



State of North Carolina

ROY COOPER
GOVERNOR

January 12, 2023

EXECUTIVE ORDER NO. 276

PROHIBITING THE USE OF CERTAIN APPLICATIONS OR WEBSITES ON STATE INFORMATION TECHNOLOGY

WHEREAS, North Carolina's state information technology infrastructure is essential to serving North Carolina's residents and includes a wide range of sensitive information about government operations and state residents; and

WHEREAS, federal and state officials have identified a significant cybersecurity threat presented by certain technologies and products developed, controlled, or owned by entities in countries that sponsor or support cyber-attacks against the United States; and

WHEREAS, the video sharing platform TikTok is owned by a Chinese company, ByteDance Ltd. ("ByteDance"); and

WHEREAS, the communication platform WeChat is owned by a Chinese company, Tencent Holdings Ltd. ("Tencent"); and

WHEREAS, TikTok and WeChat's software and data collection policies combined with Chinese national security law create a significant risk that the Chinese government will obtain information collected by ByteDance and Tencent or enable malicious activity that threatens North Carolina's cybersecurity; and

WHEREAS, other applications, products, and technology, including communications and social media applications, may present similar threats to North Carolina's cybersecurity; and

WHEREAS, the United States federal government recently enacted Public Law No. 117-328 (Dec. 29, 2022), which required the federal government to "develop standards and guidelines for executive agencies requiring the removal" of TikTok from federal information technology; and

WHEREAS, several government entities in the United States, including multiple branches of the United States Military, the Transportation Security Administration, and other states, have banned TikTok, WeChat, and other applications on federal and state government information technology; and

WHEREAS, protecting North Carolina from cyber threats is vital to ensuring the safety, security, and success of our state; and

WHEREAS, pursuant to N.C. Gen. Stat. § 143B-1321(a), the North Carolina Department of Information Technology ("DIT") is responsible for adopting, establishing and enforcing information technology security standards for state agencies, as well as establishing the strategic direction of information technology for the state; and

WHEREAS, pursuant to N.C. Gen. Stat. § 143B-1376(a), the state's Chief Information Officer ("CIO") is responsible for managing information technology security as well as adopting and establishing a statewide standard for information technology security and privacy to maximize the functionality, security, and interoperability of the state's distributed information technology assets, including, but not limited to, data classification and management, communications, and encryption technologies; and

WHEREAS, pursuant to N.C. Gen. Stat. § 143B-1376(b), the state CIO shall establish standards for the management and safeguarding of all state data held by state agencies and shall develop and implement a process to monitor and ensure adherence to the established standards; and

WHEREAS, pursuant to Article III of the North Carolina Constitution and N.C. Gen. Stat. §§ 143A-4 and 143B-4, the Governor is the chief executive officer of the state and is responsible for formulating and administering the policies of the executive branch of state government; and

WHEREAS, pursuant to N.C. Gen. Stat. § 147-12, the Governor has the authority and the duty to supervise the official conduct of all executive and ministerial officers.

NOW, THEREFORE, by the authority vested in me as Governor by the Constitution and the laws of the State of North Carolina, **IT IS ORDERED**:

Section 1. Directive

To protect the safety, security, and privacy of North Carolinians, I hereby direct the state CIO and DIT to develop a policy standard within fourteen (14) days that prohibits the use of TikTok and WeChat on state agency information technology systems in a manner that presents an unacceptable cybersecurity risk (the "Policy"). The Policy shall contain the following minimum requirements:

- a. State agency employees may not install or otherwise utilize the TikTok or WeChat applications on state-issued devices and must remove any existing instances of the TikTok and WeChat applications from state-issued devices within the time period specified in the policy.
- b. State agency employees may not access any TikTok or WeChat website on a state-issued device.
- c. State agencies and their employees may obtain an exception from the prohibition on the installation and use of TikTok or WeChat for law enforcement or other legitimate purposes under conditions specified by DIT.

DIT may add additional restrictions, conditions, or prohibitions to the Policy regarding access to and use of TikTok and WeChat in consultation with the Governor's Office.

Section 2. Amendment of Policy

Upon determining that additional applications, products, or technologies present an unacceptable cybersecurity risk to state information technology that is of a type similar to TikTok and WeChat, and in consultation with the Governor's Office, DIT may add applications, products, or technologies to the Policy.

Upon determining that applications, products, or technologies covered by the Policy no longer present an unacceptable cybersecurity risk to state information technology, and in consultation with the Governor's Office, DIT may remove applications, products or technologies from the Policy.

The Policy may be amended in the future, in consultation with the Governor's Office, based on the evolving cybersecurity landscape, or changes to federal or state law. Any changes to the Policy may be made without amendment to this Executive Order.

Section 3. No Private Right of Action

This Executive Order is not intended to create, and does not create, any individual right, privilege or benefit, whether substantive or procedural, enforceable at law or in equity by any party against the State of North Carolina, its agencies, departments, political subdivisions, or other entities, or any officers, employees, or agents thereof, or any other person.

Section 4. Effect and Duration

This Executive Order is effective immediately and shall remain in effect unless rescinded or replaced with a superseding Executive Order.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 12th day of January in the year of our Lord two thousand and twenty-three.



Roy Cooper
Governor

ATTEST:



Elaine F. Marshall
Secretary of State

