

CHAPTER 26
INFORMATION TECHNOLOGY DEVELOPMENT STRATEGIES AND ACTIVITIES
[Prior to 1/21/04, see 471—Ch 15]

11—26.1(8A) Development strategies and activities. The department shall establish and implement strategies that will foster the development and application of information technology, electronic commerce, electronic government and Internet applications across participating agencies and in cooperation with other governmental entities and the private sector. Such strategies shall include, but not be limited to, developing public and private relationships to supplement existing resources and comprehensively meet the information technology needs of the state.

11—26.2(8A) Partnerships with public or private entities. The department may enter into partnerships, relationships, agreements, or other arrangements with public or private entities in order to obtain assistance, supplement existing resources and generate revenue in support of information technology development strategies and activities. Such partnerships, relationships, agreements, or other arrangements may involve, without limitation, the following:

26.2(1) The evaluation and development of information technology.

26.2(2) The establishment of pilot projects to develop prototype applications.

26.2(3) The joint sharing of information technology.

26.2(4) The provision or sale of sponsorships or other promotional activities on IowaAccess or state Web sites.

26.2(5) The purchase, lease, licensing, disposal, or other procurement or disposition of information technology.

26.2(6) The obtainment of legal protection necessary to secure or enforce a right to or an interest in data processing software, consistent with Iowa Code section 22.3A.

26.2(7) The sale or distribution, marketing or licensing of data processing software, consistent with Iowa Code section 22.3A.

11—26.3(8A) Web-based sponsorships and promotional activities.

26.3(1) *Agreements.* The department may enter into agreements with public or private entities to provide for sponsorships or other promotional activities on eligible state Web sites in order to generate revenue or other advantages for the state. These agreements are limited in scope to solely those relationships by which an entity sponsors a Web site and are not intended to extend to public-private marketing partnerships which may be legally entered into outside the scope of this rule.

26.3(2) *Policies and procedures.* Prior to placing any sponsorships on state Web sites, the department and the information technology council shall consult with the IowaAccess advisory council to develop and publish written policies and procedures that will apply to all sponsorships and other promotional content appearing on state Web sites.

26.3(3) *Deposit and use of revenues.* All revenues received as a result of any Web-based sponsorship or promotional activity shall be deposited in the IowaAccess revolving fund to be administered by the department. All funds received from each individual department or entity sponsorship activity shall be earmarked for that particular department and then shall be dedicated for that particular department's technology needs consistent with 2003 Iowa Code Supplement section 8A.224.

26.3(4) *No endorsement by the state.* The appearance on a state Web site of any sponsorship or other promotion with respect to a product or service produced, provided or offered by a person or entity unaffiliated with the state shall not be construed as the state's endorsement, acceptance or approval of, or a representation or warranty with respect to (a) such product or service, or (b) the content, accuracy or method of sponsoring or promoting such product or service.

11—26.4(8A) Scope of applicability.

26.4(1) Nothing in this rule shall be interpreted to violate Iowa Code sections 99E.10 and 99E.20.

26.4(2) Agencies choosing to participate in any Web-based sponsorship activity shall be able to participate in the decisions surrounding their participation.

26.4(3) Entities which do not fall under the authority of 2003 Iowa Code Supplement chapter 8A may agree to partner with the department to participate in Web-based sponsorship activities. Moneys received as a result of these agreements shall be administered in the same manner as those administered under 26.3(3).

These rules are intended to implement 2003 Iowa Code Supplement chapter 8A.

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