

Leipzig University of Applied Sciences

## Guidelines for Using the Information Processing Systems of the HTWK Leipzig

- BRL-IVS -

(Last amended 25 November 1998)

For improved legibility, this document uses the male gender for female and male individuals alike. When used in these regulations, words of male gender refer to the female gender as well.

### **Preamble**

The HTWK Leipzig operates a telecommunications network for the provision of information and telecommunications, communications, and data processing services. The telecommunications network of the HTWK Leipzig is interconnected with the *Deutsches Wissenschaftsnetz* (German Science Network) and thus integrated into the global internet. These guidelines for use govern the conditions under which the telecommunications network of the HTWK Leipzig, and thus the affiliated services, can be used.

These guidelines for use

- are based on the statutory responsibilities of universities as well as their mandate to protect academic freedom,
- establish basic rules for the correct operation of the HTWK Leipzig's telecommunications network, highlight third-party rights which must be respected (such as software licenses, requirements of network operators, data protection issues),
- oblige the user to conduct themselves properly and to use the resources economically,
- define the measures which are open to the operator in the case of breaches of these guidelines.

## **§ 1 Scope**

- (1) These guidelines for use apply to the telecommunications network of the HTWK Leipzig. They apply for all users, regardless of membership status at the HTWK Leipzig.
- (2) These guidelines for use govern
  1. users' access to the information and telecommunications, communications and data processing services offered within the telecommunications network of the HTWK Leipzig;
  2. users' obligations;
  3. the responsibilities, rights and obligations of the operators to the users.

## **§ 2 Operators**

Operators are,

1. in the case of central systems and the university telecommunications network, the University Computer Center;
2. in the case of other, decentralized systems, the responsible institutions of the HTWK Leipzig.

## **§ 3 User Group and Responsibilities**

- (1) The information, telecommunications, communications and data processing services within the telecommunications network of the HTWK Leipzig are available to the institutions and members of the HTWK Leipzig as part of the responsibilities laid down in § 4 of the Saxon Law on Universities.
- (2) Other persons and institutions may be granted use.
- (3) Members of the HTWK Leipzig contact either the University Computer Center or the (specialist) departments responsible for them (see § 2 (2)).

## **§ 4 Authorization for Use**

- (1) Persons wishing to use telecommunications, information, communications or data processing services provided within the telecommunications network of the HTWK Leipzig require an authorization for use from the operator responsible. This excludes services set up for anonymous access (e.g. information services, library services, temporary guest logins at conferences).

(2) Applications for formal authorization for use contain the following information:

- operator from whom the authorization for use is being requested;
- systems for which the authorization for use is being requested;
- Applicant: Name, date of birth, address, telephone number, university registration number or official identity card number and the (specialist) department to which the person belongs;
- declaration that the user accepts the guidelines for use;
- entries for information services of the HTWK Leipzig.

The operator is only permitted to request further information if these are necessary for deciding whether to grant the application.

(3) The operator responsible shall decide whether to grant the application. The operator may make the allocation of authorization for use dependent upon the user demonstrating certain knowledge about using the facilities.

(4) Authorization for use may be denied if

1. there is no apparent guarantee that the applicant will fulfill their obligations as a user;
2. current utilization levels mean that the capacity of the facilities whose use is being requested is insufficient for the intended work;
3. user intentions are not compatible with the purposes according to § 5 (1);
4. the facilities are evidently not suited to the intended use or they are reserved for specific purposes;
5. the facilities to be used are connected to a network which must comply with special data protection requirements, and no objective reason for this desire for access is apparent;
6. it can be expected that the proposed usage will affect other authorizations for use in an unreasonable manner.

## **§ 5 User Obligations**

(1) The telecommunications, information, communications and data processing services within the telecommunications network of the HTWK Leipzig may only be used as part of the responsibilities laid down in § 4 of the Saxon Law on Universities. Using them for other purposes, in particular of a commercial nature, can only be permitted on request and in return for payment (user fee regulation).

(2) The user is obliged to take care that they use the available resources (work stations, CPU capacity, disk storage space, line capacities, peripheral devices and expendable items) in a responsible and economical manner. Furthermore, the user is obliged to refrain from any operational impairments as far as these are foreseeable and to avoid everything which may cause damage to the telecommunications network of the HTWK Leipzig or other users.

(3) The user must refrain from misusing the telecommunications network of the HTWK Leipzig in any way. In particular, they are obliged to

1. observe the specific regulations for use of the individual pools and follow the instructions of the respective personnel;
2. work exclusively with user IDs they have been permitted to use; passing on IDs and passwords is prohibited;
3. protect access to the IP resources using a password, which must be kept secret, or using an equivalent method;
4. take precautions so that unauthorized third parties are denied access to the IP resources; in particular this involves avoiding obvious, easy-to-decrypt passwords, changing passwords at regular intervals and not forgetting to log out.

The user assumes full responsibility for all activities that occur under their user ID, even if these activities are performed by third parties whom the user has allowed access, whether intentionally or through carelessness. They release the HTWK Leipzig internally from any third-party claims asserted against the university due to the system having been used in violation of legal provisions.

The user is also obliged to

1. comply with legal regulations (copyright protection) when using software (sources, objects), documentation and other data;
2. find out about the conditions under which the software (some of which is acquired within the scope of license agreements), documentation or data is made available, and to observe these conditions;
3. neither copy nor pass on (in particular) the software, documentation and data, unless expressly permitted, nor use these for purposes other than those allowed, particularly purposes of a commercial nature.

It is hereby pointed out that the following forms of behavior in particular are punishable under the German Civil Code (StGB):

- data espionage (§ 202a StGB);
- unlawful alteration, deletion, suppression or disabling of data (§ 303a StGB data change);
- computer sabotage (§ 303b StGB) and computer fraud (§ 263a StGB);
- the dissemination of propaganda from unconstitutional organizations (§ 86 StGB) or violence (§ 131 StGB);
- the dissemination of pornographic content (§ 184 StGB);
- defamation of character, such as libel and slander (§ 185 ff StGB).

(4) The user is prohibited from tampering with the hardware installation or changing the configuration of operating systems or the network without prior consent of the responsible operator. The authorization to install software is regulated depending on the respective local and technical system conditions.

(5) The user is obliged to agree with the operator in advance on any plans to process privacy data. This does not affect the obligations arising from provisions of the Data Protection Act. The user is prohibited from taking note of and/or utilizing certain messages for other users.

(6) The user is obliged to observe the guidelines for use provided by the operator, and when dealing with computers and networks of other operators to comply with their respective guidelines for use and access.

## **§ 6**

### **Operator Responsibilities, Rights and Obligations**

(1) Every operator must keep a record of the authorizations for use which are granted. This documentation must be kept for a minimum of two years after expiry of the authorization.

(2) The operator shall, as appropriate, help prevent or uncover misuse, particularly in the form of regular spot checks. To this end, the operator is entitled in particular to

1. document and evaluate users' activities as far as this serves purposes of accounting, resource planning, operations monitoring or pursuing faults and infringements of the guidelines for use as well as legal provisions;
2. access user directories and mailboxes - whilst complying with the 'two-man principle' - in cases of a suspected breach of the guidelines for use or of criminal law, or log the user's network usage in detail;
3. take steps to secure evidence when criminal activity is suspected with good reason.

The user affected by such a review as described in 2. and 3. must be informed immediately about the checks or measures which have been carried out, provided this is not contrary to the purposes of the investigation.

(3) The operator is obliged to maintain confidentiality.

(4) The operator shall make it known who the contact persons are for offering support to its users.

(5) The operator is obliged, when dealing with computers and networks of other operators, to comply with their respective guidelines for use and access.

## **§ 7**

### **Operator Liability/Disclaimer**

(1) The operator gives no warranty that the system functions of the telecommunications network of the HTWK Leipzig shall meet the specific requirements of the user or that the system shall operate without fault or interruption. In particular, the operator also gives no

warranty that data saved with it shall remain intact (with regard to destruction, manipulation) and confidential.

(2) The HTWK Leipzig is not liable for damages of any kind which the user suffers as a result of using data via the telecommunications, information, communications and data processing services provided; this excludes liability for conduct with intent on the part of the operators, or of persons who make use of these for purposes of fulfilling their responsibilities.

## **§ 8**

### **Consequences of Misuse or Illegal Use**

(1) In the case of infringements of legal regulations or the provisions of these guidelines for use, in particular of § 5 (User Obligations), the operator may restrict or temporarily withdraw any authorization for use. Here it is irrelevant whether the infringement resulted in any form of loss or not.

(2) In cases of serious or repeated infringements, a user may be permanently prohibited from having access to the telecommunications network of the HTWK Leipzig.

(3) Infringements of legal regulations or the provisions of these guidelines for use may be pursued in all legal respects (in particular in terms of civil law, employment law and criminal law).

## **§ 9**

### **Other Regulations**

(1) Fees may be set out in other regulations for the use of the telecommunications, information, communications or data processing services offered within the telecommunications network of the HTWK Leipzig (user fee regulations).

(2) Wherever necessary, supplementary or differing usage regulations may be set out for certain systems.

(3) The place of jurisdiction for any legal claims arising from the relationship of use is Leipzig.

---

These regulations come into force with the Senate decree of 25 November 1998