

## Example Use Cases

The following are a number of examples of the possible application of this proposal where questions were raised in the Stakeholder Panel and expert group discussions and elsewhere, and where the answer may not be straightforward. We would be particularly interested in hearing of other examples meriting similar analysis.

### Wholly or Jointly Owned Subsidiaries

There might be two reasons why a university or college wishes to use Janet to support a wholly (or jointly) owned subsidiary. It might be that it is doing so by providing ICT services to support the subsidiary in the purpose for which it was created (commercial or otherwise); or it may be that the subsidiary is the channel through which the university or college conducts its business and community engagement. And the subsidiary may be owned jointly by more than one university or college.

In either case the intent of this proposal is that the subsidiary should be allowed to use Janet in these ways. State-aid constraints suggest, once more, that it may be necessary to charge the subsidiary a market rate if it is acting as an economic undertaking. If the subsidiary is jointly owned with one or more private-sector partners then this stipulation will be even more important.

### University Halls of Residence

A procedure is already in place to deal with privately owned or operated halls of residence where Janet connectivity is required. The university whose students would be using the hall is asked to agree that the connection of the hall is appropriate. This is not part of what could reasonably be categorised as business or community engagement and therefore can be treated separately.

Where the university is itself providing services to students including the use of Janet, this is already treated as part of its normal business and needs no special regulation. This includes the use of the halls to accommodate non-members of the university but in pursuit of the university's teaching, research – and now business and community engagement – activities e.g. in support of conferences, summer schools, and similar events.

There may be an issue where the hall is used for purposes other these e.g. to provide accommodation to organisations or individuals on a purely commercial basis as part of "sweating the asset". This too could not reasonably be described as business or community engagement, but is nevertheless a common activity. Janet's current advice is to install a commercial ISP connection for this purpose, and there is a factsheet and associated technical guidance available in implementing this. However, the issue will be included in the advice sought from BIS, albeit separate from that relating to business and community engagement.

## **Drop-in Access to the Internet**

A number of universities and colleges operate facilities by which visitors may access the Internet via suitable access points linked to the local network and thence to Janet. Sometimes these might be located in the university or college library or similar academic location. In other cases they may be constructed as a “cybercafé” style of facility, not as part of an academic activity.

The status of such facilities in terms of state-aid regulations is not entirely clear, although there has recently been some case law applying to this type of provision in public libraries. This states that these do not breach state-aid regulations. This is because where the facility is being managed and individuals’ use of it is being supported by the host it is considered part of the organisation’s non-economic activities. If on the other hand it is a “cybercafé” style of operation, not managed and supported but essentially Internet access for the price of a coffee, this would not apply.

Therefore our advice would be similar to that given above for an analogous situation in halls of residence, and to use a commercial ISP if the activity is of the “cybercafé” style described here.

## **Science and Technology Parks**

In the context of this proposal there is no prima facie reason why an institution could not deliver connectivity to a university science or technology park if it wishes to do so as part of providing ICT services to tenants of the park. The state-aid constraint as to doing so at a market rate would once again apply.

Supplying Janet connectivity to science and technology parks outside the context of business engagement would in our opinion not be appropriate, and Janet itself has no plans to offer connectivity to these for such general use. The key test for a university considering this step would be whether it expects itself to supply and support ICT services to the park and its tenants, and would use an ISP connection to do so if Janet was not available. If it is planning merely to “pass on” Janet without any real involvement in supporting the tenants of the park, it would be more appropriate that the park used a commercial ISP service.

## **Rural Broadband Initiatives**

The Government is presently consulting on the potential use of public-sector broadband infrastructure to increase the availability of Internet connectivity in rural and other areas of market failure. A number of universities have indicated their interest in assisting in this, either alone or in consortium via a regional network vehicle.

Janet fully supports this principle, subject to its operational and economic feasibility, both on its own behalf and where this might be implemented as part of a university or college's business and especially community engagement. The government is planning to provide practitioners with formal state-aid advice to allow such initiatives to proceed. It is quite possible that this advice will be applicable more widely to the use of publicly-funded networks in business and community engagement, albeit it may well be qualified as pertaining only to areas of market failure.

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