



## CHECKLIST

### for legally compliant use of generative AI services

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# 1. PRELIMINARY REMARK

We are glad that you want to use the HSBI's AI services for your studies or work (<https://www.hsbi.de/dvz/it-services/hsbiki>). This document is intended to help you use these AI services in a legally compliant manner. This is because the use of generative AI services such as KI:connect inevitably raises legal issues. It should be pointed out that comprehensive legal clarifications do not yet exist for a large number of legal challenges when dealing with AI services.

This document provides an overview of legal requirements. However, it does not constitute legal advice and cannot serve as a substitute for seeking legal advice in individual cases. We provide all information after careful examination but cannot give guarantees that it is correct, complete and up-to-date.

## 2. PERSONAL CHECKLIST FOR PERMITTED USE

### 2.1 Please Note Before Use

- I have read the AI service's **terms of use** and observed them while using the service. You can access HSBKI Chat's terms of use [here](#). You can access KI:connect's terms of use [here](#).
- If I use the AI service from outside HSBI's IT networks, I always **establish a VPN connection to HSBI** to secure data transmission in the best possible way. I can find support on this [website](#).

### 2.2 Please Note While Using

- I check whether I would like to use **copyrighted material** as an input to the AI service. This applies, e.g., to the input of images, text copies, books, articles, database information, and examination results.
- If I proceed this way, I ensure the **lawful use** of the material, e.g., by obtaining the author's consent, and **document this in writing**.
- I do *not* use any **personal data of third parties** as an input pursuant to [Section 4\(1\) DS GVO](#). These include real names, contact details, e-mail addresses, nationality, age, marital status, photographs, audio recordings and video recordings.
- I do *not* use any **sensitive personal data of third parties** as an input pursuant to [Section 9\(1\) DS GVO](#). These include ethnic origin, political opinions, religious or philosophical beliefs or trade union membership as well as the processing of genetic data or biometric data for clear identification of natural persons, health-related data or data concerning a natural person's sex life or sexual orientation.
- If I use personal data of third parties in my work with the AI service, I **anonymise** it before using it as an input so that the persons cannot be identified.

- I check whether I would like to use **company names and data** as an input to the AI service
- If I proceed this way, I ensure the **lawful use** of the material, e.g., by obtaining the company's consent, and **document this in writing**.
- If AI services support my decisions or assessments, I document in a comprehensible manner that the decision is primarily based on human judgment and that it is thus not an **automated decision in individual cases** pursuant to Section 22(2) DS GVO.
- When writing my input, I comply to **applicable contractual terms and conditions**, legal requirements and HSBI's internal regulations to the best of my knowledge and belief. In particular, these are terms and conditions concerning confidentiality, the protection of official secrets or legal requirements.
- I do *not* use **material from confidential or strictly confidential sources** as an input.
- I do *not* use **images, audio or video recordings of real people** as an input without their consent, nor do I use an AI service to create images, audio or video recordings that resemble a real person ("**deepfakes**").

### 2.3 Please Note After Use

- I do not make **any automated decisions** pursuant to Section 22(1) DS GVO that are based on the responses of the AI services and have a legal effect on the person concerned or significantly affect them in a similar way, e.g., in the case of labour decisions and personnel law decisions. In addition, I have ensured that the final decision competence lies with a natural person, e.g., myself.
- If I want to distribute or publish the output of the AI service, I have checked it for **copyrighted contents**, which may arise, e.g., if AI produces coincidental similarities to existing works. In that regard I have read and observed HSBI's further information on AI and copyright.
- If I want to distribute or publish the output of the AI service, I have checked it according to **scientific principles**, including technical accuracy. In that regard I have read and observed HSBI's procedures and guidelines to ensure good scientific practice.
- If I want to distribute or publish the output of the AI service, I have labelled it as AI-generated pursuant to the **disclosure requirements** of the European AI Act (Section 50(4) EU AI Act). This applies in particular to content that constitutes deepfakes.

### 3. EXAMPLES OF UNLAWFUL USE OF AI SERVICES

-  You use copyrighted works such as images, books, articles, database information or examination results as an input to AI services. This is an **unlawful** use if the rightholders have not given their consent.
-  You use personal data or sensitive personal data of third parties as part of your input, e.g. the real name, e-mail address, ethnic origin, biometric data or medical data. This is an **unlawful** use of AI services. You must anonymise personal data.
-  You use company names and data as part of your input, e.g., in term papers and theses. This is an **unlawful** use of AI services if the companies have not given their consent.
-  You copy application documents, individual covering letters, CVs or other sensitive documents of third parties and use them in non-anonymised form as parts of your input to an AI service. This is an **unlawful** use of AI services.
-  You copy non-public documents, such as tender submissions, self-disclosures or annual reports and use them as parts of your input to an AI service. This is an **unlawful** use of AI services if the persons concerned have not given their consent.
-  You copy exam performances of students or apprentices, e.g., written exam solutions or drawings, and use them as parts of your input to an AI service to support you in making corrections. This is an **unlawful** use of AI services.
-  You use confidential materials such as committee records from closed sessions, non-public research results or classified information as part of your input to an AI service. This is an **unlawful** use of AI services.
-  You perform automated judgment of documents using AI services, which may have adverse effects on the persons concerned, and adopting the results of the AI service without comprehensive human judgment. This is an **unlawful** use of AI services.
-  You use images, audio or video recordings of real people as an input without their consent. This is an **unlawful** use of AI services.
-  You create images, audio or video content that are deepfakes, or text for publication, without disclosing them as AI-generated. This is an **unlawful** use of AI services.