

COMPUTER AND NETWORK USER AGREEMENT

PREAMBLE

The present agreement applies to all users (employees and students) of the company's computer system and network. For employees, it is annexed to the company's work rules or by-laws.

The agreement defines the rules governing the use of the school's computer system and reminds users of their responsibilities.

Users must understand that computer network user authorisation is based on a legal framework that provides for penalties and for administrative action or professional sanctions. In agreeing to abide by the rules herewith, the user agrees to compensate aggrieved parties for personal injury or damages caused by said user.

The principal legislation applicable to users includes:

- ▶ Chapter III of Title II of the third volume of the Penal Code (article 323-1 to 323-7) that defines breaches of automated information systems or their security systems and the corresponding penalties,
- ▶ Statute # 78-17 of January 6, 1978 relating to information systems and liberties, modified by the statutes of March 11, 1988, December 16, 1992 and July 1, 1994,
- ▶ Statute # 92-685 relating to information and computer fraud,
- ▶ Statute # 92-597 of July 1, 1992 on intellectual property,
- ▶ Statute # 92-1336 of December 16, 1992 making punishable by law any attempt to justify racism, anti-Semitism and xenophobia,
- ▶ Articles 1382 and subsequent articles of the Civil Code that provide for redress for damages caused to others.

Each user agrees to adhere to the aforementioned rules and to the present ethical convention. By avoiding practices that do not incur personal, civil, penal or professional responsibility, users can pre-empt engaging Efrei's liability.

COMPUTER AND SYSTEM RESOURCES

Computer and system resources are defined as information technology resources made available by Efrei, whether they be physically present on the premises or those accessible via the company's intranet or the internet.

The information technology resources at Efrei consist of servers, workstations and computers, whether linked to an intranet network, connected to the internet, or stand alone. These machines share all peripheral equipment such as modems and printers.

These resources are primarily dedicated to teaching and to administrative management. Their use by a substantial number of persons with varying needs requires each user to respect certain rules.

TERMS AND CONDITIONS

Computer system use requires prior authorisation in written form and the creation of a personal user account assigned by someone authorised to do so.

Network access accounts are strictly personal and are non-transferable, even temporarily, to a third party. Access is granted on a provisional basis and for a period not exceeding the duration of the user's employment or enrolment at Efrei. Authorised access ceases the moment said user leaves Efrei, or the aforementioned relationship is terminated.

Access is authorised only for tasks and assignments in relation to Efrei, in accordance with existing legislation.

Efrei retains the right to withdraw authorised access at any time and without warning if the user's behaviour and practices are deemed to no longer be compatible with the rules stipulated in the present agreement.

Moreover, the extent of said user's access to system resources may be restricted according to actual needs and/or to constraints imposed by the sharing of the company's resources with other users.

SECURITY RULES AND PROCEDURES FOR USE

Users are liable/responsible for the use made of system resources via/from the accounts attributed to said user as well as for all equipment at said user's disposal. To the extent possible, each user, in accordance with recommendations provided by the company's network administrators, is expected to maintain and contribute to system security.

Article I – Passwords

When a user access account is created, a password will be attributed at the time of the account opening. Rules applicable to any password include the following:

- ▶ it must be sufficiently complex to ensure its confidentiality;
- ▶ it is strictly personal and must not be revealed to anyone, even to network administrators;
- ▶ it should be changed regularly.

Article II – Respecting and Preserving Confidentiality

Users may not and must not attempt to read or copy files of another user without said user's accord.

Users must not use other accounts other than those for which they have received authorisation. They must abstain from attempting to appropriate or decipher any other user's password(s).

Moreover, it is forbidden for any user to:

- ▶ to mask or conceal his/her true identity;
- ▶ to usurp another user's identity;
- ▶ to install/implement any program designed to circumvent/bypass security systems.

Article III – Equipment Connections

Users must adhere to the terms and modes of connection of equipment provided by Efrei to internal and external communication networks, as defined by on-site system administrators.

Each user is responsible for the access to information on the Efrei computer system that said user might provide to a third party, whether this access originates from the premises or from the outside. This includes said user's own files and more generally all information to which said user has access.

In particular, accessing network services (FTP, Web, Telnet, etc.) from personal/ computers machines is subordinate to the accord of the network administrator and the site/network security manager.

Article IV – Rules of use

Access to information resources implies responsibility. Consequently, it is indispensable to:

- ▶ properly quit each session;
- ▶ not leave a session open during even a brief absence;
- ▶ protect one's files and only leave what is strictly necessary on the network hard drives;
- ▶ not leave any file on individual desktops and personal machines;
- ▶ inform system administrators of any attempt, failed or not, to breach security rules;
- ▶ not lock a computer during times of peak usage;
- ▶ use a computer appropriate to the needs of the task or assignment;
- ▶ check daily the condition of diskettes or other external storage devices (especially with regard to viruses) and limit their use as much as possible (transfer of source files and submission of projects).

COMPUTER USER RIGHTS AND ETHICS

Article I – Intellectual Property

The use of software and more generally any document (file, image, sound, etc.) must not infringe intellectual property laws (Statute 92-597 of July 1, 1992), recommendations established by rights holders or commitments made by Efrei (e.g. through license agreements).

In particular :

- ▶ the reproduction and use of software are regulated by licenses accorded to Efrei and no copy can be made without the express agreement of the network administrator;
- ▶ it is forbidden to install any software whatsoever on an Efrei computer system or network before verifying with network administrators that Efrei is authorised to do so and that the software is effectively compatible with existing installed software;
- ▶ it is forbidden to use software in a manner or for purposes not in compliance with license agreements, particularly software under education license agreements that stipulate it cannot be used for business purposes;
- ▶ it is forbidden to distribute the works or intellectual property of others (literary, musical, audiovisual, ...) without the authorisation or express agreement of the author or the publisher who could take legal action and seek damages for moral and financial prejudice.

Article II – Digital Information and Freedoms

Statute 92-684 of July 22, 1992 protects individuals against abusive or malicious use of information concerning them and appearing in any digital file. The law specifies that:

- ▶ the creation of any file containing personal information is subject to restrictive regulations established by the CNIL (National Commission on Digital Information and Civil Liberties) prior to its publication or implementation;
- ▶ once personal information is collected on any person, said person must be informed of the existence of the file, its intended purpose and any existing access rights and conditions of use of those access rights.

Article III – Integrity of Information Systems

The computer systems of Efrei enable users to connect to and communicate with websites the world over. Access to these sites must not violate personal use regulations of the various networks and must obey all legislation in force (e.g. Statute 92-685 of July 22, 1992 relating to computer fraud.) In particular:

- ▶ it is forbidden to connect to or try to connect to a site without being expressly authorised to by the sites' administrators or owners. A mere intrusion attempt constitutes a misdemeanour or offence, even if it does not engender any alteration or loss of data or subsequent malfunctioning of the system or site concerned;
- ▶ it is forbidden to engage in any operation or conduct any activity designed to breach the security system or disable the functioning of other sites and telecommunication networks from any Efrei computer system.

Article IV – Information Confidentiality

- ▶ Users may not attempt to read, copy, reveal or modify others' files without the express consent of the holder, even if those files are not specifically protected by copyright
- ▶ Users must not attempt to intercept any communication between third parties (e-mail, instant messaging, etc).

Article V – Respect for the private life and the public image of others

In addition to the regulations decreed by the Digital Information and Freedoms Law (Statute 78-17 of January 6, 1978), all users must abstain from:

- ▶ disseminating information potentially damaging to the proper functioning or the public image of Efrei, its collaborators or its students;
- ▶ disseminating information (text, images, sounds) that may reflect negatively on one's private life or damage that individual's public image;
- ▶ disseminating unverified or defamatory information via the press or other media.

RIGHTS AND RESPONSIBILITIES OF ADMINISTRATORS

The system administrators represent a particular category of users responsible for the proper functioning of the company's computer resources and the networks. These administrators may be staff members/employees or students under their responsibility.

They are responsible for the quality of service and for enforcing user rights and responsibilities.

Users who have agreed to the terms and conditions of the present charter have been informed of the necessity to maintain a balance between the recognised right to confidentiality attributed to each user and the need to collect information required to maintain the proper functioning of the system and to meet expectations of service quality.

However, the administrators must respect user confidentiality concerning files and e-mail that they may be required to access, either to diagnose and correct problems or to ensure that users are obeying the network user agreement.

POTENTIAL SANCTIONS

For students, the failure to obey the rules and regulations described in the present agreement can lead to internal sanctions in the form of community service work, termination of user account(s) and/or network access (especially internet access.) In the event of gross misconduct, the disciplinary committee will review the matter and take appropriate measures, which can include expulsion.

For employees, sanctions that may be taken are specified in current labour legislation and Efrei's policies and procedures manual to which the present agreement is annexed.

Any and all criminal infractions remain the sole and personal responsibility of the user.

REQUEST FOR COMPUTER NETWORK USER AUTHORISATION AND ADHERENCE TO USER COMMUNITY

Each user commits to provide valid personal information (name, surname, address, class year, etc.) and to inform Efrei in a timely manner of any modification to said information.

I, the undersigned,

Surname/Family name: First Name:

Address:

Status (student, employee, teacher): Class year:

acknowledge that I have read the present network user agreement. I request authorised access to the computer resources and commit to obeying the rules and regulations stipulated in the present agreement.

Date and signature including the phrase "Certified correct and agreed to"