

# Terms of Use (pending legal review)

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Wally Rogers 189 posts since

Mar 7, 2008

**For eGovernance Board review and comment. These are the current terms of use pending any changes.**

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Oregon GovSpace is a collaborative environment for sharing documents and ideas. You enter this site as a representative of your organization. Your comments, actions must be professional and appropriate to the discussion. Participation in Oregon GovSpace does not take the place of other records retention, public notice, public meeting, or public document requirements.

Please read these terms of use ("terms") carefully before using Oregon's discussion forum called "Oregon GovSpace."

By clicking the "I accept" button at the bottom of these terms and conditions and proceeding to use the software, you acknowledge your acceptance of the terms and conditions of Oregon GovSpace. Without limiting any of the foregoing, the content of the site is provided "as is" and without warranties of any kind, express or implied, including fitness for a particular purpose or non-infringement.

If you are entering into this agreement on behalf of an organization, all references to "you" or "your" in this agreement shall mean collectively the organization and the end user of Oregon GovSpace. In such instance, by clicking the "I accept" button you represent and warrant that you have the authority to enter into this agreement on behalf of the organization, and that the organization agrees to be bound by all of the terms of this agreement.

You agree that you will hold harmless and indemnify the State of Oregon and its agencies and officers from and against any damages based on your use of this site. If you do not agree to the terms and conditions of this agreement, then do

not access Oregon GovSpace and click the “I do not accept” button and you will be not permitted to access Oregon GovSpace.

## **Scope of Terms**

These Terms are applicable to all Oregon GovSpace collaborative software (forums, wikis, polls, blogs, projects, instant messaging and future capabilities). These Terms also apply to any resources and tools provided by Jive Software and Oregon GovSpace collaborative tools, download areas, research areas, community forums, chat rooms, blogs, projects, instant messaging, people finder, search tools and sharing sites and information.

## **Public Records**

Oregon GovSpace communications involving government entities are subject to Oregon Public Records Laws. Public records include any “writing” containing information relating to the conduct of the public’s business. ORS 192.410(4). The term “writing” is defined expansively by ORS 192.410(6) to mean:

*Handwriting, typewriting, printing, photographing and every means of recording, including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, files, facsimiles or electronic recordings.*

## **Public Meetings Law**

Oregon GovSpace sessions may be subject to Oregon Public Meetings Laws. The Public Meetings Law defines a meeting as the convening of any of the “governing bodies for which a quorum is required in order to make a decision or to deliberate toward a decision on any matter.”

It is not the intention of Oregon Oregon GovSpace to provide a venue for public meetings as defined by ORS 192.610(5).

## **Security and Privacy**

The privacy, confidence, and trust of individuals who visit Oregon GovSpace are important to us. No personal information is collected at this site unless provided voluntarily while participating in an activity that asks for the information.

Personal information: is information about a natural person that identifies or describes an individual, including, but not limited to, his or her name, social security number, physical description, home address, home telephone number, education, financial matters and medical or employment history, readily identifiable to that specific individual. A domain name or Internet Protocol address is not considered personal.

## **Government Use and Disclosure**

All information, collaboration, conversations and content on Oregon GovSpace are for government business use only. All information on this site is a public record unless an exemption in law exists. ORS Chapter 192 contains the Oregon Public Records Law. If you have questions about ORS Chapter 192 only, please contact:

Oregon Department of Justice 1162 Court Street NE Salem, OR 97301-4096 (503) 378-4400

## **Non Government Access**

The procedure for registering non-governmental users (i.e. government users have a valid yourname@state.or.us email address) is explained in the Oregon Oregon GovSpace Support section.

## **Non-Commercial Use**

This site is for non-commercial use. Oregon GovSpace is for the use of the State of Oregon Agencies, Boards, Commissions and their stakeholders and business partners that have a business reason to collaborate with the State of Oregon Agencies, Boards and Commissions. Unless otherwise specified or as provided in these Terms, you may not modify copy, distribute, transmit, display, perform, reproduce, publish, license, create derivative works from, transfer, or sell any information, software, products, or services obtained from the Oregon GovSpace collaborative software.

## **Data Retention**

Oregon GovSpace does not serve as a repository for data retention, and will not be responsible for maintaining data generated or shared on or through Oregon GovSpace. Oregon GovSpace participants and their respective agencies are responsible for compliance

with general records retention requirements and schedules concerning their Oregon GovSpace communications and data. See OAR 166-300-0015 (8).

## **Linked Websites**

Oregon GovSpace may provide links to other third-party Web sites, which are outside of our control and not covered by this policy. We encourage you to review the privacy policies posted on these sites.

## **No unlawful or Prohibited Use**

You agree that you will not use the Web sites or Material for any purpose that is unlawful or prohibited by these Terms of Use:

You may not:

1. upload, post, email, transmit or otherwise make available any contact that is unlawful, harmful, threatening, abusive, harassing, tortuous, defamatory, vulgar, obscene, libelous, invasive of another's privacy, hateful, or racially, ethnically or otherwise objectionable; use the Web sites; Materials, Services or activities to "stalk" or otherwise harass or harm another;
2. impersonate any person or entity, including, but not limited, an government official, forum leader, guide or host, falsely state or otherwise misrepresent you affiliation with a person or entity or collect or store personal data about other users in connection with the prohibited conduct and activities;
3. forge headers or others manipulate identifiers in order to disguise the origin of any content transmitted through the Web site or Materials;
4. upload, post email, transmit or otherwise make available any unsolicited or unauthorized content that you do not have a right to make available under any law or contractual relationships;
5. upload, post, email, transmit or otherwise make available any content that infringes any patent, trademark, trade secret, copyright, or other proprietary rights ("Rights") of any party;
6. upload, post, email, transmit or otherwise make available any material that knowingly contains any unsolicited or unauthorized advertising, promotional materials, "junk mail", "spam", "chain letters", "pyramid schemes", or any other form of solicitation;
7. upload, post, email, transmit or otherwise make available any material that contains software viruses or any other computer code, files or programs designed to interrupt, destroy or limit the functionality of any computer software or hardware telecommunications equipment.

Tags: review, terms\_of\_use, terms

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[Katherine Kennedy-LeaMaster](#) 20 posts since

Mar 17, 2008 [Reply 1](#). **Re: Terms of Use (pending legal review)** Nov 18, 2008 9:16 AM

I like it. And by the way, it's much easier to read and understand if you view the actual document in GovSpace (it comes across a little messy in our e-mail version).

I'm wondering if it would be helpful to add a short summary/intro paragraph. Something like...

Oregon GovSpace is a collaborative environment for sharing documents and ideas. You enter this site as a representative of your organization. Your comments, actions must be professional and appropriate to the discussion. Participation in Oregon GovSpace does not take the place of other records retention, public notice, public meeting, or public document requirements.

Oh, and the other thing I would suggest is to refer to the style guide and make sure we demonstrate the formatting style we ask others to use (for example, watch for unnecessary capitalization, be consistent about Web sites vs. Websites, list formatting, etc.).



[Wally Rogers](#) 189 posts since

Mar 7, 2008 [Reply 2](#). **Re: Terms of Use (pending legal review)** Nov 18, 2008 9:18 AM

[↑](#) in response to: [Katherine Kennedy-LeaMaster](#)

Hi Katherine,

Great observations. 😊 Thanks!