Rules of Operation of the Data Processing Center
at the Bundeswehr University Munich
(RODPC)

dated 28 September 1998

Pursuant to section 17 para 2 of the General Regulations (GenRegs) on the Structure and Organization of the Bundeswehr University Munich, dated 30 May 1997, the Bundeswehr University Munich issues the following Rules of Operation of the Data Processing Center (RODPC).

All functional titles are meant to refer to males and females equally. For reasons of clarity and ease of understanding, no gender-related differentiation is made in the wording of the individual provisions contained herein.

I. Administrative Regulation

Section 1
Data Processing Center (DPC)

[1]The Data Processing Center (DPC) is a central facility of the Bundeswehr University Munich. [2]It is subordinate to the President of the Bundeswehr University Munich.

Section 2
Tasks of the Data Processing Center (DPC)

(1)   DPC services include

- operating an information processing infrastructure (IP infrastructure);
- programming;
- advice and practical training.

(2)   In particular, the DPC will

1.   operate the central data processing systems (servers, special devices, workstations and PC pools, etc.) for tasks in the fields of research, teaching and administration;

2.   plan, establish and operate the data network infrastructure, consisting of the University's internal data network and the linkup points to external networks;

3.   operate overarching communication systems (electronic mail, directory systems, information services, gateways etc.);

4. ensure data privacy and data security within the IP infrastructure operated by the DPC;

5. distribute, maintain and support system software and widely usable application software for DPC-supported IP infrastructure;

6. instruct, advise and support IP users with regard to IP systems as well as network and software products;

7. plan IP developments and prepare the DPC's IP procurement activities (hardware and software); support the University in the planning, standardizing and coordinating of overarching IP-related issues;

8. conduct research and development work as required for maintaining and improving DPC performance;

9. manage the budget funds allocated to the DPC;

10. perform other tasks as assigned by the President of the Bundeswehr University Munich.

Section 3
Management of the Data Processing Center

(1) The DPC is headed by its Director, which is a full-time position subordinate to the President of the Bundeswehr University Munich.

(2) [1]The DPC Director supervises the DPC's staff. [2]He / she will ensure that the public servants, employees and workers assigned to the DPC comply with their duties.

(3) In particular, the DPC Director will

1. decide on work assignments for DPC personnel and the use of operating resources;

2. determine the DPC's internal organization, establish the DPC's work rules, and provide for the cost-efficient employment of personnel and use of operating resources;

3. issue provisions as to the use of IP infrastructure operated by the DPC;

4. provide DPC input as required for the preparation of budgetary estimates;

5. decide on the scope of users' admission to – and exclusion from – using the DPC's IP resources in accordance with section 5;

6. apprise the Senate Committee for the Data Processing Center (SCDPC) of matters of general significance.

Section 4
Senate Committee for the Data Processing Center (SCDPC)

(1)   The SCDPC is a non-standing Senate committee whose chair and members are elected for a two-year term (GenRegs, section 16).

(2)   [1]The SCDPC consists of members knowledgeable in the field of data processing; it shall be considered as a technical committee. [2]The DPC Director sits on the SCDPC as an advisory member, managing the SCDPC's business.

(3)   Giving due consideration to the interests of all members of the Bundeswehr University Munich entitled to use the DPC, [1]the SCDPC will advise and assist the DPC staff in accomplishing their tasks and will provide pertinent recommendations to the Senate and the DPC on matters of general significance, especially on matters pertaining to the

- provisioning of the University with central IP infrastructure;

- assigning of IP services to users (for example, by establishing a user hierarchy, priority-of-use rules, or setting of quotas);

- further development of, and expansion planning for, the DPC's IP infrastructure;

- budget and personnel planning;

- DPC Rules of Operation.

[2]The DPC will give due consideration to recommendations made by the SCDPC. The DPC Director will provide comments thereon and apprise the SCDPC as to further action taken.

II. Regulation of Use

Preamble

[1]The Data Processing Center (DPC) of the Bundeswehr University Munich operates an information processing infrastructure (IP infrastructure) consisting of data processing systems (computers), communication systems (networks) and other supporting systems for information processing.[2] The IP infrastructure is integrated into the German *Wissenschaftsnetz (WiN)* (Scientific Network) and, thus, into the global Internet. [3]This Regulation of Use stipulates the conditions for use of the IP infrastructure. [4]The Regulation of Use

- is oriented towards the statutory tasks of the Bundeswehr University Munich and its mandate of maintaining academic freedom as per section 3 of the University Statutes;

- lays down basic rules for the proper operation of IP infrastructure;

- provides information on third-party rights (such as software licenses, restrictions imposed by network operators, data privacy aspects);
- obliges users to engage in appropriate conduct and to make economical use of the provided resources;
- provides information as to DPC action that may be taken against users who fail to observe the Regulation of Use or the operating procedures.

Section 5
Scope

This Regulation of Use applies to IP infrastructure provided by the DPC, consisting of data processing systems (computers), communication systems (networks) and other supporting systems for information processing.

Section 6
Circle of Users and Tasks

(1) [1]The IP resources mentioned in section 5 are available to the members of the Bundeswehr University Munich for the accomplishment of their tasks in the fields of research, teaching, administration, initial and advanced training, public relations and public presentation of the Bundeswehr University Munich as well as any other task described in Part A of the General Regulations (GenRegs) on the Structure and Organization of the Bundeswehr University Munich. [2]Furthermore, IP resources are available for tasks to be performed as directed by the Federal Minister of Defense.

(2) Other individuals and institutions may be granted permission to use.

Section 7
Formal Authorization of Use

(1) [1]Users of IP resources as per section 5 need to obtain formal authorization of use from the DPC,[2] except for services established for anonymous access (such as information services or library services).

(2) Requests for formal authorization of use of the DPC's IP resources and operating equipment need to be submitted to the DPC using the appropriate form.

(3) [1]Requests for formal authorization of use need to include the following information:

- the systems for which authorization is requested;
- the requesting individual's name, address, phone number and student ID number (students only) or the organizational element

within the University which the requesting individual is assigned to (staff members only);

- information about the purpose of use (research, training / teaching, administration);

- brief description of the project;

- entries for information services of the Bundeswehr University Munich;

- information as to whether any person-related data will be processed;

- a statement to the effect that the user acknowledges the Regulation of Use and agrees to the collection and processing of person-related data in accordance with section 9 paras 3 and 4;

- if applicable: name, signature and organizational element of the authorizing official; the University's organizational elements will apprise the DPC of the names of their designated authorizing officials.

[2]The DPC may request users to provide additional information – other than the above – only if necessary for the DPC to decide on the request for formal authorization of use.

(4) [1]Decision on requests for formal authorization of use rests with the DPC Director. [2]At his / her discretion, the Director may demand proof of proficiency in the system or systems which the requesting individual wishes to use.

(5) Authorization of use may be denied if

a) there is substantiated reason to believe that the requesting individual will fail to meet user obligations as per section 8;

b) the requested system is already used to capacity and cannot accommodate the intended additional workload;

c) the project is not compatible with the purposes stated in section 6 para 1 and section 8 para 1;

d) the requested system is obviously not suited for the intended use or is reserved for special purposes;

e) the requested system is connected to a network which is subject to special data protection restrictions and the requesting individual fails to show reasonable cause for requesting use of the system;

f) it may be anticipated that the requested use will inappropriately interfere with other authorized uses.

(6) Authorization of use shall entitle the user to perform work only as related to the requested use.

Section 8
User Obligations

(1) [1]IP resources as per section 5 may be used only for the purposes stated in section 6 para 1. [2]Any use for other purposes, in particular for commercial purposes, may be authorized only upon request and for a fee.

(2) [1]Users are obliged to act responsibly and economically when using available equipment (such as workstations, CPU capacity, disk storage capacity, cable capacity, peripheral equipment and expendable material). [2]Users will refrain, to the extent foreseeable, from engaging in activities which might impair the system's operation, and will avoid, to the best of their knowledge, any activities that might cause damage to the IP infrastructure or that might be to the detriment of other users. [3]Users who fail to comply with these rules may be held liable for damages (section 11).

(3) [1]Users will refrain from any type of misuse of the IP infrastructure. [2]In particular, they will

   a) work only with user identifications (user IDs) as authorized; as a matter of principle, users will not pass on user IDs or passwords to others;

   b) apply security mechanisms as required to protect IP resources against unauthorized access;

   c) take precautions to prevent unauthorized third parties from gaining access to IP resources; especially, users are required to avoid using simple, obvious passwords; to change passwords from time to time; and to follow the logout procedure.

[3]Users will be held responsible for any activities performed using his / her user ID, to include activities performed by third parties who have gained access to the system through intent or negligence on the part of the user. [4]Beyond that, users are obliged to

   d) observe legal provisions (proprietary rights, copyrights) when using software (sources, objects), documentations and other data;

   e) obtain and observe information as to the conditions under which software, documentation and data – some of which may have been acquired under a license agreement – are provided for use;

   f) refrain from copying software, documentations and data, from passing them on to others, and from using them for other than the authorized purposes – especially for commercial purposes – unless given express permission to do so.

[5]Users who fail to comply with these rules may be held liable for damages (section 11).

(4)   [1]IP infrastructure will be used in keeping with legal provisions. [2]In particular, users are advised that engaging in activities as stated below may subject them to prosecution under the German Penal Code (GPC):

a) data espionage (section 202a GPC);

b) unauthorized modification, deletion, suppression or destruction of data (section 303a GPC);

c) computer sabotage (section 303b GPC) and computer fraud (section 263a GPC);

d) dissemination of propaganda material of unconstitutional organizations (section 86 GPC) or dissemination of racist concepts and ideas (section 130 GPC);

e) dissemination of certain types of pornography through the network (section 184 para. 3 GPC);

f) retrieval or possession of child pornography material (section 184 para 5 GPC);

g) offenses directed against a person's honor, such as insult or defamation (sections 185 et seqq. GPC).

[3]The Bundeswehr University Munich reserves the right to initiate criminal or civil proceedings (section 11).

(5)   [1]Users are prohibited from

a) interfering with the installed hardware;

b) modifying the configuration of the operating systems or the network;

without the permission of the DPC.

[2]Authorization for installing software will be subject to separate regulations as may be issued depending on local circumstances and system engineering-related conditions.

(6)   [1]Users who intend to process person-related data will provide prior notification in writing to the DPC. [2]Notwithstanding the aforesaid, users will comply with their obligations as specified in the Data Privacy Act. [3]Users are prohibited from taking note of, or making use of, any messages intended for other users.

(7)   Users will observe

a) user guidelines provided by the DPC;

b) rules of use and rules of access established by other operators when communicating with computers or networks of other operators.

Section 9
Tasks, Rights and Duties of the Data Processing Center (DPC)

(1)　[1]The DPC will keep a record of authorization documents. [2]The documents will be retained on record for a minimum of two years from the date of expiry.

(2)　The DPC will designate points of contact for the users of its services.

(3)　[1]By taking appropriate steps, the DPC will contribute to the prevention and / or investigation of misuse or failure to comply with the Regulation of Use, especially so in cases of infringement of copyright and data protection rules, or criminal acts. [2]In particular, the DPC will be entitled to

　　a) use appropriate tools to verify the security of its IP infrastructure – primarily by way of random inspection – in order to protect DPC resources and user data from offence by third parties;

　　b) have user files, mailboxes and recorded data streams inspected by the DPC Director or his designated representative, with such inspections to be conducted only on the suspicion of non-compliance with the Regulation of Use and in keeping with the four-eye principle and the DPC's duty to record;

　　c) take steps as required to secure evidence if suspicions of criminal activities are corroborated.

(4)　The DPC is entitled to document and evaluate user activities for the purpose of billing, resource planning, monitoring operations, or tracing malfunctions, failures to comply with the Rules of Procedure or infringements of legal provisions.

(5)　The DPC will maintain confidentiality.

(6)　The DPC will observe pertinent user guidelines and rules of use when communicating with computers or networks of other operators.

Section 10
DPC Liability; Exclusion of Liability

(1)　[1]The DPC provides no guarantee for its system functions to meet the specific requirements of the users or for the system to run error free and without any interruptions. [2]The DPC cannot warrant for the intactness (as regards destruction or manipulation) and the confidentiality of data stored at the DPC.

(2)　The DPC will not be liable for any damage incurred by users through the use of IP resources as per section 5, unless mandated otherwise under the law.

Section 11
Consequences of Misuse or Unlawful Use

(1)   [1]In cases of infringement of legal provisions or failure to comply with the Regulation of Use, especially as specified under section 8 (User Obligations), the DPC may partially or entirely withdraw the authorization of use. [2]Such right may be exercised irrespective of whether or not material damage is incurred by such infringement. [3]User duties arising from the DPC / user relationship shall remain unaffected; in particular, the Bundeswehr University Munich shall remain entitled to collect fees as may have been agreed for the effected use.

(2)   In case of severe or repeated infringement, users may be permanently excluded from using any IP resources as per section 5.

(3)   Withdrawals of authorization and exclusions from use will be communicated to the users in writing by the DPC Director, stating the reason for withdrawal / exclusion and apprising users of the availability of legal remedies.

(4)   Objections thereto may be filed with the President of the University via the chairperson of the SCDPC.

(5)   [1]Infringement of legal provisions or non-compliance with the Rules of Operation will be reviewed as to a possible violation of the Penal Law Code and as to possible claims under the Civil Law Code. [2]Matters of apparent relevance will be referred to the appropriate legal division to determine whether further steps should be taken. [3]The Bundeswehr University Munich expressly reserves the right to initiate criminal or civil proceedings.

Section 12
Task Groupings and Priority Ranking

(1)   In consideration of section 6 (Circle of Users and Tasks) and in accordance with section 5, the DPC's IP resources may be used for executing

   1.   (Task Group 1)

        Tasks as per section 6 para 1 of the Regulation of Use

   2.   (Task Group 2)

        Work pertaining to research and teaching at the Bundeswehr University Hamburg, if supported primarily from funds of the Bundeswehr University Hamburg or from funds provided by the federal government, a state government, the *DFG* (German Research Foundation) or the *Volkswagenwerk* Foundation

3. (Task Group 3)

   Other non-autonomous, third-party-funded research conducted by members of the Bundeswehr University Munich (section 3 para 1 of the Guidelines on Third-Party Funding) as well as tasks in the fields of research and teaching at other institutions of higher learning and facilities primarily supported from government funds or funds provided by *Max Planck* institutes

4. (Task Group 4)

   Other tasks in the field of research and teaching not supported from government funds, if conducted in the public interest

5. (Task Group 5)

   Other tasks, provided that they will not unduly interfere with the interests of commercial data processing centers.

(2) Generally, the order of use (user priority ranking) will be determined by the timely sequence of users accessing the system.

(3) In case of IP resource overload, or to keep deadlines, the DPC Director may decide that

   1. the order of use will be established according to the Task Group hierarchy;

   2. within a Task Group, the order of use will be determined by the required volume of operating resources;

   3. individual services, data processing systems or communication components will be mostly or entirely used for specific tasks;

   4. quotas will be established as to the extent of use.

(4) In order to overcome a temporary shortage or to increase IP infrastructure performance, the DPC Director may determine appropriate system-engineering control measures.

Section 13
Miscellaneous Provisions

(1) Fees will be charged for using IP resources for Task Groupings 3 to 5 (section 12 para 1).

(2) For specific systems, supplementary or deviating provisions may be established as required.

III. Concluding Provisions

Section 14
Entry into Force; Expiry

[1]These Rules of Operation of the Bundeswehr University Munich Data Processing Center shall enter into force upon publication in the *Allgemeine Bekanntmachungen der Universität der Bundeswehr München* (General Announcements of the Bundeswehr University Munich). [2]At the same time, the Rules of Operation of the Bundeswehr University Munich Data Processing Center, dated 19 February 1986, shall expire. [3]The procedures laid down in section 75 para 1 item 15 *BPersVG* (Federal Personnel Representation Act) have been complied with.

Effected as per the decision of the Senate of the Bundeswehr University Munich, dated 24 June 1998.

Neubiberg, 28 September 1998

Bundeswehr University Munich

Dr. Hans Georg Lößl

President

These Rules of Operation were established at the Bundeswehr University Munich on 28 September 1998, with their establishing being announced on the University's bulletin board on 28 September 1998. The date of publication is 28 September 1998.

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5 Nov 98: Walter Kirsch, DPC