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POLICY STATEMENT

This policy deals with the provision of information technology resources by Perth Boat School (PBS) and the associated responsibility of authorised users when accessing these information technology resources.

These resources include, but are not limited to, the PBS network, computer systems and software, access to the Internet, electronic mail, telephony and related services.

The policy is based on the following principles, which must be adhered to by all those responsible for the implementation of this policy and to whom this policy applies:

- The information technology resources of Perth Boat School are provided to support the teaching, research and administrative activities of the RTO;
- Authorised users are granted access to valuable RTO resources, sensitive data and to external networks on the basis that their use of IT resources shall be responsible, ethical and lawful at all times;
- Authorised users are required to observe RTO policy, and Australian or other local laws which may apply;
- Data and information relating to persons and other confidential matters acquired for business purposes shall be protected;
- RTO Business information shall be protected from unauthorised and/or accidental disclosure; and
- RTO IT resources must not under any circumstances be used to humiliate, intimidate, offend or vilify others on the basis of their race, gender, or any other attribute prescribed under anti-discrimination legislation.

DEFINITIONS

Email and Messaging - Email means the electronic mail systems and computer accounts, whether stored on computer or other device, or online elsewhere. Additional messaging facilities may include but are not limited to calendar and scheduling programs, chat sessions, IRC, newsgroups and electronic conferences.

Information Technology Resources (IT Resources) – covers all IT facilities including all computers and IT related equipment, phones, tablets and similar, in all locations across the RTO whether in a facility, vessel, vehicle, or elsewhere, together with use of all associated networks, internet access, email, hardware, dial-in or other access, data storage, computer accounts, software and apps (both proprietary and those developed by the RTO), telephony services and voicemail.

Perth Boat School Officer/Supervisor – RTO Director, Chief Trainer or other such staff member who has the authority (or delegated authority) to recommend a staff appointment.

Personal information means information or an opinion (including information or an opinion forming part of a database) that is recorded in any form and whether true or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion.

Personal Web Page –Personal web pages are those pages produced by authorised users that are not directly related to work responsibilities. They may not include any commercial information, and must not under any circumstances be used for business-related activities.

They cannot be placed on official web-sites. Any web server that hosts official and personal pages must make a clear and unambiguous distinction between the official site and the personal page area.

Publish – to make information available for access by others via any method or format, including, but not limited to, on a web page, email, or the use of peer-to-peer programs.

Authorised User – any person who has been authorized by the relevant Perth Boat School Officer/Supervisor to access any PBS IT system or IT facility, including but not limited to:

- Staff of PBS
- Staff of any entity/company in which PBS has an interest
- Staff of any entity/company /organisation with which PBS is pursuing a joint venture
- Consultants
- Visitors

I.T. SERVICE

1.0 INTRODUCTION

- 1.1 **What Is Provided and Why** – The information technology resources of Perth Boat School are provided to support the teaching, research and administrative activities of the RTO. These resources include the PBS network, computer systems and software, access to the Internet, electronic mail, telephony and related services.
- 1.2 **Access** – This policy prescribes the conditions under which access to PBS IT resources is granted.
- 1.3 **Responsible Usage** – Staff and other specifically authorised users who are granted access to IT resources are required to utilise IT resources in a responsible, ethical and lawful manner.
- 1.4 **What is and is Not Acceptable Usage** – This policy, to which all staff and other authorised users should adhere, identifies what is acceptable usage including the personal use of IT resources.
- 1.5 **Breach of Policy** – This policy identifies the possible consequences should a breach of the policy occur.
- 1.6 **Application** - All RTO staff, honorary appointees, contractors; and guest/visitors of the RTO; plus any authorised users or organisations accessing PBS's IT resources.
- 1.7 **Operative Date** - Effective immediately
- 1.8 **Policy Authorisation** - RTO Director
- 1.9 **Policy Administrator** – PBS Director and PBS Operations Staff

2.0 POLICY PRINCIPLES :

2.1 Principles

1. Access To Information Technology Resources

1.0 Lawful Use

The use of IT Resources must be lawful at all times. Unlawful use will breach this Policy and will be dealt with as a discipline offence.

Unlawful use of IT Resources may also lead to criminal or civil legal action being taken against individual authorised users. This could result in serious consequences such as a fine, damages and/or costs being awarded against the individual or even imprisonment.

The RTO will not defend or support any authorised user who uses IT resources for an unlawful purpose. For further information on some (but not all) relevant laws, refer to the section of this policy titled Relevant Australian Legislation, Policies and Associated Documentation.

1.1 Granting of Access

Access to IT Resources is authorised by the relevant Perth Boat School Officer/Supervisor, and provided by other organisational units responsible for managing the IT Resource (e.g., online storage, websites, Dropbox etc.). Access is normally based on a need to access that IT Resource and an individual's current status with the RTO.

1.2 User Declaration Form

Users may be required to complete a User Declaration form prior to authorisation being granted for access to certain IT Resources.

1.3 Access on contract expiry or authorised access period

Email and computer access will cease on expiration of contract or end-date as recorded in the Human Resources information or Agreement/s.

1.4 Responsibilities

Regarding Use of Perth Boat School Computer Accounts

Each authorised user is responsible for:

- The unique computer accounts and logins which the RTO has authorised for the user's benefit. These accounts are not transferable;
- Selecting and keeping a secure password for each of these accounts, **including not sharing passwords and logging off after using a computer**; and
- Familiarising themselves with legislative requirements which impact on the use of IT Resources and acting accordingly. The RTO takes no responsibility for users whose actions breach legislation – for further information refer to the section of this policy titled Relevant Australian Legislation, Policies and Associated Documentation.

1.5 Restrictions to Access

Users are expressly forbidden unauthorised access to accounts, data or files on PBS IT Resources or any other IT resource. The Administrator of an IT Resource may restrict access to an individual user on the grounds that the user is in breach of this policy.

1.6 Third Party Access

Staff other than the RTO Director may neither negotiate **nor grant third parties access** to the RTO communications and network infrastructure. Applications for access should be made in writing to the Office of the Executive Director.

1.7 Domain Name Registration

All domain names for PBS projects/activities must be registered through the Office of the Executive Director, PBS. This requirement must be observed in all instances. Users should note it is the RTO who owns and controls the site not the person who registers the name.

1.8 Software License Restrictions

Use of proprietary software is subject to terms of licence agreements between Perth Boat School and the software owner or licensor, and may be restricted in its use.

2. Personal Use of Information Technology Resources

2.1 Extent of Personal Use

A user who is authorised to use the IT Resources may also use the IT Resources for limited, incidental personal purposes. Personal use of the IT Resources is permitted provided such use is lawful, does not negatively impact upon the user's work performance, hinder the work of other users, or damage the reputation, image or operations of the RTO. **Watching movies, videos or music videos, or listening to music using PBS equipment in the workplace is not permitted. Focus at all times is on Students and RTO training and related business.** Such use as is allowed must not cause noticeable additional cost to the RTO. See 3.1.2 for allowed use.

2.2 Commercial Use

IT Resources must not be used for private commercial purposes except where the paid work is conducted in accordance with the RTO Practice and Paid Outside Work Policy, or the work is for the purposes of a corporate entity in which Perth Boat School holds an interest.

2.3 Reasonable Use Determination

Whether or not use was reasonable in the particular circumstances will be a matter to be determined by the user's Head of Department or Administrative Head.

2.4 RTO Liability

The RTO accepts no responsibility for:

- Loss or damage or consequential loss or damage, arising from personal use of the RTO's IT Resources.
- Loss of data or interference with personal files arising from the RTO's efforts to maintain the IT Resources.

3. Internet, Email and Messaging

3.1 Access to the Internet

3.1.1 Work Purposes

Authorised users are permitted to access the Internet only for work related purposes.

3.1.2 Personal Usage

Access is also only permitted for personal purposes provided such use is lawful, carried out only during agreed break times, and LIMITED to:

- Online banking,
- Travel bookings
- Personal emails (subject to this policy so far as content of the emails)

Searching for, browsing, downloading, watching or listening to Music, Movies, Videos and Images for personal use are not permitted on PBS equipment at any time.

3.1.3 Reasonable Use Determination

Whether or not the amount of time spent in the activities in 3.1.2 was reasonable in the particular circumstances will be a matter to be determined by the Director.

3.2 Personal Web Pages

3.2.1 Publication of Personal Web Pages

Users are not permitted to publish personal web pages on computers connected to the PBS network.

3.3 Email and Messaging

3.3.1 User Responsibilities

When using the email or messaging system users must at all times:

- Respect the privacy and personal rights of others;
- Take all reasonable steps to ensure copyright is not infringed – refer section 3.3.3;
- Take all reasonable care not to
 - o plagiarize another person's work; or
 - o defame another person;
- Not forward or otherwise copy a personal email (except with permission of the author) or an email which contains personal information or an opinion about a person whose identity is apparent (except with permission of that person);
- Not send forged messages, or obtain or use someone else's e-mail address or password without proper authorisation;
- Not send mass distribution bulk messages and/or advertising without approval of the user's Head of Department, or Administrative Head;
- Not send SPAM (refer Relevant Australian Legislation). The user must ensure that the recipient(s) of the intended email have consented to receive such email(s);
- Not harass, intimidate or threaten another person/s – refer also to section 3.3.2;
- Not send sexually explicit material, even if it is believed that the receiver will not object. Remember, the intended receiver may not be the only person to access the communication – refer to section 3.3.2; and
- Adhere to the practices as set out in sections 3.3.2, 3.3.3 and 3.3.4 below.

3.3.2 Standards Required When Using Email

Appropriate standards of civility should be used when using e-mail and other messaging services to communicate with other staff members, students or any other message recipients.

When using the email or messaging system users must not send:

- **Angry or Antagonistic Messages** – these can be perceived as bullying or threatening and may give rise to formal complaints under grievance procedures or discrimination/sexual harassment procedures; or
- **Offensive, Intimidating or Humiliating Emails** - RTO IT Resources must not be used to humiliate, intimidate or offend another person/s on the basis of their race, gender, or any other attribute prescribed under anti-discrimination legislation. Commonwealth and State laws and the RTO Equal Opportunity policy prohibit sexual harassment and discrimination, vilification or victimisation on certain grounds such as race, gender, sexual preference, disability, or status as a parent or carer.

3.3.3 Forwarding of Emails – Privacy and Ownership of Copyright

PBS owns copyright in all e-mail correspondence created by members of its staff in relation to their employment duties.

Copyright in work-related email will not be infringed by forwarding a message to another staff member or interested party (such as a consultant providing services to PBS) on a need-to-know basis. However, care must be taken if an email contains **personal information**. Under the Information Privacy Act, "**Personal Information** means information or an opinion, whether true or not, about a person whose identity is apparent". This kind of information must not be forwarded or copied without prior permission from the person who is the subject of the personal information.

Copyright in a personal/non-work related e-mail belongs to the writer of the message. A personal e-mail must never be copied or forwarded without permission of the writer.

Copyright will be infringed if you send, without permission of the copyright owner, an audio or video file, music charts/lyrics, commercial photographs, journal article or report to another person using email.

3.3.4 Commercial Usage Prohibited

The private commercial use of e-mail and messaging is not allowed. Messaging and e-mail must not be used for private commercial purposes except where the paid work is conducted in accordance with the RTO Practice and Paid Outside Work Policy, or the work is for the purposes of a corporate entity in which Perth Boat School holds an interest.

3.3.5 Forwarding of emails after contract expiry or end-date

Email and computer access will cease on expiration of contract or end-date as recorded in the RTO Human Resources database. An option to forward email to another external email account for professional or work-related reasons must be authorised by the RTO Director or equivalent and shall not exceed 6 months.

3.4 Course materials: making copyright material available online

Under the licence given to educational institutions in the Copyright Act 1968 (Cwth), as amended, a user is not permitted to make available online a part of a Work or off-air broadcast while any other part of that Work/broadcast is available online at the institution and continues to be so available. Failure to observe this requirement will constitute infringement of the copyright owner's right to communicate a Work.

4. Security of Information Technology Resources and Data

4.1 Authorised User's Responsibilities

Authorised Users have a responsibility at all times to:

- Act lawfully;
- Keep all PBS IT Resources secure and to observe the PBS IT Security Policy;
- Not compromise or attempt to compromise the security of any IT Resource belonging to PBS or other organisations or individuals, nor exploit or attempt to exploit any security deficiency.
- Take reasonable steps to ensure physical protection including damage from improper use, food and drink spillage, electrical power management, anti-static measures, protection from theft, and sound magnetic media practices;
- Ensure their computers are not left unattended without first logging-out and/or securing the entrance to the work area – particularly if the computer system to which they are connected contains sensitive or valuable information; and
- Adhere to the practices as set out in sections 4.2, 4.3 and 4.4 below.

4.2 Records Management

Authorised Users are required at all times to:

- Take reasonable steps to ensure that important RTO data is stored appropriately on PBS servers for preservation and backup;
- Ensure course materials are placed on official PBS servers;
- Ensure course materials are not placed on personal web pages or servers; and

- Observe appropriate RTO record management protocols such as the Electronic Mail Recordkeeping Protocol.

4.3 Confidential Information

Authorised Users have a duty to keep confidential:

- All RTO data unless the information has been approved for external publication; and
- Information provided in confidence to the RTO by other entities.

Each staff member is under a duty not to disclose RTO business information unless authorized to do so. Breach of confidentiality through accidental or negligent disclosure may expose a User to disciplinary action.

4.4 Personal Information

Personal information about an individual, including personal information that is also Health Information, must not be disclosed without consent of the individual concerned. However, Privacy legislation does provide for release of personal information without consent in certain circumstances e.g. where the information is requested by the police or where the RTO has reason to suspect that unlawful activity has been, or is being engaged in, such as intentional infringement of copyright. A decision on the legality of disclosure in the particular circumstances must be made by the RTO's Privacy Officer or the RTO Solicitor's Office.

4.5 RTO Liability

The RTO accepts no responsibility for:

- Loss or damage or consequential loss or damage, arising from the use of the RTO's IT Resources.
- Loss of data or interference with files arising from the RTO's efforts to maintain the IT Resources.

5. Prohibited use of Information Technology Resources and Possible Consequences

5.1 PBS Name, Crest and Logo

The **PBS Name, crest or logo may only be used with prior approval** from the Executive Director, Marketing and Public Affairs. All use must be in accordance with the Perth Boat School Visual Identity Manual or with the prior approval of the Executive Director.

5.2 Advertising and Sponsorship

Paid advertisements are not permitted on any website using a PBS domain name, personal website or any website, which has a substantial connection with the RTO (such as a website for a research program) except with the written permission of the RTO Director.

5.3 No Business Activities

Authorised users are not permitted to run a business or publish a non-PBS journal/magazine (unless prior written authorisation has been obtained from the RTO) on PBS IT Resources.

Users must not publish their PBS e-mail address on a private business card.

5.4 Unauthorised Access

Authorised users are expressly forbidden from unauthorised access or attempting to gain unauthorised access to IT Resources belonging to other organisations.

5.5 Infringement of Copyright

Authorised users are expressly forbidden to engage in any of the conduct described in the Schedule as infringing conduct. Wilful or negligent infringement of copyright (for example on personal pages or in breach of the statutory licence (CAL) may attract;

- Personal liability for damages
- denial of access to computer facilities
- disciplinary action.

5.6 Databases, online journals, ebooks

Use of electronic resources provided by PBS is governed by individual licence agreements and is for non-commercial research and study purposes only. Users are required to comply with use

restrictions set out on the specific site or stated in the licence agreement, and must not systematically download, distribute or retain substantial portions of information. Using software, including, scripts, agents or robots is prohibited and may result in loss of access to the resource for the whole PBS community.

Any use of electronic resources for teaching purposes must comply with the contractual terms of use of the electronic resource from which the material was sourced. Each electronic resource has its own set of contractual terms. Check always.

5.7 Peer to Peer File Sharing

Installation or use of peer to peer file sharing software such as Kazaa, BitTorrent, DC++ (Direct connect) etc is **not permitted** on the PBS network or equipment. No Exceptions.

5.8 Pornography

Users are **not permitted** to utilize the RTO's IT Resources to view, access or search for pornographic material or to create, store or distribute pornographic material of any type.

5.9 Gambling

Users are **not permitted** to utilize the RTO's IT Resources to gamble.

5.10 Possible Consequences

5.10.1 For Perth Boat School Staff

Staff found to have breached this policy will be subject to disciplinary action in accordance with the disciplinary procedures contained in the Perth Boat School Enterprise Agreement or the relevant Perth Boat School Workplace Policies and Procedures as amended from time to time. Criminal offences will be reported to the police.

5.10.2 Authorised Users Other Than RTO Staff

Authorised users (other than Perth Boat School staff) found to have breached this policy may be subject to appropriate action as determined by the RTO. Such action may include but is not limited to; sanctions and/or removal of access to Perth Boat School IT Resources. Criminal offences will be reported to the police.

6. Privacy and Surveillance

6.1 Security and Privacy

The accounts, files and stored data including, but not limited to, e-mail messages belonging to users at the RTO are normally held private and secure from intervention by other users.

There are situations in which duly authorised RTO staff may be required to intervene in user accounts, temporarily suspend account access or disconnect computers from the network in the course of maintaining the RTO's IT Resources such as repairing, upgrading or restoring file servers or personal computer systems.

Users should be aware that RTO staff may from time to time become aware of the contents of user directories and hard disk drives in the normal course of their work, and they are bound to keep this information confidential.

6.2 Access to and Monitoring

The RTO does not generally monitor e-mail, files or data stored on RTO IT resources or traversing the RTO network. However, the RTO reserves the right to access and monitor any computer or other electronic device connected to the Perth Boat School network. This includes equipment owned by the RTO and also all personal computing equipment (e.g. laptops, iPhones and iPads) that are at any time connected to the network.

Access to and monitoring of equipment is permitted for any reason, including but not limited to, suspected breaches by the user of his/her duties as a staff member, unlawful activities or breaches of RTO legislation and policies. Access to and monitoring includes, but is not limited to e-mail, web sites, server logs and electronic files.

The RTO may keep a record of any monitoring or investigations.

6.3 Prior Approval Required

Prior approval must be obtained from the Divisional Director, Human Resources Division (or nominee), before a user's e-mail, files or data may be accessed by authorised staff. Any information obtained under this approval will be treated as confidential, and only disclosed to relevant 3rd parties. Access to the information will be strictly on a need-to-know basis.

3.0 SUPPORTING DOCUMENTATION

The RTO and other documentation which supports the implementation of this Policy includes:

Relevant Australian Legislation, Policies and Associated Documentation

Copyright

Copyright Act (1968) (Commonwealth)

Copyright protects intellectual property rights in literary (including computer programs), dramatic, musical and artistic works (includes photographs/charts/maps) and in films/videos, recordings/tapes and TV and radio broadcasts. Use of any part of a copyright work without permission of the copyright owner will infringe copyright unless the use was for your personal research or study/criticism and review and in accordance with the fair dealing provisions of the Copyright Act OR for the educational purposes of the RTO and in accordance with the statutory licence in the Copyright Act (1968) (Commonwealth).

Duration of Copyright and Infringement

The duration of copyright protection is generally 70 years following the death of the author. During this period, the copyright owner has the exclusive right to reproduce a work and to communicate (ie transmit electronically) a work to the public. A user will infringe the owner's copyright in a work if he/she copies a work or makes it available on line:

- outside the terms of the licence to educational institutions; or
- without prior permission of the copyright owner.

Infringement of copyright will expose a user to personal liability for damages.

Hypertext Links - Users should assume that all materials published on the web are in copyright, unless explicitly stated otherwise. If a user wishes to include material from another webpage in their own webpage, they should create a hypertext link pointing to the material rather than copy it. It is suggested that the permission of other webpage owners be sought prior to creating links to their pages. Permission must always be obtained from the owner prior to directing students to copy/download material from an external web site.

Conduct that infringes copyright

Examples of conduct that infringes copyright if undertaken without the permission of the copyright owner (eg. the relevant recording company), includes but is not limited to:

1. downloading a film, MP3 recordings, or software from the internet using RTO internet access or computers;
2. uploading audio files, video files, software or commercial photographs, to a RTO website and making these available to the public;
3. providing on a RTO website, links to other websites that directly offer copyright infringing material or direct users to copyright infringing material, including audio files such as MP3 recordings, video files, software or commercial photographs;

4. sending copyright material, including audio files, such as MP3 recordings, video files, commercial photographs or software, to another person using RTO e-mail;
5. storing copyright material, including audio files, such as MP3 recordings, video files, commercial photographs or software, on RTO computers or servers.

Copyright infringement could apply to any file format, including, but not limited to MP3.

Trademarks and Logos

Trade Marks Act (1955) (Commonwealth)

A user must not copy a trademark or logo belonging to another party. Trademark infringement may expose the user to liability for damages.

Misleading and Deceptive Conduct

Trade Practices Act (1974) (Commonwealth)

The Trade Practices Act contains provisions which prohibit passing off and misleading and deceptive conduct. For example, if a user were to copy material from an external site onto a PBS website (including features such as logos and trademarks) so that persons accessing the website would believe that PBS had been authorised to carry the material, this would constitute passing off or deceptive or misleading conduct.

Spam

Spam Act (2003) (Commonwealth)

This legislation sets up a scheme for regulating commercial e-mail and other types of commercial electronic messages. Under the Act, users must not send unsolicited commercial electronic messages, i.e. messages that are sent without the recipient's consent. Any commercial messages that are sent electronically (including email, instant messaging or telephone accounts) must include information about the individual or organisation which authorised the sending of the message and provide for a functional unsubscribe facility.

Discrimination and Harassment

Anti-Discrimination Legislation

State and Commonwealth legislation prohibits discrimination on the basis of age, impairment/imputed impairment, industrial activity, lawful sexual activity, marital status, physical features, political belief or activity, pregnancy, race, religious belief or activity, sex, parental status or status as a carer. It is also prohibited to victimise a person who has made a complaint of discrimination under these Acts.

Defamation

A user must not publish a statement about another person (or entity) which could harm that other person's (or entity's) reputation. There is no need for the person to have been named specifically if he/she can reasonably be identified. Photographs and cartoons can also be defamatory if they hold someone up to ridicule or contempt. In a defamation case, truth is not always a defence.

Illegal material

Commonwealth and State laws prohibit publication of hard core pornography (in particular where it involves children, bestiality, violence, cruelty and/or exploitation). A breach of these laws would constitute a criminal offence and will also result in disciplinary action under the RTO's disciplinary procedures.

Incitement to commit a crime

Users must not publish material which is an incitement to commit or instruction in crime eg, material on how to prepare explosive devices, or how to steal.

Associated Policies and Legislation (including Guidelines & Procedures)

- Copyright Act (1968) (Commonwealth) – refer
Perth Boat School Copyright Website
- Disability Discrimination Act (Cwlth) 1992

- Equal Opportunity Act
 - Privacy Policy
 - Perth Boat School Brand Guidelines
 - Perth Boat School Discrimination and Sexual Harassment Grievance
- Procedures
- Perth Boat School Electronic Mail Recordkeeping Protocol
 - Perth Boat School Enterprise Agreements
 - Perth Boat School Equal Opportunity Policy
 - Acceptable use of information technology facilities by students
 - Perth Boat School IT Security Policy
 - Perth Boat School – Network Access Control Policy
 - PBS Domain Names Policy
 - Perth Boat School Practice & Paid Outside Work Policy
 - Perth Boat School Software Catalogue
 - Perth Boat School Workplace Policies and Procedures
 - PBS Web Policy (Web Page Definitions)
 - PBS Personal Page Disclaimer
 - Racial Discrimination Act (Cwlth) 1975
 - Sex Discrimination Act (Cwlth) 1984
 - Telecommunications Act (Cwlth) 1997
 - Trade Marks Act (Cwlth) 1955
 - Trade Practices Act (Cwlth) 1974
 - Information Privacy Act
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