

IT Acceptable Use Policy for IT systems at htw saar (University of Applied Sciences), Saarland University, HBKsaar (University of Art and Design Saar) and HfM Saar (University of Music Saar)

Note: This translation is provided for information purposes only. In the event of any discrepancy between the translation and the original German version published in the Official Bulletin (*Dienstblatt der Hochschulen des Saarlandes*), the provisions of the latter shall take precedence

5 June 2024

Pursuant to Section 24(1) sentence 2, item 1 of the Saarland Higher Education Institutions Act (Saarländisches Hochschulgesetz, SHSG) of 30 November 2016 (Official Gazette, p. 1080), most recently amended by Article 3 and 6 of the Act of 15 February 2023 (Official Gazette, p. 270), pursuant to Section 25(1) sentence 2 no. 1 of the Art Higher Education Institutions Act (Kunsthochschulgesetz) of 4 May 2010, most recently amended by Article 1 and 4 of the Act of 15 February 2023 (Official Gazette, p. 270) and pursuant to Section 24(1) sentence 2 no. 1 of the Music Higher Education Institutions Act (Musikhochschulgesetz) most recently amended by Article 1 and 4 of the Act of 15 February 2023 (Official Gazette, p. 270), the Senates of htw saar, Saarland University, HBKsaar and HfM Saar hereby issue the following IT Acceptable Use Policy for IT Systems at htw saar (University of Applied Sciences), Saarland University, HBKsaar (University of Art and Design Saar) and HfM Saar (University of Music Saar):

Preamble

Saarland University, htw saar, HBKsaar and HfM Saar (hereinafter collectively referred to as “the universities”) shall jointly provide the information technology services which are to be made available for research, studies, the performance of artistic development projects, teaching, training and administration via the University Centre for Information Technology (HIZ) as a shared facility. The universities operate an information processing infrastructure (IT infrastructure) consisting of data processing systems (servers), programs (software), communication systems (networks), Internet, access to external services and other information processing facilities. The IT infrastructure is connected to the German research and education network (X-WiN des DFN) and thus to the internet. This IT Acceptable Use Policy sets out the conditions under which this IT infrastructure and the related services may be used.

The IT Acceptable Use Policy is based on the tasks of the universities as defined by law and their mandate to safeguard academic freedom

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- establishes basic rules for the proper operation of the IT infrastructure
- draws attention to third-party rights that must be observed (e.g. in the case of software licenses, conditions stipulated by network operators, data protection aspects)
- obliges the user to observe correct conduct and to use the available resources economically
- clarifies steps that the system operator may take in the event of violations of this policy.

Section 1 Scope

This IT Acceptable Use Policy applies to the IT infrastructure provided by the universities and their institutions, consisting of computer systems (servers), programs (software), communication systems (networks), external services (cloud) and other information processing facilities.

Section 2

User group and tasks

(1) The IT infrastructure referred to in Section 1 is available to the institutions, members and affiliated members of the universities and, on the basis of corresponding cooperation agreements, to other Saarland higher education institutions for the fulfilment of their tasks in research, teaching, university administration, central services, education and training, public relations, public perception of Saarland higher education institutions and for other tasks described in the Saarland Higher Education Institutions Act (Saarländisches Hochschulgesetz, SHSG), the Art Higher Education Institutions Act (Kunsthochschulgesetz) and the Music Higher Education Institutions Act (Musikhochschulgesetz). It is left to the discretion of the universities to decide whether to grant permission for private use of the services. If a university grants permission for private use of the services for the purposes of information and communication, this is permitted as long as it remains minor in scope and does not impair the fulfilment of tasks in accordance with sentence 1 and no commercial purposes are pursued. Further details are set out in the university-specific guidance issued by the respective university management.

(2) The system operator may grant permission for use to other natural and legal persons on the basis of special agreements if justified reasons exist and accept this IT Acceptable Use Policy.

Section 3

User authorization

(1) Anyone wishing to use IT resources as defined in Section 1 requires a user authorization to be issued by the responsible system operator. This does not apply to services that are set up for anonymous access (e.g. information services, library services).

(2) The system operator is responsible for the

- a) centralized systems of the University IT Centre (HIZ)
- b) decentralized systems of an organizational unit at one of the universities (faculty, department, subject area, institute, institution, operating unit or other sub-unit).

(3) User authorization shall be granted

- a) to the user groups of members and affiliated members as specified in Annex 1 to this IT Acceptable Use Policy upon joining the university as standard authorization for their intended work area
- b) for short-term purposes, e.g. the organization of events, conferences, etc. (guest accounts) upon application by the head of the university institution organizing the event
- c) for users who do not fall under a) and b) upon application to the office to be determined by the university
- d) for users of decentralized systems upon application to the responsible system operator (special user authorization)

(4) Applications for issuing guest accounts pursuant to Paragraph 3 b) should contain the following information:

- a) Name of the organizing institution
- b) Description of the event or purpose for issuing guest accounts
- c) Number of requested guest accounts
- d) Period of validity for the guest accounts

The organizing institution shall provide the guest accounts to the users and document the surname and first name of the users. The documentation must be kept for a period of 3 months after expiry of the guest account. By using the guest account, the user bindingly accepts and agrees to comply with this policy.

(5) The application for user authorization pursuant to Paragraph 3 c) and d) should contain the following information:

- a) The system operator from which the user authorization is being requested
- b) Systems for which the user authorization is requested
- c) Applicant: Salutation, surname, first name, title if applicable, address, work telephone number (private telephone number or e-mail address voluntary), date of birth, personnel number or student registration number if applicable
- d) Agreement of the university institution that is supporting the application
- e) Declaration that the user accepts the IT Acceptable User Policy
- f) Expected date on which use will end. The maximum duration of the user authorization is one year. It can be extended multiple times upon request.

The system operator may only request further information if this is necessary for deciding on the application.

(6) The responsible system operator shall decide on the application. They may make the granting of user authorization dependent on proof of certain knowledge about the use of the systems.

(7) User authorization may be denied if

- a) it is to be expected that the requested use will interfere with other authorized uses to an unreasonable extent or the applicant will not comply with their obligations as a user
- b) the capacity of the system whose use is requested is not sufficient for the intended work due to existing capacity utilization
- c) the project is not compatible with the purposes set out in Section 2
- d) the system is obviously unsuitable for the intended use or is reserved for special purposes
- e) the system is connected to a network that must meet special data protection or security requirements and no objective reason for the requested access is apparent
- f) if the maximum number of user licenses for the system has been reached
- g) if a user authorization already exists for the applicant

(8) User authorization for the user groups listed in Annex 1 (users pursuant to 3 a)) and the users pursuant to 3 d) shall end eight weeks after leaving the university; user authorization for services of the German National Research and Education Network shall end at the time of leaving the university. For the authorized users as defined in 3 b) and 3 c), the user authorization shall end on the usage end date specified in the application.

Section 4 User obligations

(1) The IT resources defined in Section 1 may only be used for the purposes specified in Section 2(1). Use by other natural or legal persons pursuant to Section 2(2) shall be based on the respectively made agreements. Use for purposes other than work, in particular for commercial purposes, may only be permitted upon request and for a fee.

(2) User authorization only entitles the holder to perform work in connection with their requested use.

(3) The user is obliged to ensure that they use the available IT resources (workstations, computing capacity, disk storage space, line capacities, peripheral devices and consumables, etc.) responsibly and economically. The user is also obliged to refrain from causing any foreseeable disruptions to operations and to avoid, to the best of their knowledge, anything that could cause damage to the IT infrastructure or to other users. Failure to comply with these obligations may give rise to claims for damages (Section 7).

(4) The user must refrain from any kind of misuse of the IT infrastructure. In particular, the user is obliged to

- a) work exclusively with the user IDs that they have been authorized to use; passing on or sharing user IDs and passwords is not permitted
- b) protect access to the IT resources by using a password that must be kept secret or an equivalent procedure
- c) take precautions to prevent unauthorized third parties from accessing the IT resources. The password guidelines of the system operator must be observed. The user is responsible for all activities performed under their user ID, including activities performed by third parties to whom the user has deliberately or negligently enabled access,
- d) comply with the statutory regulations (copyright) when using software (sources, objects), documentation and other data
- e) inform themselves about the conditions under which any software, documentation or data subject to license agreements is provided and to comply with these conditions
- f) not to copy or pass on software, documentation or data, unless expressly permitted, nor to use them for purposes other than those permitted, in particular not for commercial purposes.

(5) The IT infrastructure may only be used in a manner permitted by law. It is expressly pointed out that the following conduct in particular is punishable under the German Criminal Code (StGB) and may result in the loss of the user authorization:

- a) Attempting to gain knowledge of other people's passwords, spying on or intercepting data and preparatory acts in this connection (Sections 202a - 202c StGB)
- b) Unauthorized alteration, deletion, suppression or rendering unusable of data (Section 303a StGB)
- c) Computer sabotage (Section 303b StGB) and computer fraud (Section 263a StGB)
- d) The dissemination of propaganda material of unconstitutional organizations (Section 86 StGB) or racist ideas (Section 130 StGB)
- e) The dissemination, acquisition and possession of pornography in the form of written, audio and visual media, data storage devices, images and other representations (Section 184 - 184d StGB)
- f) Criminal copyright infringements, e.g. through the copying of software in violation of copyright law (Sections 106 et seq. German Copyright Act, Urheberrechtsgesetz, UrhG)
- g) Defamation offences such as libel or slander (Section 185 ff. StGB).

(6) The user is expressly prohibited from the following without the consent of the responsible system operator

- a) unauthorized modifications to the installed hardware
- b) changing the configuration of the operating systems or the network

Authorization to install software is governed by separate guidelines depending on the respective local and system conditions.

(7) The user is obliged to agree and coordinate any projects that lead to the processing of personal data with the system operator and the university's Data Protection Officer before starting the project. The obligations arising from data protection regulations remain unaffected by this. The user is prohibited from any kind of misuse of messages that were not intended for them.

(8) The user is obliged

- a) to comply with the policies and guidelines for use issued by the system operator
- b) comply with the acceptable use and access policies of other operators when using their computers and networks.

Section 5

Tasks, rights and obligations of the system operator

- (1) Every system operator shall document all user authorizations granted. The documentation must be kept for two years after the expiry date of the authorization.
- (2) The system operator shall provide contact details for user support.
- (3) The system operator shall contribute in an appropriate manner to the prevention and detection of misuse, in particular by conducting regular spot checks. In particular, the system operator is authorized to
 - a) regularly check the security of the system and passwords using suitable software tools in order to protect their resources and user data from attacks by third parties
 - b) document and analyse user activities (e.g. by means of login times or connection data in network traffic), insofar as this serves the purposes of billing, resource planning, operations monitoring, tracing errors or monitoring violations of this policy or statutory provisions
 - c) where there are concrete indications of violations of this policy or provisions under criminal law and on the express instruction of the responsible university management, to inspect user files and mailboxes or to log the user's network use by means of suitable measures, duly involving the responsible data protection officer and in compliance with paragraph 7 and the documentation obligation (data checked, purpose of the check, individuals involved, outcome of the check)
 - d) if the suspicion of criminal acts is substantiated, to implement measures to secure evidence if necessary, to inform the investigating authorities and to cooperate with them. Data may only be transmitted to investigating authorities if the legal requirements are met (German Code of Criminal Procedure (Strafprozessordnung), telecommunications law, data protection law, etc.).
- (4) Users subject to an inspection pursuant to c) or d) shall be informed of the checks performed after the measures have been concluded.
- (5) The data collected shall not be used for any other purpose than stated above, in particular not for monitoring behaviour and/or performance.
- (6) The data shall be stored for a maximum of three months.
- (7) In the cases of 3 c) and d), if a member of the staff group that falls within the scope of the Saarland Staff Representation Act (Saarländisches Personalvertretungsgesetz) is involved, the responsible staff council must be consulted; if a student is involved, the responsible General Student Committee (AStA) must be consulted.
- (8) Data pertaining to the following groups of persons may not be analysed:
 - Members of the staff councils
 - Gender Equality Officer
 - Representative of the Disability Advisory Service
 - Disability Inclusion Officer
 - Members of the youth representation body (Jugendvertretung)
 - Occupational safety specialist
 - Occupational Medical Service
 - Mental Health Counselling Service (PPB)
 - Addiction Counselling and Social Welfare Officer
 - Representative of students with disabilities or chronic illnesses and the Support Service for Students with Disabilities
 - Data Protection Officer

If data relating to these groups of persons needs to be collected for technical reasons, it must be deleted immediately.

(9) The system operator is obliged to maintain confidentiality.

(10) The system operator is obliged to comply with the usage and access policies and guidelines of other operators when using their computers and networks.

Section 6 Disclaimer

(1) The system operator and the universities provide no guarantee that the system functions will meet the specific requirements of the user or that the system will run without errors and without interruption. The system operator cannot guarantee the integrity (with regard to destruction, manipulation) and confidentiality of any data stored.

(2) The system operator and the universities shall not be liable for damages of any kind incurred by the user arising from their use of the IT resources as defined in Section 1, with the exception of intentional and grossly negligent conduct on the part of the system operator or the persons used to perform the system operator's tasks.

Section 7 Consequences of misuse or illegal use

(1) In the event of violations of statutory law or the provisions of this policy, in particular Section 4, the system operator may restrict or temporarily withdraw the user authorization if it does not appear that the user will use the IT resources in a compliant manner. It is irrelevant here whether the violation resulted in material damage. The user shall be given the opportunity to present their case.

(2) In the event of serious or repeated violations, a user may be permanently excluded from using any of the IT resources.

(3) The responsible university expressly reserves the right to instigate criminal proceedings and to assert claims under civil law.

Section 8 Other provisions

(1) Separate regulations may set out fees for the use of the IT infrastructure specified in Section 1 or stipulate how costs will be invoiced.

(2) In justified cases, the system operator may stipulate supplementary or deviating usage provisions in writing. This shall take the form of policies or guidelines.

(3) In the event of complaints from users that cannot be settled with the system operator, the responsible dean or the member of the University Board responsible for the University IT Centre (HIZ) shall decide. With regard to data protection matters, users should contact the responsible Data Protection Officer.

(4) This policy shall come into force when it is published in the Official Bulletin of the Institutions of Higher Education in Saarland (*Dienstblatt der Hochschulen des Saarlandes*). On that same date, the IT Acceptable Use Policy (Benutzungsordnung für IT-Systeme) of htw saar and Saarland University of 18 November 2020 (Official Bulletin No. 64, p. 668) shall cease to apply.

On behalf of Saarland University:

Saarbrücken,

Univ.-Prof. Dr. Ludger Santen
(University President)

On behalf of htw saar:

Saarbrücken,

Prof. Dr.-Ing. Dieter Leonhard
(President)

On behalf of HBKsaar (University of Art and Design Saar)
HfM Saar (University of Music Saar)

Saarbrücken,

Prof. Dr. Christian Bauer
(Rector)

On behalf of

Saarbrücken,

Prof. Hans Peter Hofmann
(Rector)

Appendix 1

User groups at Saarland University

No.	User group
Members of Saarland University (Section 14 Saarland Higher Education Institutions Act (Saarländisches Hochschulgesetz, SHSG) in conjunction with the Fundamental Principles and Rules Governing Saarland University (Grundordnung der Universität des Saarlandes))	
1	University President
2	Vice-President for Administration and Finance
3	University professors
4	Junior professors
5	Academic research associates
6	Full-time lecturers with specialist teaching duties
7	Administrative and technical staff
8	Enrolled students
9	Enrolled doctoral research students
10	Full-time employees with the approval of the University President
11	Employees of the Saarland University Medical Center (UKS)
12	Honorary professors (Honorarprofessor) , considered to be a member of the group of university professors (Hochschullehrer) under German law
Affiliated members of Saarland University (Angehörige as defined in Section 14 SHSG in conjunction with the Fundamental Principles and Rules Governing Saarland University (Grundordnung der Universität des Saarlandes))	
1	Emeritus or retired professors (including senior professors)
2	Representatives of chairs
3	Honorary professors
4	Visiting professors and registered visiting scholars
5	Senior academics qualified to professorial level who are not members of Saarland University (Privatdozent)
6	Professors on special contract (außerplanmäßiger Professor) who are not members of Saarland University
7	Associated junior professors
8	Part-time external teaching staff
9	Registered doctoral research students
10	Registered post-graduate students
11	Persons seconded to Saarland University (primarily teaching staff)
12	Non-enrolled students (Gasthörer) and cross-enrolled students (Zweithörer)
13	Research assistants and other part-time employees
14	Honorary citizens and honorary senators
15	Students who are enrolled at other universities in the Saarland-Lorraine-Luxembourg-Trier-West Palatinate region if this has been agreed in contracts between Saarland University and the universities
16	Other members of cooperating higher education institutions (co-opted professorial staff) in accordance with Article 40 (2) of the Fundamental Principles and Rules Governing Saarland University (Grundordnung der Universität des Saarlandes)

No.	User group
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Other: Cooperation partners, guests, etc. (Section 3 (3b) and (3c) of the IT Acceptable Use Policy)

1	Trainees and apprentices, students on a cooperative study programme, vocational retraining, voluntary service, etc.
2	Interns
3	Scholarship holders
4	Habilitation candidates
5	Employees of cooperating research institutions (e.g. INM, MPI, Fraunhofer, HIPS, DFKI, ZeMA, Steinbeis, CISPA, Helmholtz, ...)
6	Employees of Studierendenwerk Saarland (Saarland Student Services)
7	Employees of the General Student Committee (AStA)
8	Companies with a participating interest held by Saarland University, including indirectly
9	Cooperating higher education institutions for participants in interinstitutional projects
10	Cooperating higher education institutions for administrative staff for the purposes of managing interinstitutional study programmes
11	Employees from start-ups at Saarland University
12	External members of an organizational unit within the university (e.g. Centre for Teacher Education (Zentrum für Lehrerbildung))
13	External members of university committees (e.g. Senate, University Council, Appointments Committees)
14	Catholic Students' Association (KHG)
15	Protestant Students' Association (ESG)
16	External service providers if there is a valid service agreement with Saarland University.
17	Employees of cooperating state offices and authorities
18	Students, pupils and employees who are members of another higher education institution, school or partner organization if this has been agreed in contracts between Saarland University and the higher education institutions, schools or partner organizations
19	Other users to be decided on a case-by-case basis by the member of the University Board responsible for the University IT Centre (HIZ)

User groups at htw saar

No.	User group
Members of htw saar (Section 14 Saarland Higher Education Institutions Act (Saarländisches Hochschulgesetz, SHSG) in conjunction with the Fundamental Principles and Rules Governing the University of Applied Sciences (htw saar) (Grundordnung der Hochschule für Technik und Wirtschaft))	
1	President
2	Vice-President for Administration and Finance
3	Professorial staff
4	Academic research associates
5	Full-time lecturers with specialist teaching duties
6	Other civil servants (Beamter), administrative and technical staff employed on a full-time basis
7	Enrolled students
8	Doctoral research students
9	Full-time employees with the approval of the university management
10	Honorary professors (Honorarprofessor) considered to be a member of the group of university professors under German law

Affiliated members of htw saar (Section 14 Saarland Higher Education Institutions Act (Saarländisches Hochschulgesetz, SHSG) in conjunction with the Fundamental Principles and Rules Governing the University of Applied Sciences (htw saar) (Grundordnung der Universität des Saarlandes)

1	Emeritus or retired professors
2	Full-time employees but only on a temporary or visiting basis
3	Honorary professors
4	Part-time external teaching staff and other part-time employees
5	Honorary citizens and honorary senators
6	Non-enrolled students (Gasthörer*in)
7	Affiliated members of htw saar may also be students who are enrolled at other universities in the Saarland-Lorraine-Luxembourg-Trier-West Palatinate region if this has been agreed in contracts between htw saar and the universities.

Other: Cooperation partners, guests, etc.

1	Temporary guests of htw saar (e.g. conference guests, external service providers)
2	Employees of cooperating research institutions (e.g. INM, MPI, Fraunhofer, HIPS, DFKI, ZeMA, Steinbeis, CISPA, Helmholtz, ...)
3	Cooperating higher education institutions for participants in interinstitutional projects
4	Other users to be decided on a case-by-case basis by the member of the University Board responsible for the University IT Centre (HIZ)

User groups at HBKsaar

No.	User group
Members of HBKsaar as defined in Section 12 of the Art Higher Education Institutions Act (Kunsthochschulgesetz)	
1	Professors with civil servant status (Beamter) and professors employed under private law as well as junior professors (professorial staff)
2	Lecturers with specialist teaching duties and academic staff
3	Part-time external teaching staff in accordance with Section 44(1) and Section 46, unless they are members of another university.
4	Other full-time employees
5	Enrolled students
6	Chancellor

Other: Cooperation partners, guests, etc.

1	Temporary guests of HBKsaar (e.g. conference guests/external service providers)
2	Cooperating higher education institutions for participants in interinstitutional projects
3	Professors who have retired due to reaching retirement age
4	Visiting professors
5	Honorary professors
6	Part-time external teaching staff as well as research assistants and student assistants
7	Non-enrolled students (Gasthörer)
8	Student employees (Werkstudierenden)
9	Doctoral research students
10	Other users to be decided on a case-by-case basis by the Chancellor

User groups at HfM Saar

No.	User group
Members of HfM Saar as defined in Section 12 of the Music Higher Education Institutions Act (Musikhochschulgesetz)	
1	Professors with civil servant status (Beamter) and professors employed under private law as well as junior professors (professorial staff)
2	Lecturers with specialist teaching duties and academic staff
3	Part-time external teaching staff in accordance with Section 44(1) and Section 46, unless they are members of another university.
4	Other full-time employees
5	Enrolled students
6	Chancellor

Other: Cooperation partners, guests, etc.

1	Temporary guests of HfM Saar (e.g. conference guests, external service providers)
2	Cooperating higher education institutions for participants in interinstitutional projects
3	Other users to be decided on a case-by-case basis by the member of the university management responsible for the University IT Centre (HIZ)