



Statement of Effect

Technology Resources Law Rule No. 2 – Clear Desk/Screen

Summary

The Technology Resources Law Rule No. 2 – Clear Desk/Screen sets out to improve security and confidentiality, whenever possible for papers, digital storage devices, and screens which contain sensitive or confidential information.

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Analysis by the Legislative Reference Office

The Administrative Rulemaking law provides authorized agencies the opportunity to promulgate rules interpreting the provisions of any law enforced or administered by it; provided that, a rule may not exceed the rulemaking authority granted under the law for which the rule is being promulgated. [1 O.C. 106.4-1]. Rulemaking authority is defined as the delegation of authority to authorized agencies found in the Nation's laws, other than the Administrative Rulemaking law, which allows authorized agencies to implement, interpret and/or enforce a law of the Nation. [1 O.C. 106.3-1(i)]. An authorized agency is defined as any board, committee, commission, department, program or officer of the Nation that has been granted rulemaking authority. [1 O.C. 106.3-1(a)].

The Technology Resources law regulates the usage of technology resources and processed data owned and operated by the Nation. [2 O.C. 215.1-1]. It is the policy of the Nation to provide its community and employees access to the tools necessary to participate in a technological society. [2 O.C. 215.1-2]. Allowing limited personal use of these tools helps enhance the quality of the workplace and helps the Nation to retain highly qualified and skilled workers and officials, as well as to develop the technological skills of the community. *Id.* Pursuant to this law, users are permitted limited use of technology resources of the Nation for personal needs if the use does not interfere with the authorized duties of the user or official business of the Nation. *Id.* The Technology Resources law does not create a right to use technology resources of the Nation for personal use. [2 O.C. 215.1-2(a)]. The Technology Resources law in no way limits use of technology resources to fulfill authorized duties. [2 O.C. 215.9-1].

The Technology Resources law provides that the Digital Technology Services (“DTS”) is delegated administrative rulemaking authority in accordance with the Administrative Rulemaking law to promulgate rules to govern technology resources of the Nation. [2 O.C. 215.1-2(b)].

The purpose of the Technology Resources Law Rule No. 2 – Clear Desk/Screen (“the Rule”) is to improve security and confidentiality, whenever possible for papers, digital storage devices, and screens which contain sensitive or confidential information. [Rule 2.1-1]. The Rule addresses:

- Digital Security Office Responsibilities [Rule 2.5];
- Staff Responsibilities [Rule 2.6]; and
- References [Rule 2.7].

Conclusion

There are no legal bars to adopting the Technology Resources Law Rule No. 2 – Clear Desk/Screen.

Financial Analysis for Clear Desk Rule

Type of Cost	Description/Comment	Dollar Amount
Start Up	N/A	\$0.00
Personnel	N/A	\$0.00
Office	N/A	\$0.00
Documentation	N/A	\$0.00
Estimate of time necessary for an individual or agency to comply with the rule after implementation	Estimated 3 months to 9 months	
Other, please explain		
Total	Annual Net Revenue	\$0.00

Summary Report for Clear Desk Rule

Original effective date: Ten days after rule adoption.

Amendment effective date:

Name of Rule: Clear Desk

Name of law being interpreted: Technology Resources Law

Rule Number: 2

Other Laws or Rules that may be affected: Proposed Mobile device rule and proposed Workstation security rule.

Brief Summary of the proposed rule: The Clear Desk Rule aims to enhance security and confidentiality by ensuring that papers, digital storage devices, and screens containing sensitive or confidential information are secured when not in use. This rule mandates that workspaces be kept clear of such materials to prevent unauthorized access or disclosure.

Statement of Effect: Obtained after requesting from the Legislative Reference Office.

Financial Analysis: See Attached.

Note: *In addition- the agency must send a written request to each entity which may be affected by the rule- asking that they provide information about how the rule would financially affect them. The agency must include each entity's response in the financial analysis. If the agency does not receive a response within 10 business days after the request is made, the financial analysis can note which entities did not provide a response.*



Title 2. Employment – Chapter 215 TECHNOLOGY RESOURCES LAW Rule #002 – Clear Desk/Screen

- 2.1 Purpose and Authority
- 2.2 Adoption, Amendment and Repeal
- 2.3 Definitions
- 2.4 Digital Security Office Responsibilities
- 2.5 Staff Responsibilities
- 2.6 References

2.1 Purpose and Authority

2.1-1. *Purpose.* To improve security and confidentiality, whenever possible for papers, digital storage devices, and screens which contain sensitive or confidential information.

2.1-2. *Authority.* The Technology Resources Law delegates rulemaking authority to the Digital Technology Services Department pursuant to the Administrative Rulemaking law.

2.2. Adoption, Amendment and Repeal

2.2-1. This rule was adopted by the Oneida Business Committee in accordance with the procedures of the Administrative Rulemaking law.

2.2-2. This rule may be amended or repealed by the Digital Technology Services Department and/or the Oneida Business Committee pursuant to the procedures set out in the Administrative Rulemaking law.

2.2.3. Shall a provision of this rule or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this rule which are considered to have legal force without the invalid portions.

2.2-4. In the event of a conflict between a provision of this rule and a provision of another rule, internal policy, procedure, or other regulation; the provisions of this rule shall control.

2.2-5. This rule supersedes all prior rules, regulations, internal policies or other requirements relating to clear desk/screens.

2.3. Definitions

2.3-1. This section shall govern the definitions of words and phrases used within this rule. All words not defined herein shall be used in their ordinary and everyday sense.

- (a) “Authorized Individual” means a person who has the proper authorization to access, handle, or remove Sensitive Information from devices that transmit or print such information.
- (b) “Information Systems” means systems used to store, process, and manage information, including computers, networks, and databases.
- (c) “Removable Storage Media” means devices such as flash drives, removable media, tablets, and cellular phones that can store electronic data and be physically removed from a workstation.
- (d) “Secure Storage Areas” means areas where sensitive information is stored that shall remain locked or digitally secured when staff are away from their work areas.

- (e) “Sensitive Information” means information (both hardcopy and electronic) that shall be protected from unauthorized access or disclosure. This includes private, non-public, or confidential data.
- (f) “Staff” means any individual who uses the technology resources of the Nation, including but not limited to employees, independent contractor personnel, interns, members of boards, committees or commissions, volunteers, guests, and visitors.
- (g) “Unauthorized Access” means access to Sensitive Information by individuals who do not have the proper authorization or clearance.
- (h) “Unauthorized Disclosure” means the release or sharing of Sensitive Information to individuals who are not authorized to receive it.

2.4. Digital Security Office Responsibilities

2.4-1. The Digital Security Office shall ensure processes are in place to:

- (a) Identify Sensitive Information (hardcopy and electronic) that shall be protected from unauthorized access or disclosure.
- (b) Identify workstations that shall be shut down at the end of the workday and those to remain powered on at night to receive security updates.
- (c) Laptops/tablets/cellular phones containing Sensitive Information shall be secured per the **Mobile Device policy**.

2.5. Staff Responsibilities

2.5-1. Oneida Staff shall ensure that:

- (a) Sensitive or private/non-public electronic information is secured and/or removed from unauthorized disclosure or access when they leave their work areas. Staff who work with Sensitive Information shall have means to store information in a secure area when not in use. Staff shall check with their immediate supervisor or Oneida management if an employee is not sure what information shall be secured or what lockable storage is available.
- (b) Their desk and work area is clear (clear desk) of papers and removable storage media when leaving their work area unsecured. In addition, monitors shall be cleared (clear screen) to protect against unauthorized access to information or Information Systems. Screen savers shall be automatically activated after a period of inactivity. See the **Workstation Security policy** for more information.
- (c) Papers and electronically stored Sensitive Information (e.g., flash drives, removable media, tablets, cellular phones) shall be secured when Staff leave their work area. Storage areas containing Sensitive Information shall remain locked or digitally secured when Staff are away from their work areas. Keys to secure storage areas shall not be left in the lock or accessible by unauthorized personnel.
- (d) Devices that transmit or print (e.g., Fax machines, printers) Sensitive Information shall have the documents immediately removed from the device by authorized staff to prevent unauthorized disclosure or access.
- (e) Documents waiting to be shredded shall not be accessible by unauthorized staff.
- (f) Violations to this rule may be subject to disciplinary action, up to and including termination.

2.6. References

- (a) 2.6.1. COBIT EDM03.07, APO07.05, APO12.02, APO12.07, APO14.02, DSS06.07
- (b) 2.6.2. GDPR Article 25, 32

- (c) 2.6.3. HIPAA 164.308(a)(1)(ii)(A), 164.308(a)(3)(ii)(B), 164.308(a)(4)(ii)(B)
- (d) 2.6.4. ISO 27001 A.7.7
- (e) 2.6.5. NIST SP 800-37 3.1, 3.3
- (f) 2.6.6. NIST SP 800-53 AC-11, MP-2, MP-4
- (g) 2.6.7. NIST Cybersecurity Framework ID.AM-6, ID.GV-4, ID.RA-3, PR.AC-2, PR.AT-1, DE.DP-2
- (h) 2.6.8. PCI 9.4.1, 12.1.1

End.

Original effective date: [add effective date established by authorized entity] (Certified by LOC on)