1. Preamble

Information and communications technology (ICT) has become of critical importance to the University in the support of academic enquiry and research; teaching and learning; core business activities and communications. In recognition of this, UNSW provides computing, email, internet and communication facilities to its staff and students for the purposes of research, teaching and learning; and to support the administration of the University.

This policy informs users of University ICT resources of their rights and responsibilities; and of the University’s requirement that its ICT resources are used in a legal, ethical and responsible manner.

This policy also applies to the use of information that may be accessed via the University’s ICT resources.

This policy supports the Code of Conduct, which sets out the general rules of conduct for staff of the University.

While the University upholds the principles of academic freedom, it will not condone deliberate breach of either UNSW policies or external legislative requirements and will cooperate fully with the authorities in any investigations resulting from a breach. Consequences of a breach may include the removal of access rights to the University’s ICT resources, disciplinary proceedings; and in the case of serious and deliberate breach, may result in civil or criminal proceedings.

Situations not listed here will inevitably arise, and they should be interpreted according to the spirit of this policy.
1.1 Principles

The following principles express the general intent of this policy:

1.2.1 The University will provide access to information and communications technology resources to eligible persons according to need and available resources.

1.2.2 The University requires legal, ethical and responsible use of its ICT resources.

1.2.3 The University will take every precaution to protect the security and privacy of its users' ICT accounts, but users should be aware that normal operation and maintenance of systems includes backup, logging of activity and monitoring of general usage patterns. In addition, the University may be legally required to provide copies of electronic records/communications under subpoena or other legal orders.

1.2.4 The University values and respects the principles of academic freedom and freedom of expression, requiring that these be exercised responsibly.

1.2 Disclaimer

While the University will make every effort to ensure the availability and integrity of its ICT resources, it cannot guarantee that these will always be available, and/or free of any defects, including malicious software (e.g., computer viruses). Users should take this into account when accessing the resources.

2. Scope

This is a University-wide procedure which applies to all users of University ICT resources – including (but not limited to) staff, students, contractors, third parties, alumni, associates and honoraries, conjoint appointments and visitors to the University.

The policy also applies to anyone connecting personally-owned equipment (e.g., laptops) to the University network.

It is important to acknowledge here the dual role of IT professional staff as both IT system administrators and as staff who are also 'standard ICT users'. This policy will apply to those staff while in their role as 'standard ICT users'.

However, in the course of their professional duties, IT staff may be required to undertake actions which are beyond those permitted in this policy. It is expected that they will do so in the spirit of both the University’s Code of Conduct and appropriate professional Codes of Ethics, such as that of the System Administrators Guild of Australia.
3. Definitions

For purposes of this policy, unless otherwise stated, the following definitions shall apply:

Account
Any computing or electronic communication resource allocated to a user by the University and protected from general usage by a security system (e.g., password).

ICT (Information and Communications Technology)
ICT includes technologies such as desktop and laptop computers, PDA’s, software, peripherals, telephone equipment (including mobile phones) and connections to the Internet that are intended to fulfill information processing and communications functions.

University ICT Resources
(i) All networks, hardware, software and communication services and devices which are owned, leased or used under licence by the University including the University’s academic and administrative systems; and
(ii) Computing facilities and information resources maintained by other bodies, but available for use through an agreement or agreements with UNSW.

University Network
UNSW central ITS network and other networks provided by the University. Non-UNSW facilities and equipment (e.g., personally-owned computers) which are connected to the University network will, for the purposes of this document, be considered to be part of the University network.

User, Authorised User
‘User’ and ‘Authorised User’ means and includes all staff, students, clinical and adjunct title holders, alumni and other users who are authorised by the University to access its systems and/or network.

4. Policy Statements

4.1 Provision of ICT Resources

4.1.1 Rationale
The University recognises the importance of computing and communication technologies and will provide access to ICT resources for its staff, students and other authorised users, for the purposes of research, teaching, learning and administration.

4.1.2 Implications
The University will provide eligible users with access to the ICT resources required to perform their work, research or studies, according to need and available resources.
4.2 Legal, Ethical and Responsible Use of ICT Resources

4.2.1 Rationale
The University requires all users of its ICT resources to do so in a legal, ethical and responsible manner.

4.2.2 Implications
Users of University ICT resources must be aware that use of these facilities is subject to the full range of State and Federal laws that apply to communications and to the use of computers, as well as any other relevant laws and UNSW policies. This includes (but is not limited to) copyright, intellectual property, breach of confidence, defamation, privacy, contempt of court, harassment, vilification and anti-discrimination legislation, the creation of contractual obligations, civil and criminal laws. In addition, the University’s ICT resources must not be used for unauthorised commercial activities or unauthorised personal gain. Use of its ICT resources must not cause loss of service, or risk loss of reputation to the University. Actions performed using the University's computer and network resources, regardless of any disclaimers that might be made, ultimately reflect on the University community as a whole.

In particular, the University's ICT resources must not be used to copy, download, store or transmit material which infringes copyright, such as music files, movies, videos etc.

Actions performed using University ICT resources must comply with the terms of any licence signed by the University for use of online databases, software programs, online publisher packages etc.

4.2.3 Limited Incidental Personal Use
While UNSW ICT resources are provided for the purposes of teaching, learning, research and university administration, limited incidental personal use is allowed, so long as such use:

- Is lawful and compliant with UNSW policies and external legislation;
- Does not negatively impact upon the user’s work performance;
- Does not hinder the work of others or interfere with the normal operations of the network;
- Does not damage the reputation or operations of the University; and
- Does not impose unreasonable or excessive additional costs on the University.

Examples of acceptable limited incidental personal use include: an online personal banking transaction; an online airline schedule enquiry or booking.

4.3 Security and Privacy
While the University will take every precaution to protect the security and privacy of its users’ ICT accounts, users should be aware that legislative (State Records Act) and other requirements require retention and inspection of some electronic files and communications held on the University’s systems.
4.3.1 Rationale
Network and systems administrators treat the content of electronic communications and data as confidential. However, users must be aware that recordkeeping and normal operation and maintenance of the systems generally requires backup and caching of communications and data; the logging of activity; and monitoring of general usage patterns.

4.3.2 Implications
Since privacy obligations are often defined by situation and circumstances, the University cannot guarantee absolute privacy to users of its ICT resources. The University may be required to inspect or provide copies of electronic communications under law, or when investigating possible misuse of ICT resources.

Users should be aware that electronic records may be subject to the University’s obligation to respond to subpoenas or other legal orders (eg. a request under Freedom of Information legislation). For example, email is considered a document under the Law and can be legally requested as can any other document.

Users who have legitimate access to personal and confidential information must respect the privacy of others and maintain the confidentiality of the information to which they have access.

4.4 Academic Freedom and freedom of expression

4.4.1 Rationale
The University upholds the principles of academic freedom. It values the diversity of cultures, ideologies and perspectives within its community and is respectful of freedom of expression. The University does not condone censorship, nor does it endorse the inspection of electronic files other than on an exceptional basis (eg. when required by law or when investigating a reported violation).

4.4.2 Implications
The right to academic enquiry and freedom of expression is tempered by the rights of others, including privacy; freedom from intimidation, discrimination or harassment; protection of intellectual property and copyright and ownership of data and security of information.

The University requires all users of its ICT resources to do so in a legal, ethical and responsible manner, in accordance with this and other UNSW policies and relevant State and Federal legislation.

5. Legal & Policy Framework
Users of University ICT resources must be aware that use of these facilities is subject to the full range of State and Federal laws that apply to communications and to the use of computers, as well as any other relevant laws and UNSW policies. This includes (but is not limited to) copyright, breach of confidence, defamation, privacy, contempt of court, harassment, vilification and anti-discrimination legislation, the creation of contractual obligations, and civil and criminal laws.

The University does not permit its ICT resources to be used for unauthorised commercial activities, unauthorised private gain or that of others. Academic staff are referred to the University’s Policy on Paid Outside Work by Academic Staff.
with regard to the use of University resources for private professional practice, and all staff are referred to the University’s Code of Conduct.

This policy must be read in conjunction with the Procedures for the Acceptable Use of UNSW ICT Resources.

In addition, users should be aware that some third party applications licensed to the University (e.g., some of the large searchable databases available through the Library), have their own Terms and Conditions which may apply over and above this policy.

6. Implementation

6.1 Responsibilities

The Director of IT at UNSW has the responsibility for coordinating the implementation of this policy and its associated documents.

6.1.1 Compliance and Breaches

(a) Notifying violations

Staff and students who become aware of possible violations of this policy should report them immediately to an appropriate person, such as their supervisor, the system administrator, computer lab manager or Head of Department/School. Alleged serious or repeated breaches must be reported to the Director of IT at UNSW. In cases where personal safety may be at risk, unauthorised entry to a computing facility has occurred or, where it is believed necessary to seize material held on a University computer, UNSW Security should be contacted for advice and assistance.

(b) External Requests for Information

If a request is received from an external organisation for information held on University computers (e.g., copies of emails or other correspondence) it must be passed immediately to the University’s Legal Office for investigation and action.

(c) Penalties associated with violations

Penalties will depend upon the type and severity of breach. Penalties may range from loss or restriction of access, to formal University disciplinary action for breach of “Student Misconduct Procedures” (students) or “Code of Conduct” (staff). Cases of serious, deliberate, and/or criminal breach will be referred to external authorities and may result in civil or criminal proceedings.

The University reserves the right to limit access to its networks through University-owned or other computers and to remove or limit access to material and resources stored on University-owned computers.

Formal disciplinary action for students will occur in accordance with “Student Misconduct Procedures” and may include financial penalties as determined by the Director of IT at UNSW (see Acceptable Use of Information and Communication Technology Resources Procedures, Appendix 1).

Formal disciplinary action for staff will occur via the procedures outlined in the current UNSW General and Academic Staff Enterprise Agreements.

6.2 Support

For guidance and advice regarding the implementation of this policy contact the IT Policy and Compliance Officer on ext 52885.
7. Evaluation
It is anticipated that this policy will be reviewed 2 years after its implementation date, and every 2 - 3 years thereafter.

8. Associated Documents
Appendix 1: Documents referenced in this policy
Acceptable Use of UNSW Information and Communication Technology Resources Procedures

9. Acknowledgements
Documents referenced in this policy are listed in Appendix 2

10. Document History
This policy was developed by Jenny Beatson, IT Policy and Compliance Officer, Information Technology Services (ITS) and a working party consisting of the following members:

- Carol Kirby, Legal Office
- Mark Fisher, ITS
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- Jim Leeper, Faculty Medicine
- Tony Ablong, ADFA
- Shawn Sjinstra, FCE
- Ban Low, ITS
- Tony Koppi, EDTec
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- Cecilia White, AVSC Resources
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- Prepation, FASS
- Cecilia White, DVC Resources
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- Dawesh Chand, Faculty Law
- Tony Ablong, ADFA
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- Rebecca Edwards, Policy Mgt Unit
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- Ben Low, ITS
- Howard Amos, Library
- Tony Koppi, EDTec
- Rebecca Edwards, Policy Mgt Unit
- Prepation, FASS
- Cecilia White, DVC Resources

I am grateful to Sharon Brogan for permission to use references from the COFA Staff Computer Use Policy; and to the System Administrators Guild of Australia for permission to reference the SAGE-AU Code of Ethics.

Document History

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Appendix 1: Documents Referenced in Developing this Policy

**State and Commonwealth Legislation**

- Telecommunications Act, 1997
- Broadcasting Services Act, 1992
- Crimes Legislation Amendment (Telecommunications Offences and Other Measures) Act (No 2), 2004
- Privacy and Personal Information Protection Act 1998 (NSW),
- Privacy Act 1988 (Commonwealth),
- Copyright Act 1968
- Internet Content Codes of Practice – Australian Communications and Media Authority
- Commonwealth Racial Discrimination Act, 1975
- Commonwealth Sex Discrimination Act 1984
- Commonwealth Disability Discrimination Act 1992
- Education Services for Overseas Students Act, 2000 (ESOS)
- Commonwealth Spam Act, 2003
- NSW Crimes Act, 1900 (and subsequent amendments)
- NSW Anti-Discrimination Act, 1977 (and related legislation)
- NSW Occupational Health and Safety Act, 2000
- NSW State Records Act, 1998
- NSW Workplace Surveillance Act, 2005

**UNSW Policies**

- Code of Conduct,
- Intellectual Property Policy,
- Student Misconduct Rules,
- Responsible Copyright Practices at UNSW
- UNSW Privacy Management Plan,
- Equity and Diversity Policy Statement
- Staff Discrimination and Harassment Grievance Policy and Procedures
- Student Discrimination and Harassment Grievance Policy and Procedures
- Guidelines for Commercial Activities
- Electronic Record-Keeping Policy
- Record-Keeping Policy
- IT Security Policy
- Website Policy
- Email Policy
- Policy for making a complaint or reporting incidents of criminal, corrupt conduct or Maladministration or Protected Disclosure at UNSW
- UNSW Policy on Paid Outside Work by Academic Staff
### Appendix A: History

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