

MEMO FOR RESPONSIBILITY FOR NON-COMPLIANCE WITH THE REQUIREMENTS FOR THE USE OF INFORMATION SYSTEMS AND COMPUTER NETWORK AT VILNIUS UNIVERSITY

The aim of this memo is to introduce you to the responsibility for non-compliance with the rules for the safe use of information system and computer network, provisions of security documents, the Law on the Legal Protection of Personal Data, the Law on Cyber Security, and other related legal acts, provided for in the laws of the Republic of Lithuania, the Study Regulations of Vilnius University, and other legal acts, procedures, and agreements concluded between studying persons and the University. This memo has been drawn up for a general introduction to the responsibilities, the full versions of approved applicable legal acts and security documents of Vilnius University are published for your convenience on the Privacy Policy section of the website of Vilnius University at <https://www.vu.lt/en/privacy-policy>, where links to related legal acts and other relevant information are provided.

Please carefully read the information below.

Please note that Article 7 of the Constitution of the Republic of Lithuania provides for that ignorance of the law shall not exempt a person from responsibility.

The main provisions on the responsibility of users for breaches of the established procedure specified in the approved documents are provided in the memo below.

LEGAL ACTS OF VILNIUS UNIVERSITY

The Vilnius University Rules for the Use of Computer Network approved by the Rector of Vilnius University on 26 April 2002:

6. The user is prohibited from engaging in activities breaching the laws of the Republic of Lithuania and international treaties.

7. The user is prohibited from using another's resources without authorisation (copying and using the software and data without the owner's knowledge and consent, connecting to other computers without respective authorisation, etc.).

8. The user/owner of a computer on the local area network shall be responsible for damaging actions to the computer network performed by using resources at their disposal.

16. The user who has breached any of these provisions may temporarily or permanently lose the right to use the resources of the University's computer network.

The Vilnius University Rules of Procedure approved by Order of the Rector of Vilnius University No. R-146 of 17 April 2015:

20. Employees must:

[...]

20.8 comply with the provisions of the Law on Legal Protection of Personal Data, as well as protect commercial, industrial, technological and professional confidential information that comes to the employee's knowledge in the course of their duties.

61. A gross breach of work duties shall be a breach of labour discipline involving a gross violation of the provisions of laws and other regulatory acts which directly regulate the employee's work or any other gross transgression of work duties or the prescribed procedures. A gross breach of work duties shall include:

[...]

77.14. disclosure of commercial, industrial, technological and professional confidential information to third parties;

77.15. using the University's computer network, email and information resources in violation of the procedures established by VU;

77.16. other offences which are in gross breach of work procedure.

[...]

95. Employees must be aware that:

95.1. the responsibility for the content and security of information that is being sent or transmitted shall rest with the sender;

95.2. when solving system security problems or ensuring its functioning, or investigating breaches of labour discipline or other violations, or when providing information to law enforcement authorities and courts, or when conducting internal investigations on behalf of the Rector/Senate, the overview of computer data and email messages by authorised persons shall not be considered a violation of the right of the computer and/or email user to privacy;

95.3. data transmission and email flows, communication time and other necessary (regulated by legal acts) system log information shall be registered and stored in accordance with the laws of the Republic of Lithuania in order to protect the University's computer workstations and systems from being hacked, or from information corruption and loss.

96. Computer network resources, information systems and electronic means of communication (email, web, etc.) must be used in accordance with regulations approved by the Rector.

The Description of the Procedure for Investigating Violations of the Work Duties of Vilnius University Employees approved by Order of the Rector of Vilnius University No. R-447 of 13 October 2017:

4. A violation of work duties at the University is a violation of duties established by labour laws or employment contracts and agreements on additional work, as well as a violation of the Code of Academic Ethics committed by employees through their culpable act or omission.

5. A gross violation of work duties shall include:

[...]

5.5. deliberately caused or attempted material damage to the employer;

5.6. an act constituting an offence committed during working hours or at the workplace;

[...]

5.8. other offences that are, in accordance with other legal acts of the University, in gross breach of the employee's work duties.

6. A gross violation of work duties or a similar violation of work duties committed by the employee within the last twelve months shall be a reason to terminate their employment contract.

7. In case of any suspicion of a potential violation of work duties, the employee's immediate superior shall request the employee in writing to provide an explanation regarding the potential violation of work duties within a reasonable period of time but no later than within 3 (three) working days. Such a request must also clearly indicate what violation of work duties the employee is suspected of having committed.

14. If having investigated a potential violation of work duties, it is established that such a violation has been committed, the Human Resources Division shall submit an official report to the Chancellor, who shall adopt the final decision. The Chancellor, taking into account the circumstances and the established facts indicated in the official report, shall order the Human Resources Division to draw up a written warning on behalf of the Chancellor, indicating that their employment contract may be terminated if they commit a second similar violation of work duties within the next 12 (twelve) months.

18. The warning or the termination of the employment contract provided for in Items 14, 15, and 16 of this Description shall be imposed no later than one month from the day when the violation became known, excluding any period of absence due to the employee's illness, secondment, or annual leave.

The Regulations for Data Security of the Study Information System of Vilnius University approved by Order of the Rector of Vilnius University No. R-512 of 10 November 2014:

67. The persons who breach the requirements of legal acts implementing Security Regulations and VUSIS security policy shall be liable according to the procedure established in the laws of the Republic of Lithuania, Vilnius University Rules of Procedure, Vilnius University Study Regulations and other legal acts.

The Standard Study Agreement of Vilnius University approved by Order of the Pro-Rector for Studies of Vilnius University No. R-148 of 18 April 2017:

19. [*Obligations of a student*] Follow this Agreement, the Law on Higher Education and Research, the Statute, the Regulatory Framework for Research, Artistic Activity and Studies, the Study Regulations of Vilnius University, the Code of Academic Ethics of Vilnius University, other requirements of legal acts.

52. The University shall have a right to unilaterally, by notifying the Studying Person in writing at least 10 (ten) calendar days in advance, terminate the Agreement by expelling the Studying Person from the University:

[...]

52.2. In the cases specified in the Study Regulations and/or the Code of Academic Ethics and/or the Regulatory Framework and following the procedure established by legal acts of the University.

The Study Regulations of Vilnius University approved by Resolution of the Senate of Vilnius University No. SPN-43 of 21 June 2022 “On the Approval of the Study Regulations of Vilnius University and on the Amendments and Repeal of Certain Resolutions of a Senate Commission of Vilnius University”:

[*Rights and Obligations of Students*]

“95. Students must:

95.1. fulfil the requirements of the study agreement and the selected study programme, course unit (module);

95.2. observe the Regulations, the Statute, other legal acts of the University, and the legal acts of the Republic of Lithuania;

95.3. carry out the decisions of the administration of the University and the core academic units;

/.../

95.5. observe the principles of moral and academic ethics;

95.6. implement other obligations established by the legal acts of the Republic of Lithuania and the legal acts of the University.” [*Incentives and Penalties Applicable to Students*]

“98. Reprimand or expulsion from the University may be imposed on students having violated the Regulations or other legal acts of the University.

99. Students shall be expelled from the University under the procedure established in the Regulations.

Reprimands shall be imposed by the heads of core academic units or the Rector under the procedure established by legal acts of the University.

The Rules for the Administration of Users of Information Resources of Vilnius University approved by Order of the Rector No. R-440 of 20 December 2021:

14. The electronic information of the University’s information resources is processed by user rights administrators and other administrators – system administrators, software administrators, local network administrators and administrators of computerised workstations.

[...]

19. The administrators referred to in Item 14 of the Rules shall have the right to:

19.1. **block a user's access to any information resource of the University at any time** by informing the user in advance of their actions **if the user violates the requirements of these Rules**; prior notification is not necessary when it is necessary to act promptly to block a user's access due to a serious threat to data security;

19.2. require users to clarify data or provide additional information as may be necessary for the purposes of processing the University's information resources.

20. The administrators referred to in Item 14 of the Rules, following the instructions of their immediate superiors, heads of units, and information resources security officers, shall be obliged to provide information to the authorised state institutions about users when it is necessary to provide such information in accordance with the requirements of the legal acts of the Republic of Lithuania.

LEGAL ACTS OF THE REPUBLIC OF LITHUANIA

Article 58 of the Labour Code of the Republic of Lithuania Termination of an employment contract on the initiative of the employer through the fault of the employee

1. The employer has the right to terminate an employment contract without notice and without paying a severance pay if the employee, through act or omission, commits a violation of the duties set out in provisions of the labour law or in the employment contract.

2. The following are justifiable reasons for the termination of an employment contract:

- 1) gross breach of work duties;
- 2) the second instance of the employee committing the same breach of work duties in the previous 12 months.

The Rules of Use of the Lithuanian Research and Education Network LITNET Approved by Order of the Minister of Education and Science of the Republic of Lithuania No. V-1348 of 18 July 2011.

8. The LITNET network resources and services can be used for:

8.1. activities that correspond to the purpose of the LITNET network;

8.2. education, research and studies;

8.3. other activities related to the implementation of the functions specified in the Law on Education and the Law on Higher Education and Research.

9. In the LITNET network, it is prohibited to:

9.1. use the LITNET network resources for commercial activities;

9.2. perform actions that violate the rights of a natural or a legal person that are protected by the laws on copyright, related rights and intellectual property rights. Such actions, *inter alia*, shall include:

9.2.1. installing, using, storing or distributing software with no licence or in violation of the licence requirements;

9.2.2. illegally copying or distributing copyrighted works;

9.3. performing intentional or negligent acts that interfere with the work of the computer network or network users, using or modifying systems or information without approval. Such actions, *inter alia*, shall include:

9.3.1. distributing computer viruses;

9.3.2. flooding network channels with unnecessary packages;

9.3.3. distributing spam;

9.3.4. scanning network services without approval from the administrators;

9.3.5. accessing or attempting to access the services without authorisation;

9.3.6. disrupting the functioning of the technical equipment.

9.4. performing other actions that may cause a computer security incident;

9.5. publishing harmful, unacceptable information or links to it. Such information, *inter alia*, shall include:

9.5.1. information of pornographic or erotic nature;

9.5.2. information inciting national, racial, ethnic, or religious hatred, promoting violence and terrorism;

9.5.3. information not corresponding to reality, discrediting or insulting an institution, states or private persons;

9.6. violating the rules of use (or equivalent) of other networks whose services are used;

9.7. performing any other actions that violate the laws of the Republic of Lithuania, international treaties and other legal acts.

10. The institution connected to the LITNET:

10.1. must ensure that the LITNET network is used without violating the rules of use of the network;

10.2. must ensure that the LITNET network is not used for any illegal activity;

10.3. may provide the institution guests only with fixed-term access to the LITNET network resources, except in cases of joint use of the network resources when it is regulated by international and inter-institutional LITNET agreements.

11. Natural and legal persons using the LITNET network must comply with the provisions of the documents regulating the LITNET activities and the rules of internet etiquette.

All users of the information systems and computer network of Vilnius University may be subject to liability provided for in these and other Articles of the Republic of Lithuania Code of Administrative Offences (hereinafter the 'ANK') and the Republic of Lithuania Criminal Code (hereinafter the 'BK':

ADMINISTRATIVE OFFENCES RELATED TO THE EQUALITY OF A PERSON AND INVIOABILITY OF PRIVATE LIFE

Article 82 of the ANK Infringement of the Republic of Lithuania Law on Legal Protection of Personal Data

1. Infringement of the Republic of Lithuania Law on Legal Protection of Personal Data shall result in a fine for persons of EUR 150 to 580, and for heads of legal entities or other responsible persons – EUR 300 to 1,150.

2. A repeated administrative offence provided for in paragraph 1 of this Article shall result in a fine for persons of EUR 550 to 1,200, and for heads of legal entities or other responsible persons – EUR 1,100 to 3,000.

Article 83 of the ANK Illegal processing of personal data and breach of privacy protection in the area of electronic communications

1. Infringement of the processing of personal data and privacy protection established in the Republic of Lithuania Law on Electronic Communications shall result in a fine for persons of EUR 150 to 580 and for heads of legal entities or other responsible persons – EUR 300 to 1,150.

2. A repeated administrative offence provided for in paragraph 1 of this Article shall result in a fine for persons of EUR 550 to 1,200, and for heads of legal entities or other responsible persons – EUR 1,100 to 3,000.

Article 122 of the ANK Infringement of copyright and related rights

1. Unlawful non-commercial public performance, reproduction, publication, other usage of literary, scientific or artistic work (including software and databases) or an object of related rights or a part thereof in any form or by any means, as well as commercial distribution, transportation or storage of illegal copies of the work or object of related rights shall result in a fine of EUR 280 to 600.

2. A repeated administrative offence provided for in paragraph 1 of this Article shall result in a fine of EUR 600 to 850.

3. The administrative offence provided for in paragraph 1 of this Article must result in the confiscation of illegal copies of the work or object of related rights. The administrative offence provided for in paragraph 2 of this Article must result in the confiscation of illegal copies of the work or object of related rights as well as means of their production or equipment.

4. The means of production or equipment of illegal copies of the work or related rights mean technical equipment, materials and other means that are exclusively or most frequently used to reproduce and/or distribute illegal copies of the work or an object of related rights or whose purpose or direct objective is to reproduce and/or distribute illegal copies of the work or the object of related rights.

Article 123 of the ANK Illegal procurement and sale of scientific works and their provision to research and study institutions

1. Illegal procurement and sale of final theses, dissertations, artistic projects of first cycle, integrated and master studies and their provision to research and study institutions shall result in a fine for persons of EUR 150 to 300, and for heads of legal entities and other responsible persons – EUR 800 to 1,800.

2. A repeated administrative offence provided for in paragraph 1 of this Article shall result in a fine for persons of EUR 300 to 850 and for heads of legal entities and other responsible persons – EUR 1,700 to 3,000.

Article 552 of the ANK Illegal processing of data from the state information systems

1. Collection, accumulation, storage, supplementation, modification, deletion, correction, classification, destruction, provision of data of state information systems (except for personal data) or refusal to provide them violating the legal acts regulating the processing of information systems shall result in a fine of EUR 90 to 170.

2. A repeated administrative offence provided for in paragraph 1 of this Article shall result in a fine of EUR 170 to 350.

CRIMES AND MISDEMEANOURS AGAINST A PERSON'S EQUAL RIGHTS AND FREEDOM OF CONSCIENCE

Article 170 Incitement against Any National, Racial, Ethnic, Religious or Other Group of Persons

[...]

2. A person who publicly ridicules, expresses contempt for, urges hatred of or incites discrimination against a group of persons or a person belonging thereto on the grounds of age, sex, sexual orientation, disability, race, nationality, language, descent, social status, religion, convictions or views shall be punished by a fine or by restriction of liberty or by arrest or by a custodial sentence for a term of up to two years.

CRIMES AGAINST INTELLECTUAL AND INDUSTRIAL PROPERTY

Article 191 of the BK Misappropriation of Authorship

1. A person who publishes or publicly announces as his own a literary, scientific or artistic work (including computer software and databases) or a part thereof created by another person shall be punished by community service or a fine or by restriction of liberty or by arrest or by a custodial sentence for a term of up to two years.

2. A person who, by taking advantage of his official position or by resorting to mental coercion, forces the author of a literary, scientific or artistic work (including computer software and databases) or a part thereof to acknowledge another person as the co-author or successor to author's rights or to renounce the right of authorship shall be punished by a fine or by restriction of liberty or by arrest or by a custodial sentence for a term of up to three years.

3. A legal entity shall also be held liable for the acts provided for in this Article.

Article 192 of the BK Unlawful Reproduction of a Literary, Scientific or Artistic Work or an Object of Related Rights, Distribution, Transportation or Storage of Illegal Copies Thereof

1. A person who unlawfully reproduces a literary, scientific or artistic work (including computer software and databases) or an object of related rights or a part thereof for commercial purposes or distributes, transports or stores for commercial purposes illegal copies thereof, where the total value of the copies exceeds, according to the prices of legal copies or, in the absence thereof, according to the prices of originals of the reproduced works, the amount of 100 MSLs, shall be punished by community service or by a fine or by restriction of liberty or by arrest or by a custodial sentence for a term of up to two years.

2. A person who commits the act indicated in paragraph 1 of this Article, where the total value of the illegal copies exceeds, according to the prices of legal copies or, in the absence thereof, according to the prices of originals of the reproduced works, the amount of 250 MSLs, shall be punished by a fine or by restriction of liberty or by arrest or by a custodial sentence for a term of up to three years.

3. A legal entity shall also be held liable for the acts provided for in this Article.

CRIMES AGAINST SECURITY OF ELECTRONIC DATA AND INFORMATION SYSTEMS

Article 196 of the BK Illegal Data Interference

1. A person who unlawfully destroys, damages, removes or modifies electronic data or technical equipment, software or otherwise restricts the use of such data thereby incurring damage shall be punished by community service or by a fine or by a custodial sentence for a term of up to two years.

2. A person who commits the act provided for in paragraph 1 of this Article in respect of the computer data of a number of information systems or the electronic data of an information system of strategic importance for national security or of considerable importance for state government, the economy or the financial system, or by making use of other person's personal data or thereby incurring major damage shall be punished by a fine or by arrest or by a custodial sentence for a term of up to six years.

3. A person who commits the act provided for in this Article thereby incurring minor damage shall be considered to have committed a misdemeanour and shall be punished by community service or by a fine or by restriction of liberty or by arrest.

4. A legal entity shall also be held liable for the acts provided for in this Article.

Article 197 of the BK Illegal System Interference

1. A person who unlawfully hinders or interrupts the functioning of an information system, thereby incurring damage, shall be punished by a fine or by arrest or by a custodial sentence for a term of up to two years.

2. A person who commits the act provided for in paragraph 1 of this Article in respect of many information systems or to an information system of strategic importance for national security or of considerable importance for state governance, the economy or the financial system, or by making use of other person's personal data or thereby incurring major damage shall be punished by a fine or by arrest or by a custodial sentence for a term of up to six years.

3. A person who commits the act provided for in this Article thereby incurring minor damage shall be considered to have committed a misdemeanour and shall be punished by community service or by a fine or by restriction of liberty or by arrest.

4. A legal entity shall also be held liable for the acts provided for in this Article.

Article 198 of the BK Unlawful Interception and Use of Electronic Data

1. A person who unlawfully observes, records, intercepts, acquires, stores, appropriates,

distributes or otherwise uses the electronic data which may not be made public shall be punished by a fine or by a custodial sentence for a term of up to four years.

2. A person who unlawfully observes, records, intercepts, acquires, stores, appropriates, distributes or otherwise uses the electronic data which may not be made public and which are of strategic importance for national security or of major importance for state government, the economy or the financial system shall be punished by a custodial sentence for a term of up to six years.

3. A legal entity shall also be held liable for the acts provided for in this Article.

Article 198¹ of the BK Unlawful Connection to an Information System

1. A person who unlawfully connects to the whole or any part of an information system by damaging the protection means of the information system shall be punished by community service or by a fine or by arrest or by a custodial sentence for a term of up to two years.

2. A person who unlawfully connects to the whole or any part of an information system of strategic importance for national security or of considerable importance for state governance, the economy or the financial system shall be punished by a fine or by arrest or by a custodial sentence for a term of up to three years.

3. A legal entity shall also be held liable for the acts provided for in this Article.

Article 198² of the BK Unlawful Disposal of Installations, Software, Passwords, Login Codes and Other Data

1. A person who, for criminal purposes or by other unlawful means, produces, transports, imports, sells, provides access to or otherwise distributes, acquires or stores the installations or software directly intended or adapted for the commission of criminal acts, also passwords, login codes or other similar data intended for connection to the whole or to any part of an information system shall be punished by community service or by a fine or by arrest or by a custodial sentence for a term of up to three years.

2. A legal entity shall also be held liable for the acts provided for in this Article.