

ADVISORY OPINION 90-8 [1990-8]

The Ethics Commission has considered your request for permission to submit an article for publication and remuneration to “Dataperfect Users’ Newsletter” concerning your applications of Dataperfect software for various county uses. Your memo explained that you would not divulge “actual data” from this project, but would include “samples of screens”. You further indicated your interest in writing future articles for other publications.

As a county employee in the Department of Information Systems and Telecommunications, it is part of your job responsibilities to develop efficient methods for the compilation and utilization of data necessary for the orderly operation of the county government. When an employee, in the course of county employment, develops a computer program, template, macro, formula or other similar piece of intellectual property, that property belongs to the county. Accordingly, you may not either sell, disclose or give away this property without following proper county procedures for the sale or disposal of county property. We understand that these procedures were not followed in this case.

As to future publications, the Ethics Commission must review each on a case-by-case basis, and provides the following additional guidelines:

1. any project for which you are paid must be treated as secondary employment for which approval must be granted;
2. any use of your county title must be pre-approved by the Chief Administrative Officer;
3. use or disclosure of information not readily accessible by the general public is prohibited.

Date of Issue: December 24, 1990