Conditions of Use Policy for all Users of Information and Communications Technology
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1. Purpose

The Department of Education (DoE) provides learners and employees with access to information and communications technology (ICT) resources, including hardware, software, e-mail, the Internet and DoE data and information.

Appropriate use of ICT resources materially improves employee and learner capacity to undertake their day-to-day activities. Inappropriate use of ICT resources exposes the department to a range of financial, operational, safety, legal and reputational risks, including information theft, breach of privacy and confidentiality, damage to infrastructure and denial of services. Inappropriate use of ICT resource may also directly or indirectly impact the privacy and safety of employees and learners beyond the workplace.

The purpose of this policy is to outline the conditions associated with the use of DoE ICT resources by employees, learners, contractors, volunteers, service providers and department guests (users).

2. Policy Statement

DoE is committed to providing access to ICT resources in safe and productive environment and access to these resources are provided under the following conditions:

- ICT resources are used effectively and in a way that complies with legal and ethical standards and standards of interpersonal interaction.
- The security of DoE's ICT resources is maintained.
- Internet resources, such as e-mail and the Internet, are used appropriately.
- Copyright and intellectual property are respected.
- All users understand their responsibilities in relation to DoE's ICT resources.

All users are required to comply with the conditions and requirements of this policy and the supporting policies, procedures and guidelines.

3. Requirements

3.1 Lawful and appropriate use

Users are responsible for ensuring that their use of computers and the internet complies with State and Commonwealth laws at all times. Users are also prohibited from engaging in activities which, while not unlawful, are considered inappropriate or unacceptable by the school, community or business unit.

3.2 Copyright and other intellectual property rights

Users must not make any unauthorised reproductions of material protected by copyright or use audio-visual items in which copyright subsists and all software must be used in accordance with their licence agreements. If a user breaches these rights they may be prosecuted.

3.3 Duty of care in operation

Users must not engage in any activity that may reasonably be anticipated to cause damage to DoE hardware or software or to anyone else’s equipment. Precluded activities include but are not limited to the downloading, creation or transmission of messages, attachments, data files or software that contain malicious software.
3.4 No unauthorised access
Users must not attempt to gain unauthorised access to any information resources, systems or networks or interfere with another user’s work. System files, system configurations, folders and other technical data must not be altered.

3.5 Non-disclosure of private or confidential information
Email and the internet services are not necessarily secure, and confidentiality may be compromised by unintended redistribution of email or by the inadequacy of current technologies to protect against unauthorised access. Caution must be exercised in communicating personal or sensitive information by email or entering it on a website.

3.6 Waiver of liability
DoE restricts access to some material available via the internet, but does not accept responsibility for any illegal, offensive, indecent or otherwise harmful material accessed on the internet, nor for any loss however arising from use of, or reliance on information obtained through its internet service or in relation to the reliability or quality of that service.

4. Compliance

4.1 Acceptable Use agreements
Instruments of agreement or guidelines may be developed to facilitate compliance with this policy and to provide assurance that users understand the conditions and their obligations in relation to ICT resource use.
It is important to understand that DoE’s ICT resources are utilised by a diverse range of users with a differing capacity to understand their obligations or where there are specific obligations that must prioritised. Agreements and guidelines should be crafted to address the needs of specific user groups or use cases as appropriate.

4.2 Non-compliance
Users found engaging in activity contrary to this policy may have their computer access privileges suspended. If a user is suspected of engaging in activity contrary to law, access privileges will be suspended, and the individual may be liable to prosecution. Additionally, employees may be subject to action under the State Service Act 2000.

4.3 Monitoring
DoE has the lawful right to monitor your use of its equipment and may do so at any time without notice.

5. Related policies
• Personal Information Protection Policy (TASED-4-6980)
• Social Media Policy (TASED-4-4792)
• Web Filtering Policy (TASED-4-1878)

6. Related procedures
• Nil

7. Supporting information/tools
• Cyber Safety Resources
• Departmental Guidance for Intellectual Property and Copyright
• [ICT Security Guidelines] (in draft)
• ICT User Agreement - Conditions of Use of The Internet [KB0015350]
• ICT User Agreement - Guideline for Employees [KB0020862]
• ICT User Agreement - Primary School Students [KB0015348]
• ICT User Agreement - Responsible Use Letter to Parents for Primary Students [KB0015369]
• ICT User Agreement - Secondary School Students [KB0015349]
• ICT User Agreement - Use of Mobile Telephone Resources Guidelines for Employees [KB0015335]

8. Definitions

Copyright
The legal rights associated with intellectual property captured in material form such as in a book, a report or a software program. These rights give the creator or copyright owner the ability to control some ways in which the material is used. For example, the copyright owner can control by whom and in what way the original material is reproduced and communicated (other than to the extent that the Copyright Act 1968 (Cth) allows reproduction and communication without the permission of the copyright owner).

Information and Communications Technology (ICT) Resources
Technological tools, devices and resources used to communicate, create, disseminate, store, and manage information. Examples include computers, telephones, software, network services and equipment, the Internet, broadcasting technologies (radio and television), audio/video equipment, storage media and devices, etc.

Intellectual Property
The legal rights associated with the product of people’s imagination and creativity. Intellectual property rights can be dealt with like any other form of property (such as land and goods) i.e. they can be bought, sold, and licensed. Types of intellectual property include copyrights, patents, trademarks, and trade secrets.

Malicious software
Software intentionally designed to cause damage to a computer, server, client, or computer network. Also referred to as malware.

Unauthorised Access
Accessing information or resources without permission. Examples include gaining access to a website, system or equipment using someone else’s credentials (or other methods). Unauthorised access may also occur if a user attempts to access an area of a system or data repository they should not be accessing.

Users
A user is a person who utilises department ICT resources, this includes employees, learners, contractors, volunteers, service providers and department guests.

9. Legislation
• Employment Direction No. 12 (ED No. 12): Internet and Email Use