



NINE ELEMENTS AND AN EXAMPLE FOR NOTICE AND CONSENT LOGON MESSAGES

Contractor Owned or Operated Federal Information Systems

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Overview

This document identifies elements for notice and consent logon messages for information technology systems that are furnished or operated by contractors on behalf of civilian agencies of the Federal Government and used by Federal employees and contractors. This document also provides an example logon message that incorporates those elements. The elements and example below are not designed for information technology systems presented to the general public for which agencies should consult [existing federal policies](#) and [design patterns](#).

While this document does not include legal advice, the applicable requirements stem from legal requirements including the Fourth Amendment to the U.S. Constitution, as well as relevant federal statutes, regulations, and binding government-wide policies. Any entity reviewing or developing a notice and consent logon message should consult its own attorneys for advice and additional context as well as its own current, specific contractual requirements.

Nine Elements for a Notice and Consent Logon Message

1. It expressly covers monitoring of data and communications in transit rather than just accessing data at rest.
 - Example: "You consent to the unrestricted monitoring, interception, recording, and searching of all communications and data transiting, traveling to or from, or stored on this system."
2. It provides that information in transit or stored on the system may be disclosed to an authorized federal, Executive Branch, entity or by an authorized federal, Executive Branch, entity to any authorized entity, including to government entities.
 - Example: "You consent, without restriction, to all communications and data transiting, traveling to or from, or stored on this system being disclosed to an authorized federal, Executive Branch, entity or by an authorized federal, Executive Branch, entity to any authorized entity, including to government entities."
3. It states that monitoring will be for any purpose.
 - Example: "...at any time and for any purpose."
4. It states that monitoring may be done by the entity, or any person or entity authorized by the entity.
 - Example: "...monitoring by [ENTITY] or by any entity authorized by [ENTITY]."
5. It explains to users that they have "no reasonable expectation of privacy" regarding communications or data in transit or stored on the system.
 - Example: "You are acknowledging that you have no reasonable expectation of privacy regarding your use of this system."
6. It clarifies that the given consent covers personal use of the system (such as personal emails or websites or use on breaks or after hours) as well as official or work-related use.
 - Example: "... including work-related use and personal use without exception ..."
7. It is definitive about the fact of monitoring, rather than being conditional or speculative.
 - Example: "... will be monitored ..."
8. It expressly obtains consent from the user and does not merely provide notification.
 - Note: Click-through logon messages can be best because they force the user to interact with the language.
 - Note: Supporting processes should generally also preserve/provide evidence of the user's agreement to the terms.
 - Example: "By using this system, you are acknowledging and consenting to..."
 - Example: "By clicking [ACCEPT] below ... you consent to ..."

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9. Nothing in the remainder of the logon message or associated policies, agreements, training, etc. is inconsistent with, or otherwise undercuts, the elements of the logon message.

An Example Logon Message Incorporating The Elements For Federal Civilian Agencies' Contractor Owned Or Operated Federal Information Systems

By clicking [ACCEPT] below, you acknowledge and consent to the following:

You are accessing an information technology system operated by or on behalf of [AGENCY] that is furnished for U.S. Government-authorized uses only. All communications and data transiting, traveling to or from, or stored on this system will be monitored.

- You consent to the unrestricted monitoring, interception, recording, and searching of all communications and data transiting, traveling to or from, or stored on this system at any time and for any legally permitted purpose by: [AGENCY], [AGENCY CONTRACTOR], and by any person or entity (including government entities) authorized by [AGENCY] or as otherwise authorized by applicable law or regulations.
- You also consent to the unrestricted disclosure of all communications and data transiting, traveling to or from, or stored on this system at any time and for any purpose, to an authorized federal, Executive Branch, entity or by an authorized federal, Executive Branch, entity to any person or entity (including government entities) or as otherwise authorized by applicable law or regulations.

You are acknowledging that you have no reasonable expectation of privacy regarding your use of this system. These acknowledgments and consents cover all use of the system, including work-related use and personal use, without exception.