

Document Name: Acceptable Use Policy / Standard Terms and Conditions

Revision: 7

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• Introduction

This document targets activities that place Internet users and networks at an unfair disadvantage, and seeks to promote an understanding amongst all "Internet Citizens" of appropriate and beneficial Internet use.

Network & Computing Consultants believes in the right to free speech and the right to privacy, but equally acknowledges the possibility that some parties may from time to time abuse the privileges they have obtained as Internet users, and that appropriate action may have to be taken against such parties. If customers feel that their privacy is at risk, the onus is upon them to safeguard it, using appropriate, acceptable and legal means, such as cryptography, mail filtering, etc.

Network & Computing Consultants employs staff to handle complaints concerning transgressions of acceptable online behaviour. Complainants are urged to e-mail these staff members at abuse@ncc.co.za. The complaint should contain as much information as possible, and include the origin of the abuse by stating full mail headers, relevant log file extracts and so on. The complaint should also state in the complainant's own words (a brief explanation will suffice) why the incident is considered to be an offence. PLEASE NOTE that complaints concerning networks or users outside of Network & Computing Consultants' control cannot be handled by the NCC team.

• Terms and Conditions of Service

Owing to the nature of Internet protocols, Network & Computing Consultants is unable to guarantee the security of any data passing through its networks. Although Network & Computing Consultants will provide a "best effort" service, it is the responsibility of the communicating parties to safeguard their data.

The "Service Application Form and/or Quotation" document that the customer signs upon requesting Internet access, requires the customer to abide by this Acceptable Use Policy (AUP). This AUP, dated above, supersedes all other previous AUP documents. It is essential that Network & Computing Consultants' customers become familiar with the contents of this document. The customer owning a network connected to Network & Computing Consultants is responsible for informing individual users on that network of the contents of this policy. It is also the responsibility of the customer to ensure that appropriate action is taken to prevent abuse, and to ensure immediate cessation of any abuse, should it be detected.

This document does not aim to place restrictions on use of the network, inasmuch as the customer is responsible for Internet facilities and content that is requested. Adults are especially urged to undertake to protect children at their sites against content or exposure that Network & Computing Consultants has no means of restricting, as it may reside on Internet services outside its control.

• Overview

The newly promulgated Electronic Communications and Transactions Act 25 of 2002 has broad implications regarding the use of the Internet in South Africa and specifically obligations associated with VANS providers. Network & Computing Consultants urges that all Internet users familiarize themselves with this new legislation.

The Electronic Communications and Transactions Act can be viewed, in HTML format, at the parliament website located at <http://www.gov.za/documents/download.php?f=68060>

• **Code of Conduct**

In terms of Chapter 11, section 72, of the Electronic Communications and Transactions Act 25 of 2002, Network & Computing Consultants confirms that they are members of the Internet Service Providers Association of South Africa (ISPA) and have adopted and implemented their official Code of Conduct. ISPA's website is located at <http://www.ispa.org.za/code>

• **Take Down Notification**

In terms of Chapter 11, section 77, of the Electronic Communications and Transactions Act 25 of 2002, Network & Computing Consultants confirms that its designated agent with respect to any "Take Down Notification" can be reached at:

Internet Service Providers' Association (ISPA)

Address: PO Box 518

Noordwyk

1687

Telephone: +27 10 500 1200

Email: complaints@ispa.org.za

Types of activity specifically governed by the nominated agent.

- Lawful use of resources
- Sending unsolicited bulk electronic mail
- Disruption of service and network security breaches
- Use of material
- Use of Usenet news facilities
- Profligate use of facilities
- Lawful use of resources

• **Unlawful content and activity**

Network & Computing Consultants customers agree not to use their Internet access facilities for any unlawful purpose within the borders of South Africa; that means their actions have to comply with South African law. If the customer resides outside South Africa, the laws of the respective country of residence apply. Network & Computing Consultants will, upon request and if issued with a legally binding court order or application, make available customers' details to law-enforcement agencies.

The Customer accepts that Network & Computing Consultants may suspend and/or cancel the Services in the event that the integrity of Network & Computing Consultants network is put at risk by the continued provision of the services to the Customer.

• **Sending unsolicited bulk electronic mail**

Network & Computing Consultants takes a strong stand against those who send bulk unsolicited commercial e-mail or other bulk e-mail (known as "spam"). Most Internet users object strongly to being sent such mail, and repercussions against the offending party (and their service provider (Network & Computing Consultants) are

often implemented by network providers, causing disruption of service to other users connected to the Network & Computing Consultants network.

Network & Computing Consultants customers may maintain mailing lists only with the full prior permission and approval of the list members, and at the members' sole discretion. Mailing lists that contain addresses that are not deliverable or that contain addresses of unwilling recipients must have those addresses promptly removed.

Network & Computing Consultants customers are urged never to reply to "spam". Furthermore, it is strongly suggested that they do not purchase lists of e-mail addresses for marketing/advertising purposes, as such lists are usually fraudulent.

Customers' mail servers should be secure against "public relay" as a protection to both themselves and the Internet at large. Mail servers that are unsecured against public relay are often abused by unscrupulous operators for "spam" delivery; upon detection such delivery must be disallowed. Network & Computing Consultants reserves the right to "relay check" mailers that appear to be delivering "spam"; the results of such checks can be made available to the customer. Network & Computing Consultants reserves the right to "relay check" any customer using Network & Computing Consultants mail servers for "smarthost" or similar services at any time. All relay checks will be done in strict accordance with Network & Computing Consultants' policy of preserving customer privacy.

- **Chain letters are strictly forbidden.**

- **Disruption of service and network security breaches**

Network & Computing Consultants will not permit users of its network facilities to disrupt the normal functioning of any part of the Internet, or to attempt to circumvent any security measures. This includes all manner of denial of service attacks, usage of another user's Internet account without that user's permission, and any form of attempted circumvention of any network security measures ("cracking" or "hacking") whereby Network & Computing Consultants may at any time limit the services and/or suspend any service provided hereunder without notice to the customer in response to a court or government demand or if Network & Computing Consultants determines that the integrity or normal operation of the Network & Computing Consultants network is in imminent risk.

Other prohibited activities include (but are not limited to): unauthorised probes ("scanning" or "nuking") of other networks, the wilful distribution of malicious software (viruses, trojans, worms, etc), "mailbombing", and so forth. Notwithstanding anything to the contrary herein.

- **Use of material**

Network & Computing Consultants' customers may use their network access to obtain and download any materials (images, text, software, etc.), provided such materials are clearly marked as available for download in this manner. Network & Computing Consultants' customers may not use their Internet access facilities to distribute copyrighted material (images, text, software, etc.), unless they have first obtained the appropriate agreement of the publishers and owners of the material.

Customers may not use Network & Computing Consultants' services to obtain or distribute unlawful materials, such as stolen intellectual property, unlawful hate speech, child pornography, etc.

- **Use of Usenet news facilities**

Network & Computing Consultants' customers may have access to Internet newsgroups carried on the company's news servers. Customers acknowledge that material contained on this server may, from time to time, contain information that may be unacceptable to them, and that Network & Computing Consultants is unable to control such news content.

Posts to Usenet News generated by Network & Computing Consultants' customers must comply with the written guidelines of the newsgroup in question. Those guidelines may be obtained from other users of the newsgroup upon request, or from the group's administrators/moderators.

Customers' news servers should provide service only to a limited set of users (such as employees or customers) of the customer.