



- **NOTE:** This policy is designed to address your employees' use of third-party generative AI tools like ChatGPT, Google's Bard, Microsoft Bing, and DALL-E 2 to perform their duties – with or without your knowledge – where the tools being used are not made available by the Company. This policy is not intended to establish guidelines for other, approved AI or GenAI tools made available by the Company for employee use.

Acceptable Use of Generative AI Tools [Sample Policy]

Purpose

Publicly available applications driven by generative artificial intelligence (GenAI), such as chatbots (ChatGPT, Google's Bard, Microsoft Bing) or image generators (DALL-E 2, Midjourney) are impressive and widely popular. But while these content-generating tools may offer attractive opportunities to streamline work functions and increase our efficiency, they come with serious security, accuracy, and intellectual property risks. This policy highlights the unique issues raised by GenAI, helps employees understand the guidelines for its acceptable use, and protects the Company's confidential or sensitive information, trade secrets, intellectual property, workplace culture, commitment to diversity, and brand.

Scope

This policy applies to the use of any third-party or publicly available GenAI tools, including ChatGPT, Google Bard, DALL-E, Midjourney, and other similar applications that mimic human intelligence to generate answers, work product, or perform certain tasks. (This policy does not cover other GenAI or AI tools formally approved or installed for your use by the Company.) *Optional: list any GenAI tools that you have approved or installed.*

Guidelines

DO:

- Understand that GenAI tools may be useful but are **not a substitute** for human judgment and creativity.
- Understand that many GenAI tools are prone to “hallucinations,” false answers or information, or information that is stale, and therefore **responses must always be carefully verified by a human.**
- Treat every bit of information you provide to a GenAI tool as if it will **go viral on the Internet**, attributed to you or the Company, regardless of the settings you have selected within the tool (or the assurances made by its creators).
- Inform your supervisor **when you have used a GenAI tool** to help perform a task.

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This material is provided for informational purposes only. It is not intended to constitute legal advice, nor does it create a client lawyer relationship between Fisher & Phillips LLP and any recipient. Recipients should consult with counsel before taking any actions based on the information contained within this material.

- Verify that any response from a GenAI tool that you intend to rely on or use is **accurate, appropriate, not biased, not a violation of any other individual or entity’s intellectual property or privacy, and consistent** with Company policies and applicable laws.

DO NOT:

- Do not use GenAI tools to make or help you make **employment decisions** about applicants or employees, including recruitment, hiring, retention, promotions, transfers, performance monitoring, discipline, demotion, or terminations.
- Do not upload or input any **confidential, proprietary, or sensitive** Company information into any GenAI tool. Examples include passwords and other credentials, protected health information, personnel material, information from documents marked Confidential, Sensitive, or Proprietary, or any other non-public Company information that might be of use to competitors or harmful to the Company if disclosed. This may breach your or the Company’s obligations to keep certain information confidential and secure, risks widespread disclosure, and may cause the Company’s rights to that information to be challenged.
- Do not upload or input any **personal information** (names, addresses, likenesses, etc.) about any person into any GenAI tool.
- Do not **represent work** generated by a GenAI tool as being your own original work.
- Do not **integrate any GenAI tool** with internal Company software without first receiving specific written permission from your supervisor and the IT Department.
- *[If applicable]* Do not use GenAI tools other than those on the **approved list** from the IT Department. Malicious chatbots can be designed to steal or convince you to divulge information.

Violations

Violating this policy may result in disciplinary action, up to and including immediate termination, and could result in legal action. If you are concerned that someone has violated this policy, report this behavior to your supervisor or any member of Human Resources.

Disclaimer

Nothing in this policy is designed or intended to interfere with, restrain, or prevent employee communications regarding wages, hours, or other terms and conditions of employment or any other rights protected by the National Labor Relations Act.

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NOTE: Before implementing this policy, coordinate with your Fisher Phillips attorney to determine if you need to integrate this policy with your specific circumstances and any possible related policies, such as:

- Confidentiality and Trade Secrets
- Data Security
- Acceptable Use of Computers and Electronic Media
- Equal Employment Opportunity
- Discrimination and Harassment
- Workplace Code of Ethics

If your company is regulated by HIPAA/HITECH, GLBA, or FCRA, or you are federal contractor subject to affirmative action laws, contact your Fisher Phillips attorney to determine the extent to which you need to integrate this policy into your existing policies. Additional customizations may be also warranted for certain industries and/or workplaces.

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