

Information Technology regulations of the Lucerne University of Applied Sciences and Arts, FH Zentralschweiz

of 14 June 2018

The Governing Council,

pursuant to Art. 22 subparagraph k of the Agreement between the Universities of Applied Sciences of Central Switzerland of 15 September 2011¹ and Appendix 1 of the Statute of the Lucerne University of Applied Sciences and Arts (FHZ Statute) of 7 June 2013²,

hereby enacts the following:

I. General provisions

Art. 1 Purpose

These regulations define the way that information technology is organised at the Lucerne University of Applied Sciences and Arts and regulate the use of information technology resources, including data protection and information security.

Art. 2 Scope

- ¹ These regulations apply to the Lucerne University of Applied Sciences and Arts.
- ² Parts I, IV and V apply to service providers and guests who use the IT resources of the Lucerne University of Applied Sciences and Arts.
- ³ In the case of IT services pursuant to Part III, these regulations apply within the framework of the agreement concluded for their operation.

Art. 3 Terms

- ¹ The data protection terms in general, in particular "personal data", "particularly sensitive personal data", "person concerned", "processing of personal data", "profiling" and "entity" are based on the Data Protection Act of Canton Lucerne³. "Entity" in relation to the Lucerne University of Applied Sciences and Arts means an organisational unit (School, department, division, institute, etc.) which acts on behalf of the University.
- ² The term information technology / IT covers the control, planning and introduction as well as the operation and maintenance of processes and techniques which serve the machine-driven or machine-supported processing of information of all kinds.
- ³ IT resources are stationary or mobile devices, facilities and services, such as in particular computer systems, computer programs and communication services, which serve the electronic recording, processing, storage, transmission, analysis, archiving or deletion of information.

¹ SRL no. 520

² SRL no. 520b

³ SRL no. 38

- ⁴ Outsourcing is the recourse of an entity to the IT resources of third parties for the fulfilment of its tasks. The entities of the Lucerne University of Applied Sciences and Arts or its members are not regarded as third parties.
- ⁵ The term information covers factual and personal data.
- ⁶ Users are the members of the Lucerne University of Applied Sciences and Arts⁴ as well as service providers and guests, insofar as they use the IT resources of the Lucerne University of Applied Sciences and Arts.
- ⁷ Protocol data is all the data necessary for the purpose of monitoring and logging the use of the IT resources of the Lucerne University of Applied Sciences and Arts.
- ⁸ Anonymous means that the data cannot be traced back to an individual person.

Art. 4 *Basic principles*

- ¹ Information technology supports the efficiency and effectiveness of business and learning processes and promotes the achievement of the strategic objectives of the Lucerne University of Applied Sciences and Arts (business alignment).
- ² The use of information technology must be cost-effective, fulfil the four areas of mandated activity and meet the needs of users.
- ³ Techniques which are capable of producing particularly sensitive personal data from data or personal data or for profiling may be used only if a valid legal basis exists for doing so or if the person concerned has expressly consented to that particular course of action.

II. Organisation of the information technology

Art. 5 *Competence and information*

- ¹ The Executive Board approves the IT strategy and provides the resources necessary for its implementation. It informs the Governing Council on a periodic basis about the status of the use of the information technology and about strategic projects in this area.
- ² The Dean of Finance and Services is responsible for the operational management of finances and services, which includes responsibility for IT Services. The Dean of Finance and Services issues IT guidelines.

Art. 6 *IT Services*

- ¹ IT Services is responsible for the operational management of the information technology and submits an IT strategy including a portfolio of strategic projects to the Executive Board.

⁴ The members of the Lucerne University of Applied Sciences and Arts are its employees and students (Article 11 paragraph 1 of the Agreement between the Universities of Applied Sciences of Central Switzerland of 15.9.2011)

- ² IT Services is the central provider of IT services and the central service broker for IT services obtained from third parties. IT Services is charged with the following duties:
- a. Compiling and implementing the IT strategy,
 - b. Establishing, operating and maintaining the IT resources, except where they are operated and maintained by the users themselves in a laboratory environment,
 - c. Keeping the inventory of IT resources at the Lucerne University of Applied Sciences and Arts,
 - d. Staffing a service desk for users.

Art. 7 *Information Security Officer and internal Data Protection Officer*

- ¹ The President is responsible for appointing an information security officer and an internal data protection officer. The President determines the officers' tasks, responsibilities and budget.
- ² The information security officer and internal data protection officer report to the President. They are allocated the means required to perform their duties to an adequate standard.
- ³ The information security officer and internal data protection officer submit reports directly to the Executive Board on a periodic basis.

III. Information technology operation

Art. 8 *Competences*

- ¹ IT Services operates the information technology systems at the Lucerne University of Applied Sciences and Arts.
- ² IT Services documents the IT resources made available by the Lucerne University of Applied Sciences and Arts.
- ³ The Executive Board issues directives and the Dean of Finance and Services issues IT guidelines that govern the operation of the IT.

Art. 9 *IT services for third parties*

- ¹ IT Services may provide IT services for third parties provided these services are closely related to its own tasks and at least cover costs.
- ² The provision of IT services for third parties requires a written agreement between the Lucerne University of Applied Sciences and Arts and the third party which, at minimum, defines the following points:
- a. Content of the services,
 - b. Compliance with any special confidentiality obligations,
 - c. Finances,
 - d. Competences,
 - e. Technology used, including development and maintenance,
 - f. Access rights,
 - g. Locations of hardware and data processing,

- h. Security and data protection concept for the service provided, including data deletion during the term of the contract,
- i. Control rights,
- j. Involvement of third parties,
- k. Archiving,
- l. Return and deletion of data in the event of contract termination.

Art. 10 *Outsourcing of IT services to third parties*

- ¹ IT Services carries out the outsourcing of IT services to third parties. This excludes highly specialised services for laboratory environments in the areas of education/training, continuing education, research and services for third parties.
- ² IT Services may obtain IT services from third parties provided that the provisions governing data protection and information security are observed. This outsourcing requires a written agreement, which is subject to the same requirements as the provision of services for third parties.
- ³ IT Services ensures through organisational or technical means as well as by contract that the performance of the tasks is provided without substantial impairment, even if the contractor does not adhere to agreements or ceases business activities.

IV. Data protection and information security

Art. 11 *Data protection*

- ¹ Data protection is subject to the provisions of the data protection law of Canton Lucerne.
- ² The Executive Board may issue data protection-related instructions at the request of the internal data protection officer.

Art. 12 *Information security*

- ¹ The information security officer collaborates with IT Services to prepare an information security policy, which is approved by the Executive Board.
- ² The information security policy defines the protection objectives of information security, determines the principles for handling information and IT resources, and defines tasks, competencies and responsibilities in the realm of information security.

Art. 13 *Delegation*

- ¹ The Executive Board regulates the details of information security in a directive.
- ² The Dean of Finance and Services, in collaboration with the information security officer and internal data protection officer, may issue guidelines on technical and organisational information security measures.

V. Use of IT resources of the Lucerne University of Applied Sciences and Arts

Art. 14 *Basic principles*

- ¹ All users are personally responsible for the use of IT resources within the framework of the applicable statutory ordinances and the regulations of the Lucerne University of Applied Sciences and Arts. IT resources must not be misused.
- ² The following principles apply to logging and monitoring measures:
 - a. Technical monitoring and logging tools are permissible, as are filter locks.
 - b. Logging and monitoring measures primarily serve to check and ensure the technical security, functionality, availability and optimisation of IT resources.
 - c. The use of IT resources is logged.
 - d. Log data must be anonymised prior to analysis.
 - e. Personal analyses of log data are permitted by way of exception if the technical security, functionality or availability of the IT resources are at serious risk and there is no other way of eliminating the fault. These evaluations must not consider the contents of electronically transmitted information.
 - f. In the event of well-founded suspicion of misuse of IT resources, personal analyses of both log data and of the contents of electronically transmitted information (with the exception of spoken contents) are possible following prior written notification of the users concerned.
 - g. Business information which is stored on the IT resources of the Lucerne University of Applied Sciences and Arts and which is assigned exclusively to an individual user may be accessed without the consent of the user concerned only if doing so is essential for the fulfilment of tasks of the Lucerne University of Applied Sciences and Arts.

Art. 15 *Delegation*

- ¹ The Executive Board regulates the use of the IT resources of the Lucerne University of Applied Sciences and Arts and the monitoring and logging of their use by means of a directive. It identifies cases of improper use and may define sanctions and measures for infringements of the regulations.
- ² The Dean of Finance and Services, in collaboration with the information security officer and internal data protection officer, issues guidelines on the use of the IT resources of the Lucerne University of Applied Sciences and Arts.

VI. Final provisions

Art. 16 *Entry into force*

These regulations take effect on 1 July 2018.

Lucerne, 14 June 2018

On behalf of the Governing Council:

Chair: Anton Lauber

Legal Adviser: Carmen A. Zimmermann