

POLICY: PUBLIC WI-FI ACCEPTABLE USE POLICY

DATE ADOPTED:

ORIGINAL ADOPTION: Director Corporate Services Report #1
Policy 5 September 2018
Council 19 September 2018
Minute Book No. 12830

FILE REFERENCE: 20.00315

OBJECTIVE: To establish conditions of use for Council's public Wi-Fi system.

1. **PURPOSE**

The purpose of the Public Wi-Fi Acceptable Use Policy ("Policy") is to ensure that users of Bathurst Regional Council's Public Wi-Fi facility ("Public Wi-Fi Service") understand that:

- By accessing or using Bathurst Regional Council's Public Wi-Fi Service, users agree to the terms and conditions of this 'Public Wi-Fi Acceptable Use Policy' without limitations, and accordingly users should read this Policy carefully before connecting;
- This Policy may be updated by Bathurst Regional Council from time to time.
- Use of the Public Wi-Fi Service is subject to the terms and conditions of this Policy as they exist when the user accessed the Public Wi-Fi Service; and
- If an individual does not agree to these terms and conditions then they must not access or use the Public Wi-Fi Service.

2. **SCOPE**

This policy applies to all users of the Public Wi-Fi Service.

3. **CONTEXT**

Bathurst Regional Council continues to adopt new technologies to align with Council's business plans and provision of services to community. To align with Council's digital strategy and Smart City plans, Council provides a free Internet service through Wi-Fi in a number of locations within Bathurst. This digital initiative from Council helps to improve the visitor experience and also enhance internet availability for local residents in public areas.

Bathurst Regional Council will take reasonable action to endeavour to provide reliable, secure and stable access to the Public Wi-Fi Service, but cannot guarantee that the Public Wi-Fi Service will be available, un-interrupted, fault-free, secure or otherwise suitable for its intended purpose.

Council encourages users to save your work regularly while using the Public Wi-Fi Service, and take precautions to prevent loss of information.

Users are responsible for setting up their own equipment to access the Public Wi-Fi Service. Council staff will not provide technical assistance and will not assume any responsibility for personal hardware configurations, security or changes to data files resulting from connecting to the Public Wi-Fi Service. It is recommended that users make a backup copy of any settings before configuring their equipment on the Public Wi-Fi Service.

To the extent permitted by law, Bathurst Regional Council is not under any liability in respect to any loss or damage to any person or property whether direct, indirect, incidental, exemplary or consequential (including, but not limited to, loss of data, use, profits, interruption, or safety of equipment) however caused arising in any way out of the use of the Public Wi-Fi Service, even if advised of the possibility of such damage.

The Public Wi-Fi Service is currently free of charge however Bathurst Regional Council reserves the right to charge for this service in the future.

4. POLICY

4.1. Accessing the Public Wi-Fi Service

To use the Bathurst Regional Council Public Wi-Fi Service users must:

- Connect to the Wi-Fi hotspot using a wireless enabled device, and
- Read the terms and conditions that apply, and
- Accept those terms and conditions.

Council reserves the right to impose daily time and or data restrictions on the use of the Public Wi-Fi Service. If/when a user's session expires the user will automatically be logged out of the Public Wi-Fi Service.

4.2. Non-Compliance

At any time, Bathurst Regional Council, may refuse access to any individual. Individuals not complying with this Policy may be subject to loss of access without warning. Bathurst Regional Council will determine when the individual may be granted renewed access.

Where a breach of this policy is reasonably suspected by Bathurst Regional Council to involve criminal action or otherwise placing any person or property in danger, Bathurst Regional Council may refer the matter to the police or to other authorities or agencies for investigation.

4.3. Reliability

The Public Wi-Fi Service is not suitable for supporting any application or use which requires continuous, fault-free or secure network connectivity, or uninterrupted data traffic flow. Bathurst Regional Council will not be liable if access to the Public Wi-Fi Service becomes unstable, unsecured, slow, unreliable or unavailable for any reason whatsoever. Users in the process of downloading a file should be aware that should the user lose connection to the Public Wi-Fi Service, any partially downloaded file will likely be lost. Bathurst Regional Council encourages users to save your work regularly while using the Public Wi-Fi Service, and take precautions to prevent loss of information.

Bathurst Regional Council will take reasonable steps to monitor and attend to any faults, malfunctions or other problems associated with the Public Wi-Fi Service, but will not be liable

if such faults, malfunctions or problems occur, and shall not be obligated to rectify any such faults within any specified timeframes.

Bathurst Regional Council may suspend or withdraw the Public Wi-Fi Service at any time and without prior notice should it decide to do so.

4.4. Security

Bathurst Regional Council will take reasonable action to provide secure access to the Public Wi-Fi Service. However, due to the nature of Wi-Fi Bathurst Regional Council cannot guarantee the security of a user's connection to the Public Wi-Fi Service. Please be aware that there is a risk of third parties gaining un-authorised access to a user's device or data through the Public Wi-Fi Service.

4.5. Private and Sensitive Data

Users are solely responsible for any information or data uploaded, downloaded or otherwise communicated using the Public Wi-Fi Service, and are responsible for keeping all user names, passwords and other security-based information secure and private at all times.

4.6. User Obligations

Users of the Bathurst Wi-Fi Service are liable for any kind of loss or damage incurred directly or indirectly as a result of their use of the Public Wi-Fi Service. It is strongly recommended that users install a personal antivirus and firewall on their wireless enabled device to block unwanted traffic and potentially malicious files.

4.7. Blacklisted Websites

Bathurst Regional Council may, at its discretion, block access to certain websites and services as they may create a hostile environment for others in the surrounding space. This includes but is not limited to websites and/or services that may:

- be used to harass or attempt to harass other people
- promote conduct that is abusive, threatening, obscene, defamatory or libellous,
- promote any criminal activity or enterprise, or provide instructional information about illegal activities

4.8. Prohibited Use

Users must not use the Public Wi-Fi Service to:

- engage in (or attempt to engage in) any illegal act;
- unlawfully interfere with any communication network or computer system;
- disrupt the use of the Public Wi-Fi Service by any other person;
- send spam emails;
- send unsolicited advertising;
- use software or applications that may assist in breaching this Policy.

When connected to the Public Wi-Fi System you must not access websites and/or internet services that:

- may obviously contain any viruses, malware or other computer programming routines that may damage, modify, delete, detrimentally interfere with, or access without authority any Bathurst Regional Council system, data or personal information
- may provide access to, create, store, distribute or display illegal text, graphics, audio or video
- may be used to harass or attempt to harass other people
- may promote racism, bigotry, hatred, discrimination or physical harm of any kind against any group or individual
- may promote conduct that is abusive, threatening, obscene, defamatory or libellous,
- may further or promote any criminal activity or enterprise, or provide instructional information about illegal activities.

4.9. Privacy

Bathurst Regional Council reserves the right to collect personal information about you in relation to your access to and use of the Public Wi-Fi Service. The following information is collected:

- your email address
- your device's MAC and IP address
- the addresses of the websites and webpages you visit while you are connected to the Public Wi-Fi Service
- the date and time when you accessed the Public Wi-Fi System; and
- any other personal information that may be reasonably required to establish the identity of the person using a device connected to the Public Wi-Fi Service.

Any information collected will be done so in accordance with the Privacy and Personal Information Protection Act 1998 (NSW) and Regulation.

Bathurst Regional Council collects users' browser history during their time using the free public Wi-Fi Service for the purpose of verifying that users' use of the Public Wi-Fi Service complies with this policy. Council's response to external requests from law enforcement or integrity agencies for access to data about persons using the Public Wi-Fi System will be overseen by Council's General Manager.

4.10. Disclosure and Publication of Personal Information

Bathurst Regional Council will not disclose users personal information for any purpose, but may disclose personal information to Council's technology providers, police and other law enforcement agencies where relevant in connection to:

1. the investigation of a potential crime, or otherwise in connection with a breach or suspected breach of this Policy
2. a court or tribunal order for production of documents or information
3. Australian law (for example, disclosure under the Government Information (Public Access) Act 2009 (NSW) and Regulation).

4.11. Accessing Personal Information

Bathurst Regional Council's Privacy Management Plan contains information about how users may access personal information about themselves that is held by Bathurst Regional Council, and seek correction of such information.

5. ADMINISTRATIVE UPDATES

It is recognised that, from time to time, circumstances may change leading to the need for administrative changes to this Policy. Where an update does not materially alter this Policy, such a change may be made administratively. Examples include a change to the name of a Council department, a change to the name of a Federal or State Government department, and a minor update to legislation which does not have a material impact. However, any change or update which materially alters this Policy will be by resolution of Council.

6. REVIEW

The next review of this Policy is scheduled for completion by 30 June 2021.

7. DEFINITIONS

Key terms

Key Term	Definition
Access	The ability to view or modify data.
Access control	The rules and mechanisms that control access to information systems.
Anti-virus	Software specially designed to detect and eliminate viruses and 'malware' before they cause harm.
Auditing	The process of capturing user activity and other events on the system, storing this information and producing system activity reports.
Audit Trail	A log file that provides the date and time stamped record of the usage of a system. An audit log can record what a computer was used for, allowing a systems administrator to monitor the actions of every user and can assist in determining if a security violation has occurred.
Availability	The assurance of the accessibility of systems and information to authorised users; when they require it.
Council	means Bathurst Regional Council, being a body politic constituted as a local Council under the Local Government Act 1993 (NSW) and includes Councillors and Council Officers.
Councillors	means the individuals holding the office of a Councillor of Bathurst Regional Council
Council Officers	means the General Manager and staff of Council.
Firewall	A combination of hardware and software that provides security to a network. Generally used to prevent unauthorised access from external networks to an internal network.
Internet	A global network connecting millions of computers.
IP Address	The numeric address (i.e., 203.18.49.193) that identifies an entity on the Internet (for example, computer, server, network device, etc) that guides all Internet traffic, such as email and Web traffic, to its destination.
User	Any person connecting to Bathurst Regional Council Public Wi-Fi service after acceptance of the Public Wi-Fi terms and conditions.
Password	A string of characters entered by a user to verify their identity to a network or application.

Policy	The rules and practices that regulate how an organisation manages and protects its information systems infrastructure.
Privacy	At a corporate level, the need to keep data confidential while in transit and in storage. At an individual level, it is the control a person has over the collection, use, and distribution of his or her personal information.

Linked Bathurst Regional Council policies or guidelines:

BRC Privacy Management Plan 2013

https://www.bathurst.nsw.gov.au/images/stories/council/public_docs/privacy_management.pdf