CHECKLIST FOR PERMISSIBLE USE OF AI SYSTEMS

DOs and DON'Ts when dealing with generative artificial intelligence

The use of generative AI systems such as ChatGPT poses various challenges. In addition to technical and practical aspects, legal issues – such as copyright and data protection – and the responsible use of AI-generated content play a central role. This checklist is intended to help members of the university use AI in an ethical and legally compliant manner, identify potential risks and make informed decisions when dealing with AI-based applications.

⚠️ This document is intended to provide an overview of the legal requirements and risks associated with the use of AI. It does not constitute legal advice and does not replace seeking legal advice in individual cases. All information has been carefully checked, but no guarantee is given as to its accuracy, completeness or timeliness.

The staff of the relevant departments are available to provide personal advice:

- Support with general legal questions or uncertainties can be obtained from the Legal Department in the Legal & Compliance Office.
- If you have any questions regarding data protection, please contact the Data Protection Team at Bonn-Rhein-Sieg University of Applied Sciences.

BEFORE USING AI SYSTEMS

◯ I have carefully read and understood the **Terms of Use** of the AI system I am using and will comply with them when using the system.

◯ I am aware that a **VPN connection** to the university network encrypts data transmission and thus contributes to more secure processing and transmission of information – including when using AI systems.

Help with setting up the VPN connection is available on the IT-S information portal.

WHILE USING AI SYSTEMS

◯ I have checked whether I want to use **copyrighted material** as input for the AI system. This includes images, copies of texts, and exam papers, among other things.

◯ If so, I have ensured its **lawful use**, e.g. by obtaining the **consent** of the copyright holder, and documented this in writing.

◯ I have checked that I will **not use any personal data of third parties** in accordance with Art. 4 (1) GDPR as input. This includes real names or contact details (e-mail addresses), but also, for example, nationality, age, marital status, and photo, audio or video recordings of uninvolved third parties.

◯ In particular, I will **not use any special categories of personal data** of third parties in accordance with Art. 9 (1) GDPR as input. This includes ethnic origin, political opinions, religious or philosophical beliefs or trade union membership, as well as the processing of genetic or biometric data for the unique identification of a natural person, health data or data concerning the sex life or sexual orientation of a natural person.

◯ If personal data of third parties occurs in my work with the AI system, I have **anonymised** it before using it as input so that no conclusions can be drawn about the person.

○ In preparing the input, I have complied with applicable **contractual agreements**, **legal provisions** and **internal H-BRS regulations**. In particular, these include agreements on confidentiality, the protection of official secrets and legal requirements.

○ I have not used any **confidential information** (e.g. official or trade secrets) or materials from confidential sources as input.

AFTER USING AI SYSTEMS

○ Based on the responses provided by the AI system, I do not make any **automated decisions** in accordance with [Article 22(1) GDPR](#) that have legal effects on the data subject or significantly affect them in a similar manner, for example in the case of decisions relating to employment and personnel law. To this end, I have ensured that the **final decision-making authority** lies with a natural person, e.g. myself.

○ If I wish to distribute or publish the output of the AI system, I have checked it for **copyrighted content** that may arise, for example, if the AI produces random similarities to existing works.

○ If I wish to distribute or publish the output of the AI system, I have checked it according to **scientific principles**, including for technical accuracy. For H-BRS, I have observed the procedures and guidelines for ensuring good scientific practice. ([Verfahren und Leitlinien zur Sicherung guter wissenschaftlicher Praxis](#)).

EXAMPLES OF <u>NON-PERMISSIBLE</u> USE OF AI SYSTEMS

Copying **copyrighted works** such as photographs or newspaper articles as input into an AI system is not permitted without the consent of the copyright holder.

The use of personal or even special categories of **personal data of third parties** as part of input, such as real names, email addresses, ethnic origin, biometric or medical data, is not permitted. Personal data must be anonymised.

Copying **application documents**, personal cover letters, CVs or other sensitive documents belonging to third parties in non-anonymised form as part of input into the AI system is not permitted.

Copying **non-public documents** such as bids, self-disclosures or annual reports as input into an AI system is not permitted without the consent of the persons concerned or those responsible.

Copying **examination papers of students** or trainees, such as written exam answers or drawings, as input into an AI system to support correction is generally not permitted.

The use of **confidential materials** such as committee minutes from closed meetings, non-public research results or classified information as part of an input is not permitted.

The **automatic evaluation** of documents using AI systems is not permitted if this has an adverse effect on the persons concerned and if the result from the AI system is adopted without comprehensive human evaluation.