Information Technology Services

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

Office of Information Technology Services Guideline	No: NYS-G24-001
ITS Policy Standard Guideline: Advertisements, Endorsements and Sponsorships on State Entity Websites	Updated: 06/03/2024
	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 not 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

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*¹, 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

¹ All references to Executive Order 117 refer to that which was originally issued by Governor George E. Pataki on January 28, 2002 and continued by Executive Order 5 issued by Governor Eliot Spitzer on January 1, 2007, Executive Order 9 issued by Governor David A. Patterson on June 18, 2008, Executive Order 2 issued by Governor Andrew M. Cuomo on January 1, 2011 and Executive Order 6 issued by Governor Kathy Hochul on October 8, 2021.

3.0 Scope

This guideline applies to all “State Entities” (SE), defined as “State Government” in Executive Order 1171 or “State Agencies” as defined in Section 101 of the State Technology Law including. This includes their employees, and all third parties (e.g., local governments, consultants, vendors, and contractors), that use or access any Information Technology (IT) resource for which the SE or ITS has administrative responsibility, including systems managed or hosted by third parties on behalf of the SE or ITS.

4.0 Information Statement

4.1 Advertising by Private Entities on State Entity Websites

An SE’s website should 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. Before permitting any advertising on an SE website, the SE should consult 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 or mission.

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. Businesses and for-profit entities also expect to be treated fairly by the government. Endorsing some commercial products and services, while excluding others, may constitute preferential treatment.
- Privacy violations may occur when a user accesses web advertisement. 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 websites are generally 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 generally appropriate.
- An SE should limit external linking to information or services necessary for the proper performance of an SE function or in furtherance of the SE's mission. SEs should not provide links to private businesses, unless all such businesses are provided equal access, a formal business partnership has been established, and/or 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.

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

This guideline shall take effect upon publication. Compliance with ITS guidelines is non-compulsory, but strongly suggested. ITS may amend its guidelines at any time.

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>.

7.0 Contact Information

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

Division of Legal Affairs
Reference: NYS-G24-001
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

ITS policies, standards, and guidelines may be found on the Inside Edge at:
<https://nysemail.sharepoint.com/sites/myITS/InsideEdge/Pages/Policies.aspx>

8.0 Revision History

This policy document should be reviewed consistent with the requirements set forth in [NYS-P08-002 Authority to Establish State Enterprise Information Technology \(IT\) Policy, Standards and Guidelines](#).

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

Date	Description of Change	Reviewer
08/16/2021	Policy updated and reformatted	Division of Legal Affairs
06/03/2024	Edited to reflect this document is now a guideline, instead of a policy	Division of Legal Affairs

9.0 Related Documents
