

**User Regulations of the
Centre for Information Processing
and the IP Provider Units
of
Münster University**

Pursuant to Section 2 Para. 4 and Section 30 Para. 1 of the State of North Rhine-Westphalia Universities Act ("Universities Act", abbreviated HG) of 14 March 2000 in conjunction with the organisation concept entitled "The Information Processing System of Münster University" (Senate resolution of 8 July 1996), the Senate of Münster University has adopted the following User Regulations for the Zentrum für Informationsverarbeitung (ZIV, Centre for Information Processing) and the Informationsversorgungseinheiten (IVV, IP Provider Units) as Statutes:

Preamble

These User Regulations are intended to ensure problem-free, unhindered and secure use of the communication and information processing infrastructure (IP Infrastructure) of the ZIV and IVVs of Münster University. They provide basic rules to ensure operation of the overall IP Infrastructure in a due and proper manner and thus also provide the regulatory basis for the relationship between individual users and the ZIV and IVVs.

Art. 1 Scope of Application

These User Regulations apply to use of the IP Infrastructure of Münster University, comprising the data processing equipment, communication systems and other computer-aided information processing resources (IP) under the control of the ZIV and/or the IVVs of Münster University (collectively called the "IP System"). Insofar as individual components of the IP System do not expressly fall under the control of the ZIV or an IVV, these Regulations shall apply analogously to those parts of the IP System

Art. 2 Eligibility for and Admission to Use

(1) The following persons and bodies may be admitted to use the IP System:

- 1.) Individual members and personnel as well as institutes and administrative bodies of the universities as well as other organisations of the State of North Rhine-Westphalia for use by which, among others, the IP System has been established in order to assist them in the performance of their duties;
- 2.) Members and personnel of other universities of the State of North Rhine-Westphalia or of other state universities outside of the State of North Rhine-Westphalia on the strength of special agreements with the University or on instruction of the competent ministry;
- 3.) Student welfare organisations in the State of North Rhine-Westphalia;
- 4.) Other legal entities or natural persons if and insofar as free capacities are still available after use by the users named under Nos. 1 to 3, who shall have precedence in use of the IP System.

In the case of use in connection with secondary occupations, the regulations pertaining to secondary occupations in the university sector in the State of North Rhine-Westphalia shall apply.

(2) Admission shall be granted exclusively for use in connection with or for purposes of research, teaching and study, medicine and health care, the library and university administration, initial and further training, and for the performance of other duties of Münster University. Any use other than the foregoing may be permitted if it is of a minor nature and does

not interfere with the intended purpose of the IP System and the needs and interests of the other users. Commercial use as referred to in Para. 1 No. 4 is permitted only after prior consultation with the ZIV and/or the IVVs for their respective areas of competence.

(3) Admission to use the equipment and services of the IP System is granted through the issue of a user permit. User permits are issued by the ZIV in response to a written application or formal online registration. The application procedure is a two-stage process:

A person with responsibility for funding (university lecturer or director of an institute) must submit an application for the formation of a user group.

Users can then apply for admission as part of a user group.

Where IVVs have their own user admission, the permit is issued by the head of the relevant institution.

(4) For purposes of admission, the following information should be recorded either using a specified application form or in the course of online registrations:

Application for formation of a user group:

- Personal particulars and signature of the user group leader
- Declaration regarding the processing of personal particulars by the user group leader
- Acceptance of these User Regulations and any other regulations issued pursuant to Art. 5 Para. 9 as the basis for use
- Personal particulars and signature of the person responsible for funding
- If necessary and appropriate, evidence that the project is being conducted within the scope of a secondary occupation.

User application:

- Personal particulars and signature of the user
- Declaration regarding the processing of personal particulars by the user
- Acceptance of these User Regulations and any other regulations issued pursuant to Art. 5 Para. 9 as the basis for use
- Declaration of consent by the user to the processing of his/her personal particulars
- Personal particulars and signature of the user group leader
- Declaration of consent by the user to the processing of his/her personal particulars pursuant to Art. 5 of these Regulations.

The user has the right to inspect and review the data stored on him/her.

(5) The user permit is restricted to the project applied for and may be issued for a limited term only.

(6) To ensure proper and trouble-free operation, the user permit may also be subject to a restriction on the computing and online time and to other use-related conditions and requirements.

(7) If the capacity of the IP resources is not sufficient to meet the needs of all those eligible to use them, they may be allocated to the individual users in accordance with the order of priority as set forth in Art. 2 Para. 1.

(8) A user permit may be wholly or partially refused, revoked or subsequently restricted, especially if

- 1.) the particulars stated in the application are incorrect or are no longer correct;
- 2.) the preconditions for proper use of the IP System do not exist or no longer exist;
- 3.) the user has been barred from use in accordance with Art. 4;
- 4.) the project planned by the user is incompatible with the intended purposes of the IP System and the purposes as set forth in Art. 2;

- 5.) the available IP resources are unsuitable or insufficient for the use applied for or are reserved for special purposes;
- 6.) the IP components intended to be used are connected to a network which must meet special data security requirements and no objective reason for the planned use can be seen;
- 7.) it is to be expected that the intended use will unreasonably interfere with other eligible projects.

Art. 3 Rights and Duties of the User

(1) The entitled persons (users) have the right to use the resources of the IP System within the scope of their permit and in accordance with these User Regulations and any other regulations issued pursuant to Art. 5 Para. 9.

Any use which deviates from the above is prohibited except by special permit.

(2) The user has a duty

(General)

- 1.) to comply with the provisions of the User Regulations and any limitations and restrictions to which the user permit is subject, and in particular to comply with the intended used and purposes as set forth in Art. 2 Para. 2;
- 2.) not to do anything which could disturb or disrupt the proper running and operation of the IP System of Münster University;
- 3.) to treat all data processing equipment and information and communication systems and all other resources of the IP System carefully and so as to cause the least possible wear and tear;

(Handling of user ID)

- 4.) to work only with those user IDs which have been allocated under the admission procedure;
- 5.) to ensure that no other person acquires knowledge of the user passwords and to take all precautions in order to prevent unauthorised persons from accessing the IP resources of the IP System of Münster University; this also includes protecting access by a suitable password, i.e. one which cannot be guessed easily, which must be kept secret and should be changed regularly;
- 6.) neither to seek to identify nor to use others' user IDs and passwords;
- 7.) not to access other users' information without authorisation nor to pass on, use or alter other users' information without their permission. This shall also applies to access to the IP systems of third parties via the Science Net (Wissenschaftsnetz) or the Internet. Any violation may result in individual users being barred.

(Use of software and hardware)

- 8.) when using software, hardware, documentations and data, to comply with statutory regulations, and in particular the provisions of copyright law, and also with the terms and conditions of licences under which software, documentations and data is provided by the ZIV and the IVVs;
- 9.) not to copy software, documentations and data provided by the ZIV or the IVVs, nor, except where expressly permitted, to pass it on to third parties nor to use it for any other than the permitted purposes;
- 10.) when on the premises of the ZIV and the IVVs, to comply with directions of the personnel and to follow any house rules as may apply;
- 11.) to provide evidence of user entitlement if so requested;
- 12.) not to seek to remedy disturbances, damage or faults to the IP System and/or data carriers of the IP System but to report the same immediately to the personnel of the ZIV or the competent IVV;

- 13.) except with the express consent of the ZIV or the IVVs, not to interfere in any way with the hardware installations of the IP System nor to make any changes to the configuration of the operating systems, the system files, the system-relevant user files or the network;

(Miscellaneous)

- 14.) if so requested in specific and substantiated cases – especially on justified suspicion of misuse or for purposes of remedying faults or disturbances – to inform the those in charge at the ZIV and/or the IVVs of the programs and methods being used and to allow inspection of the programs. This provision does not apply to user data as protected by telecommunications secrecy or data secrecy, e.g. emails, personal files or the personal data of third parties (e.g. patient data).
- 15.) to consult and agree with the ZIV and/or the competent IVV on the processing of personal data and, notwithstanding the user's own obligations under data protection law, to take the data protection and data security precautions suggested by the ZIV and/or the IVVs into account;
- 16.) to provide content held available for others' use (e.g. web pages) with publishing details including the name and address of the person responsible for the content (Section 6 TDG [Tele-Services Act], Section 6 MDStV [Media Services State Treaty]).

(3) The attention of the user is drawn in particular to the following acts which are prohibited under criminal law:

- 1.) Eavesdropping on data (Section 202a (StGB [German Criminal Code]))
- 2.) The alteration of data (Section 303a StGB) and computer sabotage (Section 303b StGB)
- 3.) Computer fraud (Section 263a StGB)
- 4.) Dissemination of pornographic depictions (Section 184 StGB), and in particular accessing or the possession of child pornography (Section 184 Para. 5 StGB)
- 5.) Disseminating the propaganda of unconstitutional organisations (Section 86 StGB) and the incitement of racial hatred (Section 130 StGB)
- 6.) Causing detriment to another's character, e.g. defamation or slander (Section 185 ff. StGB)
- 7.) Criminal breaches of copyright, e.g. through the unauthorised reproduction of software (Section 106 ff. UrhG [German Copyright Act]).

Art. 4 Exclusion from Use

(1) Users may be temporarily or permanently restricted in use of the IP resources or barred from use of them if they

- 1.) culpably violate these User Regulations, and in particular the duties set forth in Art. 3 (malconduct) or
- 2.) misuse the resources of the IP System for criminal acts (this also applies to misuse of other facilities of the IP resources of Münster University) or
- 3.) cause detriment to the University through other illegal user behaviour.

(2) Measures pursuant to Para. 1 above should only be taken after a caution has been issued to the user concerned, but with no avail. In the case of very serious breaches, the issue of a caution may be waived. The user concerned must be given the opportunity to respond. He or she may ask the chairperson of the IP Commission to act in the capacity of a mediator.

(3) Temporary restrictions on use imposed by the director of the ZIV or the competent IVV must be lifted as soon as proper use once again appears assured.

(4) A permanent restriction on use or the complete barring of a user from further use will only be considered in the event of serious or repeated violations within the meaning of Para. 1 and if proper behaviour is also not expected in future. A decision on permanent exclusion is made by

the Chancellor on application of the director of the ZIV or IVV and after hearing of the IP Commission; notice of the decision must be made to the user. This shall have no effect on any claims which the ZIV or IVV may have for use of the IP System.

Art. 5 Rights and Duties of the ZIV and IVVs

(1) The ZIV and IVVs (if and as appropriate) shall maintain a user database on the user permits issued in the form of a customer file (master data of the users), in which the particulars and data recorded pursuant to Art. 2 (4) such as user IDs and email codes, any alias names used as well as the names and addresses of the admitted users are kept.

(2) The ZIV and/or the IVVs may, to the extent necessary for purposes of trouble shooting, systems administration and systems enlargement or for reasons of systems security and protection of user data, temporarily restrict the use or their resources or temporarily freeze individual user IDs. If possible, the users concerned should be informed accordingly in advance.

(3) Should actual grounds exist for suspecting that a user is holding illegal content available on the servers of the IP System, the ZIV and/or IVVs may prevent further use until the legal situation has been clarified. This provision does not, however, cover the viewing or freezing of "normal" user data not released by the user for general access.

(4) The ZIV and/or IVVs have the right to review the security of the system/user passwords and user data through regular manual or automated measures and to undertake any protective measures, e.g. changes to passwords which could be easily guessed, as may be necessary in order to protect the resources of the IP System and user data from unauthorised access by third parties. In the event of all necessary changes to user passwords, access rights to user data and other protective measures of relevance to use, the user must be informed accordingly without delay.

(5) The ZIV and/or IVVs have the right, subject to the provisions set forth below, to document and evaluate use of the IP System by the individual users, though only to the extent necessary

- 1.) to ensure proper operation of the system,
- 2.) for purposes of resource planning and systems administration,
- 3.) to protect the personal particulars of other users,
- 4.) for accounting and invoicing purposes,
- 5.) to detect and remedy technical disturbances and faults, and
- 6.) to identify and prevent illegal or improper use when actual indications for such use exist. These must be documented in writing.

(6) For any of the purposes or reasons as set forth in Para. 5 above, the ZIV and IVVs are also entitled, provided the regulations pertaining to data secrecy are complied with, to inspect user files to the extent necessary to remedy current faults or disturbances or to identify and prevent misuse if and insofar as actual grounds exist for suspecting such misuse.

Inspection of message and email postboxes is, however, only permissible to the extent necessary for remedying current faults and disturbances in the communications service.

Such inspection must always be documented and the user informed immediately after the intended purpose has been achieved.

(7) For any of the purposes or reasons as set forth in Para. 5 above, the connection and utilisation data in communications traffic (especially email use) may also be documented. However, only the circumstances attendant upon the telecommunication – but not the non-public content of the communication – may be recorded, processed and used.

The connection and utilisation data of online activities on the Internet and other teleservices which are held available by the ZIV or the IVVs for use or to which they provide access must be

deleted as soon as possible, and at the latest immediately at the end of the respective use, except where such data is needed for accounting and invoicing purposes.

(8) The personnel of the ZIV and IVVs are required by and in accordance with the statutory regulations to preserve telecommunications secrecy.

(9) To ensure proper operation of the IP System, the directors of the ZIV and/or the IVVs may issue further regulations for use of the IP System within their respective areas of jurisdiction.

Art. 6 Liability of the User

(1) The user shall be liable for all detriment sustained by the University through improper or illegal use of the resources of the IP System and the user permit or through the user culpably failing to comply with his/her duties under these User Regulations.

(2) The user shall also be liable for damage caused by use by third parties within the scope of the access and utilisation possibilities provided to the user if the user is responsible for such third-party use, especially resulting from the user making his/her user ID known to such third party. In this case, Münster University may charge a utilisation fee to the user for such third-party use in accordance with the fee regulations.

(3) The user shall indemnify Münster University for all claims made on it by third parties for damages or restraint or of any other nature on account of improper or illegal use by the user. Münster University will interplead against the user should any third party bring legal action against the ZIV or the IVVs.

Art. 7 Liability of the University

(1) Münster University does not warrant the trouble-free or uninterrupted operation of the IP System at all times. The loss of data through technical faults and the obtaining of confidential data through unauthorised access by third parties cannot be ruled out.

(2) Münster University does not assume any responsibility for freedom from faults of the programs made available. Nor may Münster University be held liable for the content, and in particular for the correctness, completeness or up-to-dateness of the information to which it merely provides access for use.

(3) In all other respects, Münster University may only be held liable for deliberate intent or gross negligence of its personnel, except where it culpably breaches any of its material duties. In this case, the liability of the University shall be limited to the typical damage of the kind foreseeable at the time at which the relationship relating to use was concluded between the user and the University.

(4) The foregoing shall be without prejudice to any claims against Münster University on grounds of public liability.

Art. 8 Priority and Fee Levels of the Users

(1) Availability for use of the IP System is structured according to function groups, for which different priority and fee levels are set. The priority and fee levels are independent of one another.

(2) Attribution of the priority and fee levels to the various function groups is done in accordance with the stipulations laid down by the competent ministry of the State of North Rhine-Westphalia (cf. general decree "Kosten und Entgelte HRZ").

(3) The time sequence of use is generally in rising order of the priority levels. In addition, the time sequence of execution of the individual orders depends on their nature, scope and waiting time. Exceptions are only permitted if and insofar as they do not disrupt the general operation and running of the ZIV.

(4) In the event of sustained overburdening of the capacity of the ZIV and in order to assure compliance with deadlines, the director of the ZIV may, in consultation with the IP commission, stipulate

- 1.) that the sequence of users be exclusively in the rising order of the priority levels and
- 2.) within the priority levels, be determined by the extent of the demand made on the operating resources,
- 3.) that specific services, IP resources and equipment be wholly or predominantly used for certain tasks,
- 4.) that quota restrictions on the scope of use be applied,
- 5.) that those in responsibility order appropriate steering measures in order to remedy temporary bottlenecks or to increase performance.

(5) Art. 8 Paras. 1-4 shall apply at the IVVs analogously.

Art. 9 Entry into Force

These User Regulations shall enter into force through publication in the Official Announcements of Münster University on the day after being posted on the bulletin board.

Issued pursuant to the resolution of the Senate of Münster University of 21 June 2000.

Münster, 30 June 2000

The Rector
Signed: Prof. Dr. J. Schmidt

In case of doubt about the text in this English translation the German version "Benutzungsordnung des Zentrums für Informationsverarbeitung und der IV-Versorgungseinheiten der Westfälischen Wilhelms-Universität Münster" (www.uni-muenster.de/Rektorat/abuni/ab00905.htm) will be the binding version.