

## Acceptable Use Policy

Chilli Internet Solutions provides businesses and consumers with a variety of information technology-related products and services, including fixed and wireless internet access, web hosting, telecommunications and connectivity services.

This Acceptable Use Policy defines the circumstances and the terms and conditions upon which customers may use Chilli's services, with a view to ensuring the integrity, security, reliability and privacy of the Chilli network, systems, products and services.

### Introduction

In summary, the intention of the Chilli acceptable use policy is to ensure that our customers receive an excellent service where they operate within the limits of their agreements with Chilli, and within the law and good Internet practice.

Customers must act responsibly in their use of resources on Chilli's network.

If customers go outside those limits, they may directly impact users across the network, as well as Chilli's ability to economically provide a service to all other customers.

Generally speaking, customers will be restricted in what they can do if they are outside their agreed limits (for example, once you exceed your agreed plan cap, your service will be substantially slowed down).

***Customers may be removed from the network (temporarily, or permanently if appropriate) if they have a significant effect on the network – such as illegal activity or substantially more than agreed plan usage, for example.***

Many "peer to peer" programs (such as file sharing programs), and other network intensive applications, will continue to send and receive files across the network even without active customer intervention. Chilli strongly recommends against the use of such programs on an uncontrolled basis (that is, without specific awareness of the volume of data being transmitted and received). It is quite possible that customers will substantially exceed their agreed plan caps with such a program running, and then be removed from the network until the following period.

For the purposes of this document, a customer is any person or entity that purchases, uses or receives a service from Chilli. Every customer must comply with this policy.

## Traffic shaping

For customers with data usage caps, the cap amount is the total download data usage over the agreed period, generally one month.

If a customer exceeds their data usage cap, Chilli will 'shape' the customer's connection to lower the effective data transfer speed.

The initial shaping will be to 64Kbps. However, if the customer's usage exceeds a further 50% of their data usage cap or 250MB (whichever is smaller), Chilli may shape much more aggressively (again reducing the effective data speed).

If the customer's usage does not substantially reduce at that time, Chilli may consider the continued usage as an unfair and inappropriate use of resources, and suspend or terminate the service.

## Prohibited Activities

The following activities are violations of this policy, an abuse of the Chilli network and are prohibited:

- 1) **Illegal Use, Threats and Harassment:** Using the service to transmit any material that, intentionally or unintentionally:
  - a) violates any applicable local, state, national or international law, or any applicable rules or regulations;
  - b) threatens or encourages bodily harm or destruction of property; or
  - c) harasses another.
- 2) **Fraudulent Activity:** Using the service to make fraudulent offers to sell or buy products, items or services or to advise any type of financial scam such as a "pyramid scheme", and chain letters.
- 3) **Spam:** Sending unsolicited commercials, messages or communications or unsolicited bulk email in any form or any activities that have the effect of facilitating unsolicited commercial email or unsolicited bulk email whether or not that email is commercial in nature.
- 4) **Forgery or Impersonation:** Adding, removing or modifying any identifying information (including any network header information) in an effort to deceive or mislead or attempting to impersonate any person by using forged headers or other identifying information.
- 5) **Unfair and inappropriate use of resources:** Using unreasonably excessive resources on Chilli's network, or otherwise degrading or interfering with any other customer's use of a service or adversely affect the integrity, security or service levels of the Chilli network.
- 6) **General:** Engaging in any activity that:
  - a) threatens the integrity or security of any network or computer system (including transmission of worms, viruses and other malicious code and accessing any device or data without proper authorisation);
  - b) attempts to use the service in a manner so as to avoid incurring charges which would otherwise be applicable;
  - c) violates generally accepted standards of Internet or other network conduct and usage, including, but not limited to, denial of service attacks, web page defacement, port and network scanning and unauthorised system penetrations.

If Chilli becomes aware of or suspects any prohibited activity, it may:

- i. suspend or terminate a customer's service at any time;
- ii. deny traffic for the purpose of preserving Chilli's (or the customer's) system and network resources;
- iii. where feasible, implement technical mechanisms to prevent a prohibited activity;
- iv. charge the customer the administrative costs associated with the prohibited activities of the customer including recovery of the costs of identifying offenders and removing them from or discontinuing their service;
- v. remove any materials that, in Chilli's sole discretion may be illegal, may subject Chilli to liability or that may violate this policy;
- vi. co-operate with legal authorities or third parties in the investigation of any suspected or alleged crime, civil wrong or prohibited activity.

## Privacy

Chilli does not monitor or judge the content of information transmitted using any service, but will investigate complaints of possible inappropriate use.

In the course of any investigation Chilli will use its reasonable endeavours to safeguard the privacy of all parties and will follow the guidelines given in this policy and in Chilli's privacy policy. However, where required to do so, Chilli may disclose a customer's account details or activity logs or other information relevant to the customer's services.

## General

Customers are responsible for protecting any access codes or other security measures for use of or access to a service.

Customers must not use or permit anyone to use the Chilli network or service to guess passwords or access other systems or networks without written authorisation.

Customers must comply with any security requirements that Chilli may notify from time to time.

Chilli may limit the usage of specific traffic types, such as Peer-to-Peer traffic from time to time, to ensure the efficiency of the overall network.

Chilli may change this policy from time to time. Any changes to this policy will be posted on the Chilli website at (<http://www.chilli.net.au>).