

## ***Code of Conduct for the Use of E-mail, Internet and Telephone Facilities of Tilburg University***

### Objective

This Code of Conduct governs the responsible use of e-mail, internet and telephone facilities provided by Tilburg University, and also strives to prevent nuisance from undesired use of the aforementioned facilities in relation to employees and students of Tilburg University.

## The Executive Board of Tilburg University

adopted the following Code of Conduct on February 8, 2005 with the consent of the Local Consultation Commission/University Council:

### 1. Definitions

Account: access to ICT facilities;

Access code: the combination of a user or login name and accompanying means of identification provided by Tilburg University;

E-mail address: the unique code assigned to the user by Tilburg University to indicate his/her e-mailbox;

E-mailbox: the digital space, exclusively at the user's disposal, for the receipt, storage and sending of electronic post;

ICT facilities: the computer, printing and network facilities of Tilburg University and all corresponding hardware, including the connection to other networks;

ICT manager: the employee designated by the Executive Board who is charged with the day-to-day responsibility for the processing of personal data, for the correctness of the data entered, as well as for the storage, deletion and provision of data.

ICT employee: any employee of Tilburg University with a job in the ICT job family, the director of the Central ICT Services of Tilburg University, as well as other persons who perform work in the field of ICT at Tilburg University;

Telephone facilities: the telephone facilities of Tilburg University provided to employees or students for the performance of their work;

Traffic data: data concerning, e.g. addresses, dates, times, duration and routes of the telecommunications which are taking place or have taken place.

### 2. Scope of application

This Code of Conduct applies in the first place to employees of Tilburg University who use the e-mail, internet and telephone facilities at the University's workstations. The Code can be deemed as a specification of Article 9.1.1 paragraphs 1 and 2 of the Collective Labour Agreement (CAO) of the Dutch Universities, Part 2, 2003-2004. The Code of Conduct also applies to students who use the ICT facilities at the workstations of Tilburg University. The Code of Conduct applies further to persons who perform work at the University, including secondees, trainees and temporary workers.

In addition, the Code applies to the use of the e-mail address and e-mailbox of the University outside the workstations of the University.

### 3. Starting points

The accounts provided by Tilburg University to the parties referred to in article 2 are strictly personal. It is therefore not permitted to disclose access codes to third parties, unless this is necessary for an adequate performance of the work. Those to whom the accounts have been provided are required to do or refrain from doing everything that can reasonably be expected from them to prevent abuse of those accounts.

The monitoring of personal data over e-mail, internet and telephone is personal data processing within the meaning of the Personal Data Protection Act (*Wet bescherming persoonsgegevens (WBP)*).

The monitoring of e-mail, internet and telephone use at the University will be carried out in accordance with this Code. Should situations occur which are not provided for in this

Code, action will be taken as far as possible in accordance with other rules and regulations. Criminal acts will be reported.

Data over e-mail, internet and telephone, which can be traced to persons, will not be saved longer than is necessary to achieve the objectives for which it is collected or subsequently processed.

#### 4. E-mail, internet and telephone use

The e-mail, internet and telephone facilities made available to employees by the University must be used at the workstations of the University for the performance of their jobs. Limited personal use is permitted as well, provided this does not disrupt the employees' own work activities or the work activities of others, and others cannot take exception to such use.

The e-mail, internet and telephone facilities made available to students by the University must be used in accordance with clauses 4.3 to 4.7., on the understanding that the provisions of 4.5 and 4.6 are applicable only to the extent that they relate to criminal acts under Dutch legislation, or cause nuisance to other members of the University community. The provisions of 4.6 will always be applicable as well if this use takes place on campus and is experienced by others present on campus as intimidating, offensive or otherwise as causing a nuisance.

Private use of e-mail and internet may not constitute an unreasonable burden on the IT infrastructure of the University.

Those concerned must refrain from acts which are wrongful or punishable, prevent a proper performance of the job, could harm the good name of the University, or are in conflict with the 'Code of Conduct for Aberrant Behaviour'.

It is in any case not permitted to send threatening, intimidating, pornographic or racist or otherwise discriminating e-mail messages.

It is in any case not permitted to deliberately visit web sites that contain pornographic, racist or otherwise discriminating material, unless this is necessary for the performance of one's job, or it has been determined at faculty level that this is necessary for study purposes.

The storage and processing of unlawfully obtained information or information, the possession of which is punishable, is not permitted.

#### 5. Conditions of general supervision and specific monitoring

General supervision is for the purpose of system and network security and is to be carried out by the designated ICT employees of the Central IT Services and the faculties.

Without prejudice to the provisions of clauses 5.6 and 5.7 of this Code, and without prejudice to the 'Integrity Code for ICT Employees of Tilburg University' (*Integriteitscode ICT-functionarissen UvT*), ICT employees are subject to a duty of confidentiality with respect to information about e-mail, internet and telephone use which can be traced to persons.

ICT managers are entitled to render impermissible e-mail, internet and telephone use impossible by means of software.

If the results of the general supervision formulated in clause 5.1, or complaints about the functioning of the facilities, give reason to do so, random checks will be carried out of the traffic data of e-mail, internet and telephone facilities.

If improper use is suspected, as referred to in clauses 4.4, 4.5, 4.6 and 4.7, the person concerned will be called to account for this as soon as possible. The person concerned, if applicable, will be notified in writing of the consequences if he/she should continue such impermissible use.

On the basis of a justified suspicion of improper use, specific investigation may be conducted during a fixed, short period. In principle, the investigation will be limited to traffic data of the use of e-mail, internet and telephone, and it will take place following a written instruction from the Executive Board. If the written report of the results of the investigation does not give cause for taking further measures, the written report will be destroyed.

Only if there are serious reasons to do so will a specific investigation be conducted on the instruction of the Executive Board into the contents of e-mail. The written instruction will state these reasons.

If an investigation as referred to in clauses 5.6 and 5.7 is conducted, the Executive Board will inform the person concerned in writing as soon as possible of the reasons, conduct and results of the investigation. The person concerned will be given the opportunity to explain the data discovered. The provision of information to the person concerned can be postponed if this would impair the investigation.

## 6. Sanctions

If an employee acts in conflict with this Code of Conduct, the Executive Board may impose one or more of the following sanctions:

- a. restriction, temporary or not, of access to certain ICT/telephone facilities;
- b. temporary or final prohibition from using certain ICT/telephone facilities;
- c. payment of costs arising from the deliberate abuse;
- d. other measures relating to legal status.

If a person, not being an employee, who performs work at the University acts in conflict with this Code of Conduct, in addition to the sanctions referred to in a. to c., the Executive Board may also terminate the performance of work at Tilburg University.

If a student acts in conflict with this Code of Conduct, the Executive Board may take appropriate measures, based on the rules pertaining to the use of the University buildings and other University facilities. These rules, in so far as they concern students, have been laid down on the basis of Article 7.57h of the Higher Education and Research Act (*WHW*). Students can appeal against decisions on this basis to the Higher Education Appeals Tribunal.

## 7. Protection of rights

The general complaints procedure of the University contained in Section 4 of the Management Regulations (*bestuurs-en beheersreglement*) is applicable.

## 8. Official title

This Code can be cited as the 'Code of Conduct for the Use of E-mail, Internet and Telephone Facilities of Tilburg University'.