

## **Capitol Complex Policy for Public Wireless Internet Access**

The Texas Legislative Council provides open wireless Internet access in the Texas Capitol Complex to members of the public visiting the Capitol Complex through the Capitol Complex Public Wireless Service ("CCPWS"), a set of networked wireless access points that are operated by the Texas Legislative Council and connected to the Internet. Use of the CCPWS constitutes acceptance of this policy. The council may modify this policy at any time.

**Use.** The CCPWS is provided to the public for the purposes of making the Texas Legislature more accessible and transparent, facilitating research, and providing educational opportunities. Access to the CCPWS is granted at the sole discretion of the council and may be blocked, suspended, or terminated at any time for any reason, including but not limited to:

- (1) conduct that may create criminal or civil liability for the State of Texas or its officers or employees or for the council or its officers, employees, or contractors;
- (2) downloading or uploading obscene material;
- (3) downloading or uploading material in violation of federal copyright law;
- (4) distributing malware;
- (5) intercepting the communications of a CCPWS user without the user's permission through the use of physical proximity, malicious software, or both;
- (6) probing the CCPWS network or engaging in other similar potentially malicious activities;
- (7) sending unsolicited bulk or commercial messages;
- (8) harming or preparing to harm another; or
- (9) violating any applicable law, rule, regulation, or policy.

**Criminal Liability.** It is a criminal offense (Class A misdemeanor) for a person to intentionally or knowingly gain access to information stored or maintained by a computer under the control of the Texas Legislative Council if the person is not authorized by the council to have access to that information. Moreover, it is a criminal offense (Class A misdemeanor) for a person to intentionally, knowingly, or recklessly damage, destroy, delete, or alter or impair access to or use of information stored or maintained by a computer under the control of the council if the person is not authorized by the council to do so. Section 323.015, Texas Government Code.

**Disclaimer of Warranties.** THE TEXAS LEGISLATIVE COUNCIL MAKES NO REPRESENTATION, WARRANTY, OR GUARANTY AS TO THE RELIABILITY, TIMELINESS, QUALITY, SUITABILITY, AVAILABILITY, OR COMPLETENESS OF THE CCPWS. THE COUNCIL DOES NOT REPRESENT OR WARRANT THAT:

- (1) THE USE OF THE CCPWS WILL BE SECURE, TIMELY, UNINTERRUPTED, OR ERROR-FREE OR THE SERVICE WILL OPERATE IN COMBINATION WITH ANY OTHER HARDWARE, SOFTWARE, SYSTEM, OR DATA;
- (2) THE CCPWS WILL MEET A USER'S REQUIREMENTS OR EXPECTATIONS;
- (3) ERRORS OR DEFECTS WILL BE CORRECTED; OR
- (4) THE CCPWS IS OR WILL BE FREE OF VIRUSES, MALWARE, OR OTHER HARMFUL ELEMENTS.

THE CCPWS IS PROVIDED STRICTLY ON AN "AS IS" AND "AS AVAILABLE" BASIS. ALL CONDITIONS, REPRESENTATIONS, AND WARRANTIES, WHETHER EXPRESS, IMPLIED, STATUTORY, OR OTHERWISE, INCLUDING, WITHOUT LIMITATION, ANY IMPLIED WARRANTY OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, OR NONINFRINGEMENT OF THIRD-PARTY RIGHTS, ARE DISCLAIMED.

**Limitation on Liability.** IN NO EVENT WILL THE STATE OF TEXAS OR ITS OFFICERS OR EMPLOYEES OR THE COUNCIL OR ITS OFFICERS, EMPLOYEES, OR CONTRACTORS BE LIABLE TO A CCPWS USER OR ANY THIRD PARTY FOR ANY DIRECT, INDIRECT, CONSEQUENTIAL, EXEMPLARY, INCIDENTAL, SPECIAL, OR PUNITIVE DAMAGES THAT MAY RESULT FROM THE USE OF THE CCPWS, REGARDLESS OF WHETHER THOSE DAMAGES ARE FORESEEABLE TO THE COUNCIL.

**Indemnification.** Any user of the CCPWS will indemnify, defend, and hold harmless the State of Texas and its officers and employees and the council and its officers, employees, and contractors from and against all claims, actions, suits, demands, proceedings, costs, damages, and liabilities arising out of, connected with, or resulting from any acts or omissions of the State of Texas or any agent, employee, subcontractor, or supplier of the State of Texas in relation to the use of the CCPWS.

**Venue.** A state court in Travis County, Texas, is the proper place of venue for a suit relating to the CCPWS.

**Governing Law.** Any dispute relating to the CCPWS is governed by Texas law.

2211