

## Usage Regulations for the Central IT Systems of RWTH Aachen University

Dated January 19, 2018

**Please note: This publication is an English translation. Only the German original of these regulations as published in the Official Announcements of RWTH Aachen University (“Amtliche Bekanntmachungen”) is legally binding.**

Based on §§ 2 (4) and 29 (2) of the Higher Education Act of the State of North Rhine-Westphalia (Hochschulgesetz; HG) in the version of the announcement dated September 16, 2014 (Law and Official Gazette of the State of North Rhine-Westphalia p. 547), most recently amended by Art. 3 of the Act to Ensure the Accreditation of Study Programs in North Rhine-Westphalia dated October 17, 2017 (Law and Official Gazette p. 414), RWTH Aachen University has issued the following regulations:

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## Preamble

The aim of these regulations is to regulate the use of all central IT infrastructures and services of the IT Center. The basic rules defined here enable the trouble-free and safe use of these resources. On the basis of proper operation of the central IT infrastructures and services, these regulations ensure their unhindered use based on the relationship between the IT Center and the authorized users.

### § 1 Scope of Application

- (1) These regulations apply to the use of all IT infrastructures and services of RWTH Aachen University that are the responsibility of the IT Center. This includes RWTH's computer and data processing systems, communications networks and communications equipment, and other systems used for computer-based information processing.
- (2) In order to maintain the proper operation of the IT infrastructures and services, the director of the IT Center may, after consultation with the Steering Group for the IT Center, establish further specific regulations and guidelines for individual services as usage regulations. These will be posted on the IT Center website.

### § 2 Authorization and Permission for Use

- (1) Members of RWTH are permitted to use the central IT infrastructure and services in accordance with Section 9 of the Higher Education Act of North Rhine-Westphalia (Hochschulgesetz NRW). Furthermore, the following persons can be authorized:
  - a. Affiliates of RWTH,
  - b. Members and affiliates of other universities in the state of North Rhine-Westphalia and universities outside the state of North Rhine-Westphalia on the basis of special agreements,
  - c. Members and affiliates of collaborating partners and institutions linked through international relationships, e.g. partner universities,
  - d. External employees in research networks,
  - e. Participants in special courses of study or events of education and training;
  - f. RWTH representatives to perform their official duties.
- (2) The head of the IT Center, in consultation with the CIO Advisory Board, shall decide on the authorization of additional external users, provided that free capacities are still available after the aforementioned user groups have been given priority.
- (3) The purpose of the authorization to use the central IT infrastructure and services of RWTH is exclusively the performance of tasks in academic research, teaching and studies, the library, University administration, for education and further training as well as for the fulfillment of other tasks of RWTH. Minor deviations from this use may be permitted if they do not significantly impair the purpose of the IT Center or the interests of other users.

- (4) Authorization to use the central IT infrastructure and services of RWTH is granted by issuing a unique user ID. Any user IDs that are not automatically process-generated can be created upon request. Parts of the IT infrastructure and services can be authorized without a user ID.
- (5) The authorization of use is, in principle, task-related and can be limited in time and scope. In particular, to ensure proper and trouble-free operation, the usage permit may be linked to a limitation of the available resources as well as to other usage-related conditions and requirements.
- (6) The authorization of use may be denied, revoked, or subsequently restricted in whole or in part, in particular if:
  - a. no proper application has been submitted or the information in the application is not or is no longer correct,
  - b. the requirements pursuant to Paragraph 1 for permissible use of the central IT infrastructure and services are not or are no longer met,
  - c. the person authorized to use the facility has been excluded from use in accordance with § 5 of these Regulations,
  - d. the user's planned project is not in accordance with the purposes pursuant to § 2 (3),
  - e. the existing central IT infrastructure and services are unsuitable for the requested use or cannot be provided in accordance with the required useful life,
  - f. the capacity of the resources whose use is requested is insufficient for the planned use because of an existing workload,
  - g. the required IT components are connected to IT infrastructures (e.g., communication networks) that must meet special data protection requirements and no objective reason for the planned use is apparent,
  - h. it is anticipated that the requested use will unreasonably interfere with other authorized projects,
  - i. the circle of users is to be restricted due to contractual obligations,
  - j. reasons of foreign trade law do not permit use by certain persons (embargo).

### **§ 3**

#### **Rights and Obligations of the Users**

- (1) Authorized users have the right to use the central IT infrastructures and services within the scope of the authorization and in accordance with these regulations.
- (2) The users are obliged to:
  - a. observe the specifications of these regulations and to comply with the limits of the usage permit, in particular to observe the purposes of use according to § 2 (3),
  - b. refrain from anything that interferes with the proper operation of the IT infrastructures and services of the IT Center,
  - c. treat all data processing equipment, information and communication systems, and other equipment of the IT Center with care and consideration,
  - d. work exclusively with the user IDs that they have been permitted to use within the scope of the authorization,

- e. not disclose authentication features (e.g. user IDs together with passwords, private digital keys, and private certificates) to third parties and to ensure that no other persons gain knowledge of the authentication features and to take precautions to prevent unauthorized persons from gaining access to the IT infrastructures and services of the IT center,
- f. notify the IT Center if they become aware of the misuse of their own authentication features.
- g. neither determine nor use third-party authentication features (e.g., user IDs with passwords, private digital keys, and private certificates),
- h. not gain unauthorized access to the information of other users and not to pass on, use, or change information of other users that has become known without permission,
- i. when using software, documentation, and other data, to comply with the legal requirements, in particular with regard to copyright protection, and to observe the license conditions under which software, documentation and data are made available by the IT Center,
- j. protect the national and international copyrights, trademark rights, patent rights, rights to names and marks as well as other industrial property rights and personal rights of third parties when using the services,
- k. refrain from retrieving, offering, uploading, or distributing illegal content, in particular content that violates criminal law, data protection law, personal rights, licensing law, or copyright provisions,
- l. not copy or pass on to third parties software provided by the IT Center or the software used to operate the Services, its documentation and data, unless this is expressly permitted, nor to use it for purposes other than those permitted,
- m. follow the instructions of the staff on the premises of the IT Center,
- n. provide proof of authorization to use the device upon request,
- o. report any malfunctions, damage, and errors in IT infrastructures and services of the IT Center to the employees of the IT Center without delay,
- p. not interfere with the IT Center's hardware and software installations and not to change the configuration of the operating systems, system files, system-relevant user files and the network without the IT Center's consent,
- q. coordinate any processing of personal data with the Data Protection Officer and the IT Center and - without prejudice to the User's own obligations under data protection law - to take into account any proposed data protection and data security measures required by the Data Protection Officer.

(3) The head of a facility appoints a contact person for the IT Center.

#### **§ 4**

#### **Restriction and Exclusion**

- (1) Users may be temporarily or permanently restricted in their use of the central IT infrastructures and services or excluded therefrom if
  - a. they culpably violate these regulations, in particular the duties listed in § 3, or
  - b. they misuse the central IT infrastructures and services of RWTH for criminal acts or
  - c. RWTH suffers disadvantages due to other illegal user behavior or its reputation or other interests worthy of protection are damaged.
- (2) Measures pursuant to paragraph 1 shall only be taken after an unsuccessful warning has been issued.
- (3) The person concerned must be given the opportunity to comment, unless this is not required by the circumstances of the individual case, for example in the case of imminent danger.
- (4) Upon request, which must be made within six months of the exclusion from use, the IT Center will decide whether to secure the data of the person or persons concerned.

- (5) Temporary restrictions on use decided by the head of the IT Center shall be lifted as soon as proper use is restored.
- (6) A permanent restriction of use or the complete exclusion of a user from further use occurs in the case of serious or repeated violations within the meaning of paragraph 1. The decision on this is prepared in the Central University Administration with the participation of the CIO Advisory Board for the Rectorate. Possible claims of RWTH arising from the usage relationship shall remain unaffected.

## **§ 5**

### **End of the Usage Relationship**

- (1) Without prejudice to the provisions of § 4, admission for use shall end upon loss of status or cessation of the reasons on the basis of which admission was granted.
- (2) The IT Center uses an automated system for identity management to manage and organize the affiliation of members and affiliates of RWTH and other authorized users as defined in § 2.
- (3) The IT Center may delete the user's data six months after termination of the user relationship. The service and labor law obligations of the users after the end of the user relationship with regard to data transfer and data backup and the specifications from the Guideline on Research Data Management at RWTH Aachen University dated March 8, 2016, as amended, remain unaffected.

## **§ 6**

### **Rights and Duties of the IT Center**

- (1) The duties of the IT Center are described as tasks in the Regulations of the IT Center § 2.
- (2) The IT Center keeps and manages the data collected in connection with the granted user IDs and authorizations.
- (3) Insofar as this is necessary for troubleshooting, system administration, and expansion or for reasons of system security and the protection of user data, the IT Center may temporarily restrict the use of its resources or temporarily block individual user IDs or services, or exclude IT infrastructure and services from access. If possible or permissible, the affected users and persons responsible must be informed of this in advance.
- (4) If there are actual indications that a user is providing illegal content for use on the IT Center's systems, the IT Center may or must prevent further use until the legal situation has been adequately clarified.
- (5) In accordance with the statutory provisions, the IT Center is entitled to document and evaluate the use of the IT infrastructure and services by the individual users, in particular to the extent necessary
  - a. to ensure proper system operation,
  - b. for resource planning and system administration,
  - c. to protect the personal data of other users,
  - d. for accounting purposes,
  - e. for the detection and elimination of faults,
  - f. for the clarification and prevention of illegal or improper use.

- (6) Under the conditions of Paragraph 4, the IT Center is also entitled, in order to detect and eliminate current malfunctions or to clarify and prevent misuse, to inspect those data or files of the users which do not obviously have personal or person-related content, nor are they specially protected as telecommunications content, in compliance with the statutory regulations, insofar as this is necessary. In any case, the inspection must be documented and the user concerned must be notified immediately after the purpose has been achieved. The rights of law enforcement authorities remain unaffected.
- (7) In accordance with the statutory provisions, the IT Center is obliged to maintain telecommunications and data secrecy and to comply with the Data Protection Act for the State of North Rhine-Westphalia.

## **§ 7 Liability of the Users**

The users are liable within the framework of the legal provisions.

## **§ 8 Liability of RWTH**

- (1) RWTH does not guarantee that the central IT infrastructures and services are faultless and in operation at all times without interruption. However, the aim is to achieve a high level of availability within the existing possibilities. Possible data loss as a result of technical malfunctions and the disclosure of confidential data by unauthorized access by third parties cannot be ruled out.
- (2) RWTH assumes no responsibility for the faultlessness of the applications and IT infrastructures and services provided. RWTH is also not liable for the content, in particular for the accuracy, completeness, and timeliness of the information to which the IT Center merely provides access.
- (3) In all other respects, RWTH shall only be liable in the event of intent and gross negligence on the part of its employees, unless there is culpable violation of essential contractual obligations or of life, body, and health. In this case, the liability of RWTH shall be limited to typical damages foreseeable at the time of the establishment of the user relationship, unless intentional or grossly negligent conduct is involved.
- (4) Possible official liability claims against RWTH shall remain unaffected by the above provisions.

## **§ 9 Entry Into Force**

These regulations come into force as an Official Announcement of RWTH on the day following their publication.

Issued on the basis of the resolution of the Rectorate of RWTH Aachen University of December 18, 2017 and consultation by the Steering Committee for the IT Center.

Rector  
of RWTH  
Aachen University

Aachen,      January      19,  
dated      2018

sgd. Schmachtenberg

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Univ.-Prof. Dr.-Ing. E. Schmachtenberg