

## **GENERAL REGULATIONS**

### **Appendix 11 : Guide to Legislation Relevant to Computer Use**

<b>Name of regulation :</b>	Guide to Legislation Relevant to Computer Use
<b>Purpose of regulation :</b>	To ensure compliance with Computer Misuse Act and to secure computer material against unauthorised access or modification
<b>Approval for this regulation given by :</b>	Academic Board
<b>Responsibility for its update :</b>	Dean of Students and Academic Registrar
<b>Regulation applies to :</b>	To all Students registered on Staffordshire University awards, staff and other authorised persons
<b>Date of Approval :</b>	29 June 2011
<b>Proposed Date of Review :</b>	May 2012

#### **1 Computer Misuse Act**

The Computer Misuse Act was introduced in 1990 to secure computer material against unauthorised access or modification. Three categories of criminal offences were established to cover the following conduct.

- 1 Unauthorised access to computer material (basic hacking) including the illicit copying of software held in any computer.  
Penalty: Up to six months imprisonment or up to a £5,000 fine.
- 2 Unauthorised access with intent to commit or facilitate commission of further offences, which covers more serious cases of hacking.  
Penalty: Up to five years of imprisonment and an unlimited fine.
- 3 Unauthorised modification of computer material, which includes:  
i) intentional and unauthorised destruction of software or data;

- ii) the circulation of “infected” materials on-line.
  - iii) An unauthorised addition of a password to a data file.
- Penalty: Up to five years of imprisonment and an unlimited fine.

**You must not:**

- display any information which enables others to gain unauthorised access to computer material (this includes instructions for gaining such access, computer codes or other devices which facilitate hacking)
- display any information that may lead to any unauthorised modification of computer materials (such modifications would include activities such as the circulation of “infected” software or the unauthorised addition of a password)
- display any material, which may incite or encourage others to carry out unauthorised access to or modification of computer materials.

## **2 Copyright**

The Copyright, Designs and Patents Act 1988 is applicable to all types of creations, including text, graphics and sounds by an author or an artist. This will include any which are accessible through the University’s IT facilities.

Any uploading or downloading of information through on-line technologies, which is not authorised by the copyright owner, will be deemed to be an infringement of their rights.

Such uploading, downloading, transmission or storage of copyright material is only allowed on the University’s IT facilities within certain limits and only if it is for research for a non-commercial purpose under the “fair dealing” arrangements of the Copyright and Related Rights Regulations 2003. Non-commercial purposes include:

- Work done by part-time students undertaking higher education outside their workplace
- Work done by lecturers entirely for their students
- Articles for academic journals or papers for conferences for no fee
- Work done for personal professional development.

In accordance with the Copyright (Visually Impaired Persons) Act 2002, if a visually impaired person uses the University’s IT facilities to make an accessible copy of any work that is not otherwise accessible to him or her because of the visual impairment, it is not an infringement of copyright in the work.

Some types of infringement give rise to criminal offences, the penalties for which may amount to up to ten years imprisonment or an unlimited fine. It is also possible for the copyright owner to claim compensation or to have infringing activities prevented by an injunction.

**You must not:**

- make, transmit or store an electronic copy of copyright material, or a substantial part thereof, on the University's IT facilities without the permission of the owner, particularly when doing so as part of a commercial purpose, examples of which include -
  - Company research and development
  - Market research
  - Articles for academic journals or papers for conferences for a fee
  - Work done for spin-off companies from the University
  - Work done by students for an employer while on placement or a sandwich course
  - Research done by students which it is known or expected will be used for commercial purposes

### **3 Data Protection**

The Data Protection Act 1998 is concerned with information about living individuals which is processed both manually and automatically. It basically gives new rights to those individuals about whom information is recorded, and demands good practice in handling information about people.

With a few exceptions, every person or organisation holding personal data (data controller) must be registered with the Office of the Information Commissioner. Staffordshire University is registered as a data controller. Any use of personal data beyond the description stated in the University's registration will be illegal. In order to find out whether your proposed use complies with the University's registration contact the University's Information Protection & Security Manager:

Sue Howlett  
Information Protection & Security Manager  
Staffordshire University  
Stoke on Trent  
ST4 2DE  
Tel: (0)1782 294365  
Email: s.l.howlett@staffs.ac.uk

In addition, data controllers must comply with eight Data Protection Principles established by the Act. The Data Protection Principles are intended to protect the rights of the individuals about whom personal data are recorded. Guidance as to compliance with the principles may be obtained from the University's Data Protection Officer.

The 1998 Act extends the protection given to computerised information to manually stored data. It also prohibits the transfer of personal data outside of the European Economic Area ("the EEA") to countries which do not provide adequate protection of personal data, save in exceptional circumstances. Transfer within the EEA is permitted.

N.B. Personal data placed on the Internet will inevitably find its way outside of the EEA!

**You must:**

- only use personal data for a University-related purpose
- ensure that the use of University-related personal data is restricted to the minimum and is consistent with the achievement of University academic purposes
- contact the University's Information Protection & Security Manager before conducting any activity which involves the collection, storage, display and/or transfer outside of the EEA of personal data through the University's IT facilities.

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**More information**

**Visit:** [Data Protection Website](http://www.dataprotection.gov.uk) (External Website)  
<http://www.dataprotection.gov.uk>

**4 Official Secrets Acts 1911-1989**

The Official Secrets Acts 1911-1989 establish severe criminal penalties for any person who discloses any material which relates to security, intelligence, defence or international relations and which has come into that person's possession through an unauthorised disclosure by a Crown Servant or Government contractor. They also cover material, which has been legitimately disclosed by a Crown Servant or Government contractor on terms requiring it to be kept confidential or in circumstances in which it might reasonably be expected to be treated as confidential. This means that certain information handled by the University's departments may be covered by the provisions of the Acts, particularly if such information concerns a project specifically commissioned by a Government office.

**You must:**

- Ensure that any such material is securely stored and avoid displaying it on the University's IT facilities.

## **5 Defamation**

Defamation consists of the publication of opinions and untrue statements, which adversely affect the reputation of a person or a group of persons. If such a statement is published in a permanent form, as is the case with statements published on the Internet or in an email, an action for libel may be brought against those responsible.

In accordance with the Defamation Act 1996, Staffordshire University is committed to taking all reasonable care to avoid the dissemination of defamatory material and it will act promptly to remove any such material which comes to its attention so far as is possible within the bounds of academic freedom. Remember that even messages which have only one intended recipient, may reach a vast audience through this medium. As a result, the transmission of statements which discredit an identifiable individual or organisation, may lead to substantial financial penalties.

**You must:**

- ensure that all published facts are accurate
- ensure that opinions and views expressed in personal home pages or via bulletin boards do not discredit their subjects in any way which could damage their reputation
- obtain written approval from your Dean of Faculty/School before publishing or transmitting any potentially defamatory statement.

**You must not:**

- Place links to Bulletin Boards that are likely to publish defamatory materials

**REMEMBER THAT YOUR EMAIL COMMUNICATIONS ARE  
PUBLICATIONS**

## **6 Obscenity**

Staffordshire University is committed to the prevention of publication of any material which it may consider pornographic, excessively violent or which comes within the provisions of the Obscene Publications Act 1959, the Protection of Children Act 1978 and the Criminal Justice Act 1988 on any of the University's IT facilities. Material is deemed to be obscene if its overall effect is to tend to deprave and corrupt a significant proportion of those who are likely to see or hear the matter contained in the material. The University will regard any such publication as a very serious matter and will not hesitate to contact the police. Any information held by the University for the purposes of an internal investigation or a police investigation into such matters is exempt information for the purposes of the Freedom of Information Act 2000. Users of the IT facilities are reminded that they are principally for use in connection with academic purposes. Therefore, any use of the IT facilities to publish or gain access to obscene, pornographic or excessively violent material is inappropriate.

### **You must not:**

- Disseminate, access or encourage access to materials which the University deems to be obscene, pornographic or excessively violent through the University's IT facilities.

## **7 Discrimination**

The Sex Discrimination Act 1975, the Race Relations Act 1976 and the Disability Discrimination Act 1995 are guided by the principle of prevention of unfair discrimination on the grounds of sex, including discrimination against persons who have undergone gender reassignment, race or disability. The Acts make unfair discrimination a civil offence, and in certain other circumstances the law is supported by criminal sanctions. Therefore, any material located on or disseminated through the University's IT facilities which is considered discriminatory or may encourage discrimination on grounds of sex, gender, race, colour or ethnic or national origins or disability is illegal. Any such material will also be against Staffordshire University's Equality and Diversity Policy.

### **You must not:**

- use the University's IT facilities to place or disseminate materials which discriminate or encourage discrimination on grounds of sex, gender, race, colour, ethnic or national origins or disability.

## **8 Criminal Law**

The incitement to commit a crime is a criminal offence in itself, regardless of whether a crime has actually been committed or not. This includes the provision of information via computerised services which facilitates any of the activities which this code has highlighted as criminal offences.

**You must not:**

- place links to sites which facilitate illegal or improper use, including hacking and activities of a similar nature
- place links to sites where copyright protected works, such as computer software, are unlawfully distributed
- place links to sites which display pornographic materials
- place links to Bulletin Boards which are likely to contain discriminatory statements.

**9 Advertisements and Commercial Activity**

Any advertising activity conducted through the University's IT facilities will be limited to the provision of information regarding the University's courses, facilities and other proper activities. The University's IT facilities must not be used for placing or distributing commercial advertisements relating to any course or business other than those promoting the University's teaching and research activities or its own trading operations.

**You must:**

- remember that all advertisements should be 'legal, decent, honest and truthful' and comply with the Code of Practice for Advertisers issued by the Advertising Standards Authority.

**10 International Law and the Internet**

Since at present there is no international convention on Internet regulation, caution is necessary in considering what law may be applicable. As a basic rule, all users of Staffordshire University's IT facilities must note that although certain materials may be considered legal in their places of origin that does not prevent the application of UK law if those materials are considered to be illegal under the law in this country. Similarly, material transmitted world-wide is subject to the law of whichever country it is viewed in.

**REMEMBER THAT THE USE OF THE UNIVERSITY'S IT FACILITIES IN A WAY THAT CONTRAVENES THE UNIVERSITY'S REGULATIONS MAY BE TREATED AS A DISCIPLINARY OFFENCE AND LEAD TO THE ENFORCEMENT OF THE PENALTIES SET OUT IN THOSE REGULATIONS.**

**11 Additional Information**

Further useful information can be found in the following documents, available from Information Services administrative offices.

JANET Acceptable Use Policy - Information Services document User 039

**Staffordshire University's commitment to equality and diversity means that this policy has been screened in relation to the use of gender-neutral language, jargon-free plain English, recognition of the needs of disabled people, promotion of the positive duty in relation to race and disability and avoidance of stereotypes. This document is available in alternative formats on request. If you think we can improve the fairness of this policy, please contact the individual who has responsibility for its update.**