

CODE OF PRACTICE ON PUBLISHING INFORMATION ON ELECTRONIC NETWORKS

1. INTRODUCTION

1.1 Why is a Code needed?

Publishing information on electronic networks is becoming increasingly important. The advent of new tools and software such as World-Wide Web (WWW) means that it is easy for units and individuals to publish information without direct intervention by the Computing Service or other central monitor.

A University Code on Publishing information on electronic networks is needed as:

- (i) the University wants to ensure that best use is made of the new opportunities available and that information published is accurate and coherent;
- (ii) information published electronically is subject to the same laws as hard copy publication. A Code that draws this to the attention of staff, members and students of the University is important to ensure both that unintentional contraventions are avoided and that the University is in a position to act should a contravention nonetheless occur;
- (iii) although much of the Code is already contained in existing documents such as the University's Regulations for the Use of Computers and Computer Networks and Guidelines on use of the University name, there are certain specifics of electronic publishing that need to be provided for.

1.2 To whom and to what does the Code apply?

For the purpose of this Code, publishing information means any process which involves dissemination of information via electronic networks. (e.g. creating a single WWW page and making it available via the Internet, providing information to the University's Information Service (USIS), setting up a Bulletin Board or posting information to a Bulletin Board, making a sound file available via ftp). The Code applies to staff, members and students of the University, and visitors and external users using any facility provided by the University.

The Code is intended to alert users to both statutory and University requirements. All users should ensure they read, understand and comply with the Code. If there are any queries they should be addressed initially to the Editor of the University of Sussex Information Service. Members of faculty whose work may lead to possible invocation of the clauses in the Code referring to 'purposes of research and scholarship' are

advised to consult the Director of Electronic Services, to establish how far in any particular case the University would apply those clauses.

2. **FORMAL REQUIREMENTS: GENERAL**

The same laws apply to electronic publishing as do to traditional publishing. As well as ensuring that information originating at Sussex conforms with the Code those to whom the Code applies must avoid facilitating access (e.g. by creating gopher or WWW links) to material which it might be illegal to publish.

The requirements of the University of Sussex Code, many of which are statutory, are:

(i) University documents

Anyone publishing information must comply with the provisions of the following University documents:

- Regulations for the use of computers and computer networks
- Guidelines on use of the University name
- Code of practice on the confidentiality of personal data
- Operational guidance notes to staff on handling student personal data
- Code of conduct on the use of licensed computer software

(ii) Computer Misuse Act 1990

Anyone publishing information must comply with the provisions of the Computer Misuse Act 1990.

The Act identifies three specific offences:

- Unauthorised access to computer material
- Unauthorised access with intent to commit or facilitate the commission of further offences
- Unauthorised modification of computer material

Further details of the Act can be found under Guidance on relevant legislation in the University's Regulations for the use of computers and computer networks.

(iii) Data Protection Act 1998

Anyone publishing information must comply with the provisions of the Data Protection Act 1998.

Care needs to be taken when publishing personal information about staff or students, or indeed any living person, as this could contravene the Data Protection Act. The University is registered under the Act to publish information about staff which is necessary for the conduct of the University's business. This includes:

- name, department, phone number and e-mail address
- title, professional qualifications
- publications, research interests, current projects
- committee membership.

No other personal information (and specifically no student information) should be published unless there is the specific written consent of the individual concerned.

For more information refer to the section on the Data Protection Act in the University's Regulations for the use of computers and computer networks, the University Code of Practice on the Data Protection Act, or contact the University's Data Protection Officer.

(iv) Copyright, Designs and Patents Act 1988

Anyone publishing information must comply with the provisions of the Copyright, Designs and Patents Act 1988.

Copyright: using others' work

If it is desired to make a copy of copyright material for use in an electronic publication, permission must first be obtained from the copyright holder (usually the original publisher). For further information see Copyright Guidelines for the Teaching and Learning Technology Programme - 1998 TLTP (<http://www.ukoln.ac.uk/services/elib/papers/other/jisc-tltp/jisc.pdf>).

Copyright: notes on one's own work

- (i) If work has been published in a journal copyright normally belongs to the publishers of the journal, not to the author.
- (ii) University information is the copyright of the University.

(v) Pornographic, obscene and otherwise offensive material

Anyone publishing information must not (other than for properly supervised and lawful purposes of scholarship or research) include or facilitate access to any offensive, obscene or indecent images, data or other material, or any data capable of being resolved into obscene or indecent images or material.

(vi) Blasphemy, religious offence

Anyone publishing information must not (other than for properly supervised and lawful purposes of scholarship or research) include or facilitate access to material which is blasphemous in English law or could cause comparable religious offence.

(vii) Discrimination and racial hatred

Anyone publishing information must comply with the provisions of the Race Relations Act 1976 and the Sex Discrimination Acts 1975 and 1986.

Users must not (other than for properly supervised and lawful purposes of scholarship or research) handle, publish, or facilitate access to, information that discriminates, or encourages discrimination, on racial or ethnic grounds, or that tends to incite racial hatred.

Users must not (other than for properly supervised and lawful purposes of scholarship or research) handle, publish, or facilitate access to, information that discriminates, or encourages discrimination, against any person on the grounds of gender or sexual orientation..

(viii) Incitement to crime

Anyone publishing information must not handle, publish, or facilitate access to, information that is an incitement to a breach of the peace, or any crime.

(ix) Defamation

Anyone publishing information must not include defamatory material. Users must not publish, or facilitate access to, information that could be libellous.

(x) Fraud

Anyone publishing information must not do so for fraudulent purposes.

(xi) Advertising

Commercial advertising is not permitted.

The UK academic network must not be used for placing and distributing commercial advertisements for personal gain.

(xii) Official Secrets

Anyone publishing information must conform with the provisions of the Official Secrets Act 1989.

The Official Secrets Act 1989 carries heavy criminal penalties for anyone who handles any material which is deemed as classified under the meaning of the Act. Extreme caution must, therefore, be exercised before handling, displaying, or otherwise making any such material accessible on an electronic information system.

3. **FORMAL REQUIREMENTS: SPECIFIC**

This policy applies to any process which involves the electronic publication or dissemination of information by staff or students of the University (e.g. bulletin boards, mailing lists etc).

- (1) Members of the University may set up and operate an electronic publishing service using web servers within the University, provided that they adhere to this policy.
- (2) Any member of the University who sets up and runs an electronic publishing service (i.e. the Service Owner as opposed to the Service Provider – see below) is responsible for ensuring that the material published via the service is appropriate for the purposes of the service and that the material does not infringe any of the requirements of the University's Regulations for the Use of Computers and Computer Networks. They must monitor the use of the service and remove any inappropriate material.
- (3) The Service Provider (which may be an academic or a service unit) must adopt an authorised use policy (AUP) to ensure that it is possible to identify and authenticate all users of the service, including external users. Whilst it is only strictly necessary to authenticate service users external to the University, it would be good practice for Service Providers to develop a policy covering all users of the service.
- (4) The Service Provider must make sure (a) that all users of the service abide by the terms of the authorised use policy and (b) that they are aware of the Regulations for the Use of Computers and Computer Networks and that they abide by these.
- (5) Members of the University wishing to set up and operate an electronic publishing service using web servers outside the University must seek the authorisation of the Director of Electronic Services. If permission is given, the Service Owner will be responsible for drawing up an authorised use policy, for monitoring use of the service, and for ensuring that external users comply with the requirements of the University's Regulations for the Use of Computers and Computer Networks.
- (6) Units in the University wishing to purchase individual domain names should inform USIS and should make arrangements to link to the University site, directing visitors via the main University portal.

4. **ADDITIONAL REQUIREMENTS FOR ELECTRONIC PUBLISHING USING UNIVERSITY FACILITIES**

There are some additional requirements which deal specifically with electronic publishing.

(i) General

Excessive load on network resources must be avoided by using items such as sound and images only where essential.

Use of the University logo, or name, is allowed only in association with authorised material (see below).

The date of publication (and/or update) must always be included.

The name and e-mail address (if available) of the person making available the information must always be included.

(ii) University information: authorisation

Anyone intending to publish information about the University (and/or any department or unit within the University) must obtain permission from the relevant officer e.g. Registrar, Dean, or Director. It is the responsibility of the individual publishing the information (and of the officer who authorised the publication) to ensure that the material published conforms to legal and University requirements as set out in this Code and the Guidelines on the use of the University Name.

(iii) University information: co-ordination

Anyone intending to publish information about the University should inform the Editor of the University of Sussex Information Service in advance, and be ready to provide references (or links) to it as required. This will enable the University both to avoid duplication of effort and to ensure that maximum use can be made of distributed information sources.

(iv) Technical issues

If the publication of particular information is found to cause technical difficulties its originator may be required to amend or remove it.

5. **APPLICATION OF THIS CODE**

Anyone publishing information using University of Sussex facilities should make themselves aware of the content of this Code.

If material is found to contravene any of the legal and/or University requirements set out in this Code those originating it will be required to amend or remove it.

The University reserves the right to prevent access by or remove access from anyone breaching a provision or provisions of this Code of Practice.

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