COMP1205 Week 9

Professional Development

Legal, professional and ethical perspectives

Legislation 1
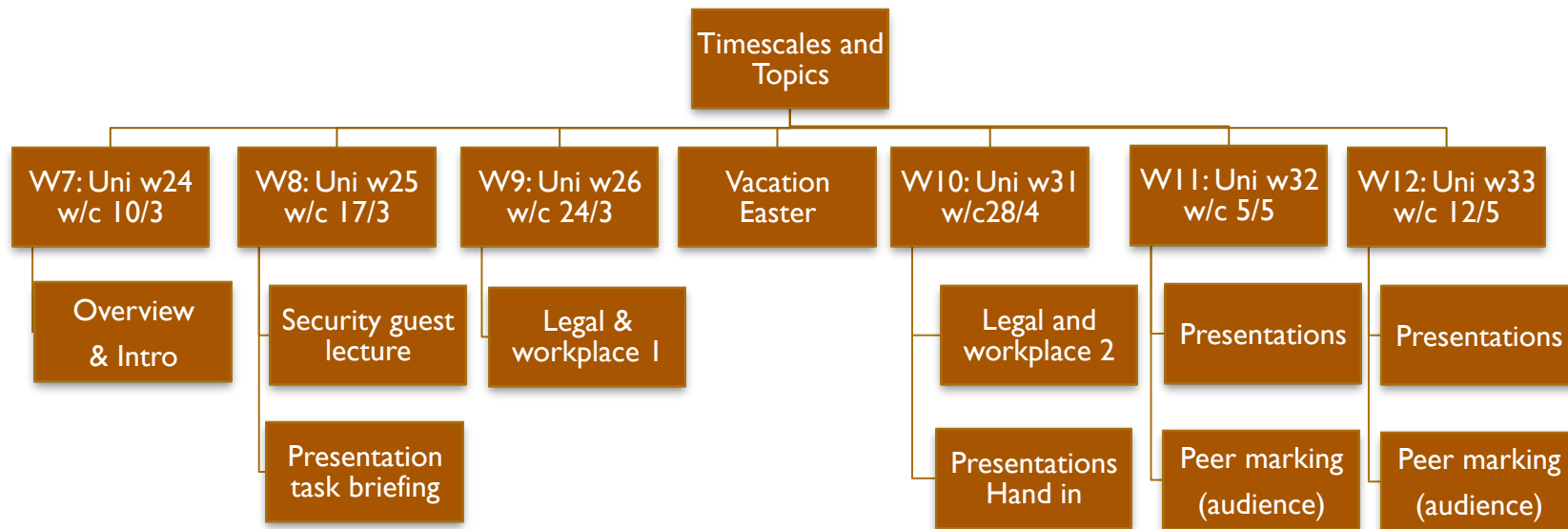
Dr. Su White

http://www.edshare.soton.ac.uk/12511

EdShare notes

The EdShare content for this lecture may also include additional reference material

Please also refer to the Blackboard site when undertaking revision

Overview: timescales and topics

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                              ┌─────────────────┐
                              │ Timescales and  │
                              │     Topics      │
                              └────────┬────────┘
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│W7: Uni  │ │W8: Uni  │ │W9: Uni  │ │Vacation │ │W10: Uni │ │W11: Uni │ │W12: Uni │
│w24      │ │w25      │ │w26      │ │Easter   │ │w31      │ │w32      │ │w33      │
│w/c 10/3 │ │w/c 17/3 │ │w/c 24/3 │ │         │ │w/c28/4  │ │w/c 5/5  │ │w/c 12/5 │
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│Overview │ │Security │ │Legal &  │             │Legal and│ │Present- │ │Present- │
│& Intro  │ │guest    │ │workplace│             │workplace│ │ations   │ │ations   │
│         │ │lecture  │ │1        │             │2        │ │         │ │         │
└─────────┘ └─────────┘ └─────────┘             └─────────┘ └─────────┘ └─────────┘
            ┌─────────┐                         ┌─────────┐ ┌─────────┐ ┌─────────┐
            │Present- │                         │Present- │ │Peer     │ │Peer     │
            │ation    │                         │ations   │ │marking  │ │marking  │
            │task     │                         │Hand in  │ │(audience)│ │(audience)│
            │briefing │                         │         │ │         │ │         │
            └─────────┘                         └─────────┘ └─────────┘ └─────────┘
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N.B. Overview of entire module assessed by multiple choice exam

Ethics and Professionalism are threads which run throughout the module

Based on module needs and past experience

WHAT IS IMPORTANT…

You are not learning to be a lawyer

But with this module

- develop some legal awareness
- think about your rights
- think about your responsibilities

Law in the workplace

- Contracted to/ retained by your employer
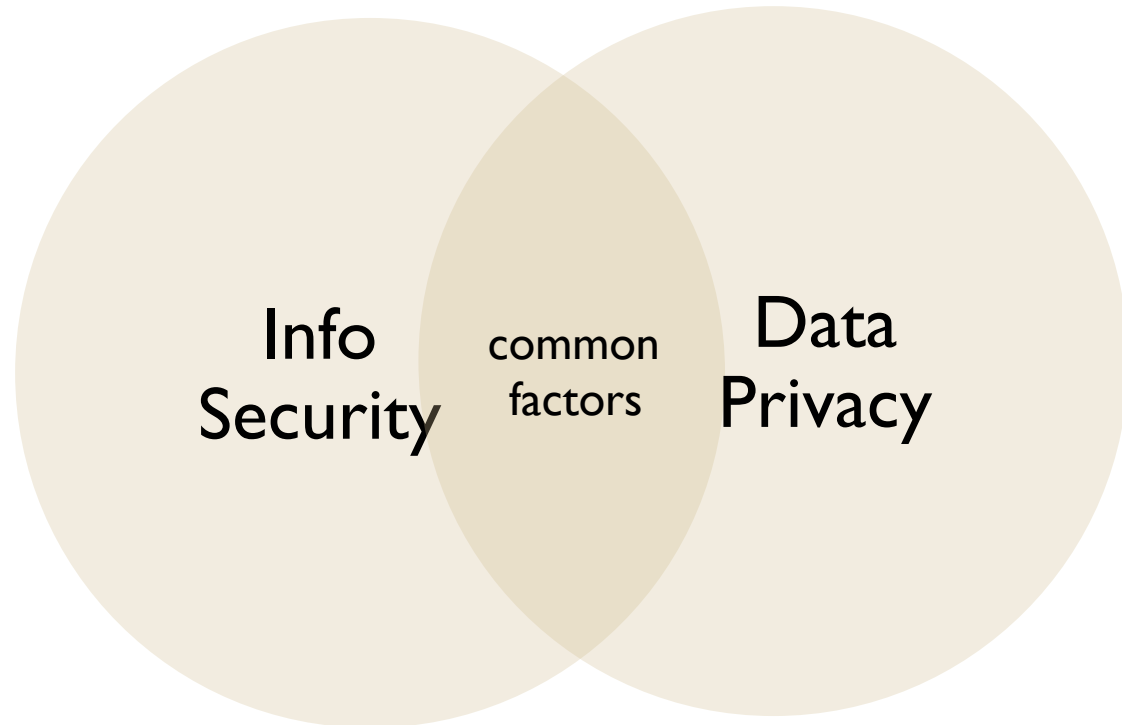- Employed in your organisation

Membership benefit

- Professional bodies
- Trades Unions

Understand the extent of the area

Example: power & responsibility

Info
Security

common
factors

Data
Privacy

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professional and legal issues might include

intellectual property

creative commons

e-commerce

environment

freedom of information

green ICT

code of conduct

professionalism

open data

open source

digital futures

accessibility

employment rights

employment rights

e-government

equality

globalisation

security

file-sharing

defamation

academic ethics

semantic web

inclusivity

outsourcing

linked data

computer crime

localisation

professional bodies

civic duty

digital rights management

free speech

libel

social enterprises

health and safety

surveillance

responsibility

pornography

hacking

data protection

privacy

digital divide

copyright

discrimination

censorship

ethics

morals

Professional Issues: Perspectives indicative list and categorisation - some topics are listed under more than one heading

Legal contexts and awareness
Libel and defamation
Crime online/ cyber-security
Pornography
Fraud
Hacking
Green ICT
Legislation in workplace contexts

Global responsibilities/ civic Responsibilities
Environment
Digital divide
E government
Globalisation
Social enterprise
Think global act local
Responsibilities
Freedom of information
Outsourcing
Public awareness of science
Globalisation

Workplace contexts and equality
Organisations/business models
Codes of conduct
Data Protection Act
Computer crime
Whistleblowing
Good practice
Employment rights and law
Health and safety
Industrial tribunals
Discrimination
Accessibility
Inclusivity

Technology watch/ Digital futures
Open data
Open source
Augmentation
Web 3.0/Semantic Web
Linked Data
E-commerce
Emerging Business Models

Digital Rights and Wrongs
Copyright
Copyleft
Creative commons
File sharing
Intellectual property
Digital rights management
Privacy/security
Ethical Computing

Personal ethics/Rights and responsibilities
Academic ethics
Civic duty
Censorship
Freedom of speech
Defamation
Whistleblowing
Ethics
Surveillance
Professionalism
Codes of conduct
Professional bodies
Professional practice
Trades unions

Legal areas

1) Information, Data and Living in a Connected World
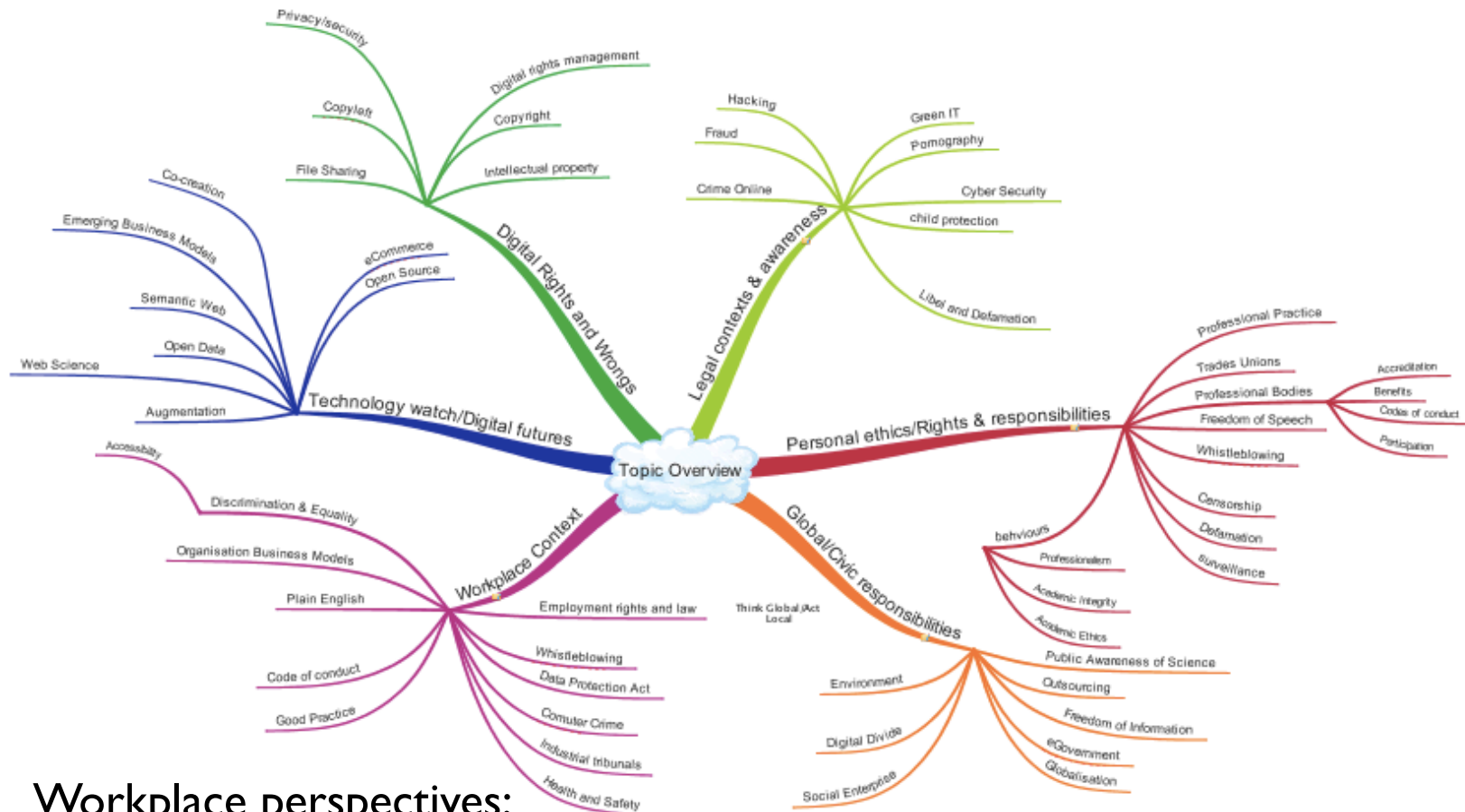
2) Workplace perspectives: Rights and Responsibilities

Key topics for legislation

- Privacy
- Security
- Slander, Libel and Defamation
- Digital rights and ownership
- Intellectual Property

Possible Perspectives

- As an individual professional
- As an employee
- As an individual
- As a citizen

You may have personal ethical views
or have accepted/committed to to legal and ethical responsibilities

Part of the big picture

TYPES OF LAW IN THE UK

Overview: Types of law in the UK

Statute law

Common law

International law

UK: Statute Law

Statute law

- Made by government

- legislation.gov.uk

- Context

  ◦ UK does not have a constitution

- Contraints

  ◦ International treaties

  ◦ EU law

Acts of Parliament

- Debated

  ◦ House of Commons

  ◦ House of Lords

- Enacted

  ◦ Royal Consent

Statutes are made by parliament

Example Digital Economies Act 2010

UK: Common Law aka Case Law

Common Law

- Precedent of cases
- Made by judges
- Judgments and interpretation of statute law

Historical roots

- In addition to what is covered by statute
- Judges rôle
  - Interpret statutes
  - Follow precedent
  - Rule on 'points of law'
  - Cannot create new areas of law

Common law examples

Where no statute exists

- Confidentiality
  - Employees have duty of confidentiality to their employers
  - Extends beyond end of employment
- Precedent established in previous court cases

International law: treaties

- Government treaties
- For example, trademarks, IP

European Legislation

- Directives
- Instruments
- Regulations

Directives

- Member states must update laws
- Specifies outcome, not implementation
- Can be implemented in parts

Example areas

- Modernisation of professional qualifications
- Restriction of hazardous substances
- Energy efficiency/ green IT
- Packaging and packaging waste

Focus: criminal vs civil

Criminal law

- Behaviour forbidden/ outlawed by state
- In case law it can be identified as

R versus xxxxx

Civil law

- Rights & obligations
- Business contracts
- Implied contracts
- Product liability
- Vicarious liability
  - Employers may be liable for acts by empoyees e.g. slander, defamation, libel

Civil and criminal law can both be relevant

Historically information was not regarded as property

But…

Scanning a book and publishing it on the internet?

Are the author's and publishers right
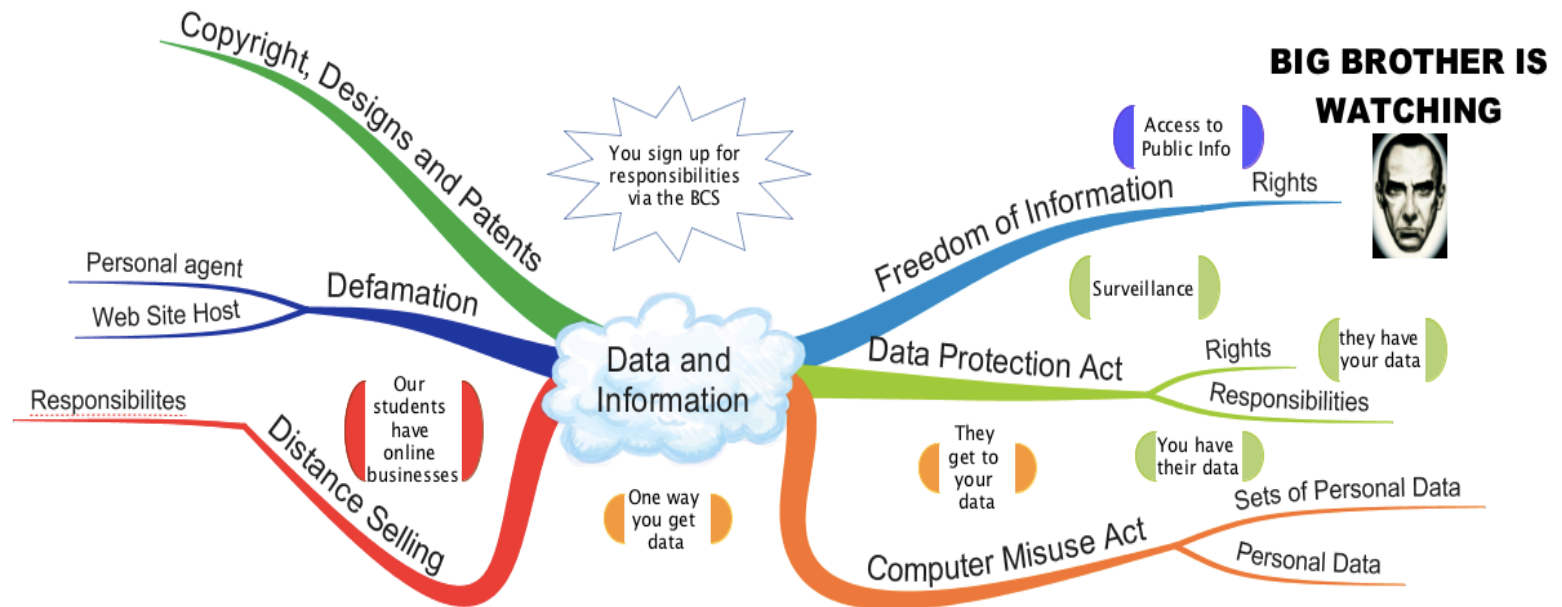
- Criminal?
- Civil?

Key Areas

- Communications Act 2003 section 127 (Came into force 25th July 2003 replaced s43 Telecommunications Act 1984)
- Computer Misuse Act 1990
- Copyright design and patents 1988
- Data Protection Act 1998
- Defamation Act 1996
- Disabilities Discrimination Act
- Digital economy act 2010
- Electronic Commerce (EC Directive) Regulations 2002

- Electronic waste disposal
- Equalities Act 2010
- Health and Safety at work 1974
- Harassment protection act 1997
- Human rights act 1998
- Malicious Communications Act 1988 section 1
- Postal Services Act 2000 section 85 (commenced 26th March 2001)
- Regulation of Investigatory Powers Act 2000
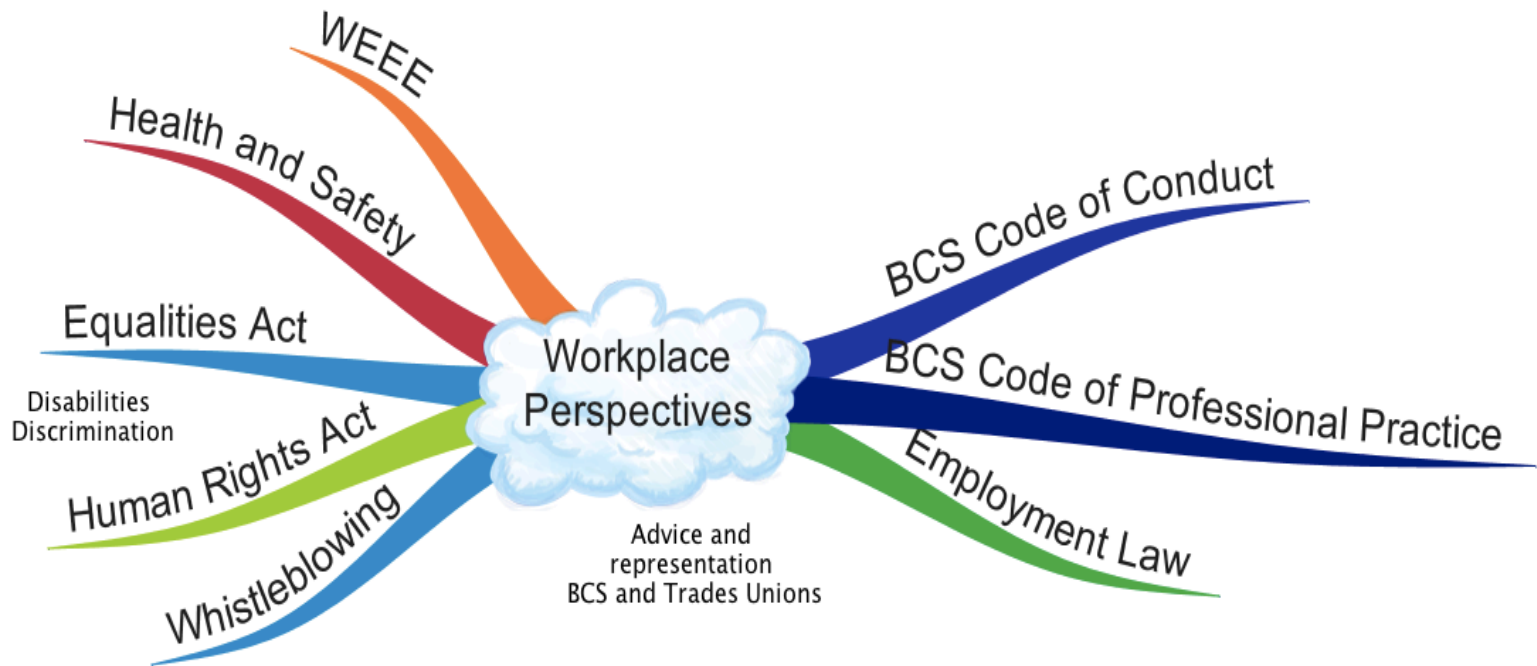
The focus for this module
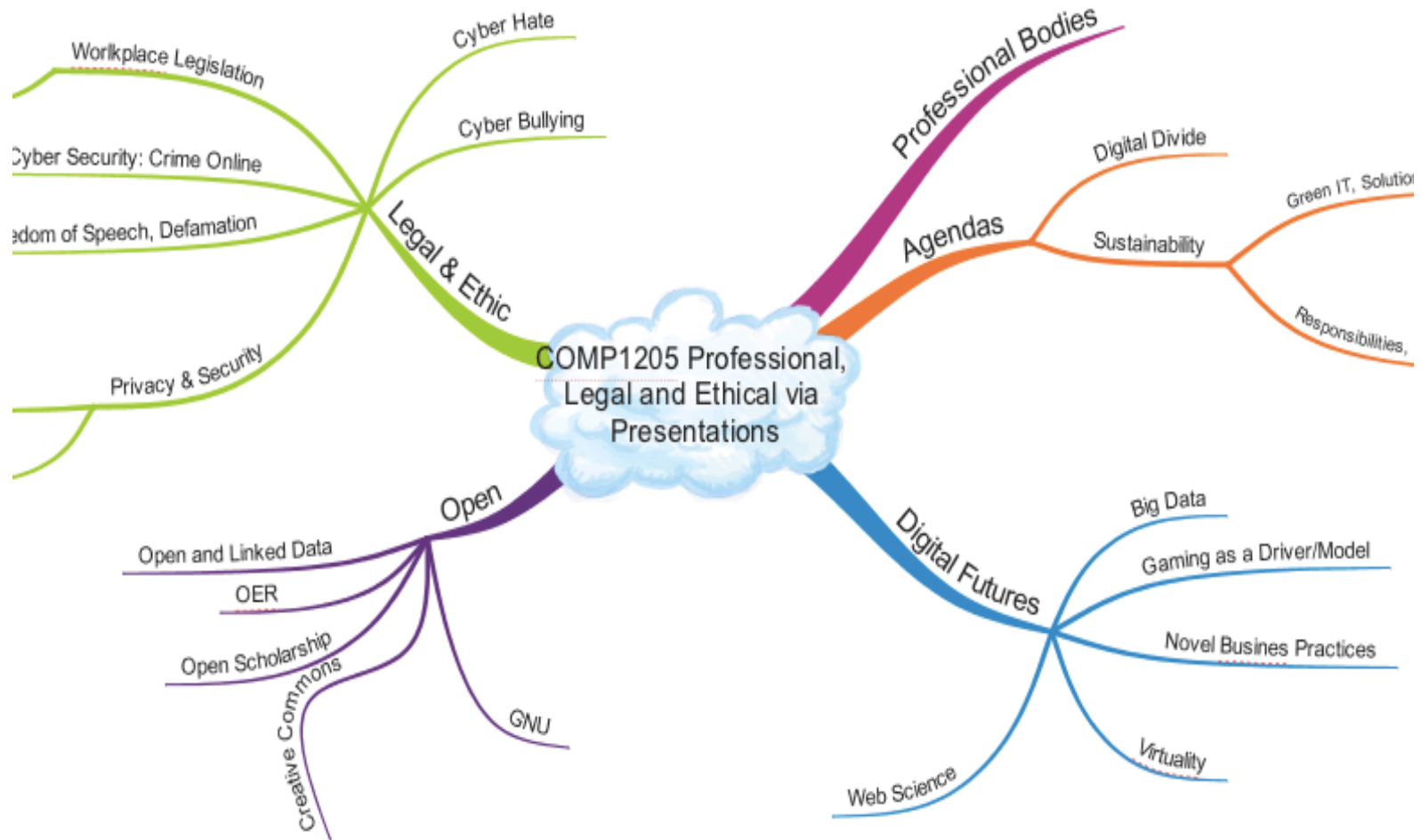
WAYS OF LOOKING AT UK LAW AS AN IT PROFESSIONAL

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COMP1205 w7-12 http://www.edshare.soton.ac.uk/12511/

Data and Information perspectives

Workplace Perspectives: detail W10

WEEE

Health and Safety

Equalities Act

Disabilities Discrimination

Human Rights Act

Whistleblowing

Workplace Perspectives

Advice and representation BCS and Trades Unions

BCS Code of Conduct

BCS Code of Professional Practice

Employment Law

Via the presentations…

You provide references, you research topics, relevant in different ways

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Academic ethics
Civic duty
Censorship
Freedom of speech
Defamation
Whistleblowing
Ethics
Surveillance
Professionalism
Codes of conduct
Professional bodies
Professional practice
Trades unions

Topic Areas (see how they relate)
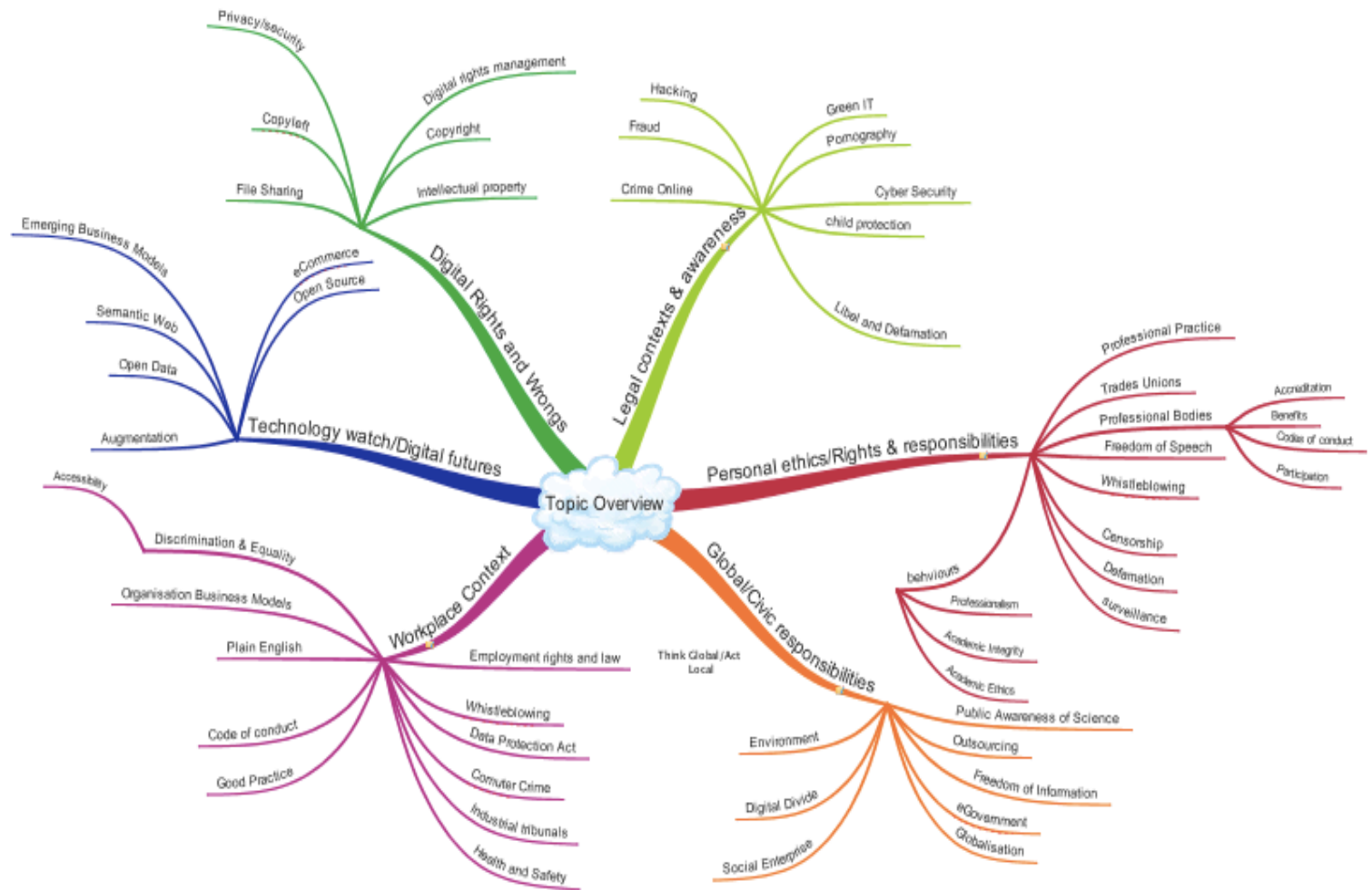
Reworking the table overview
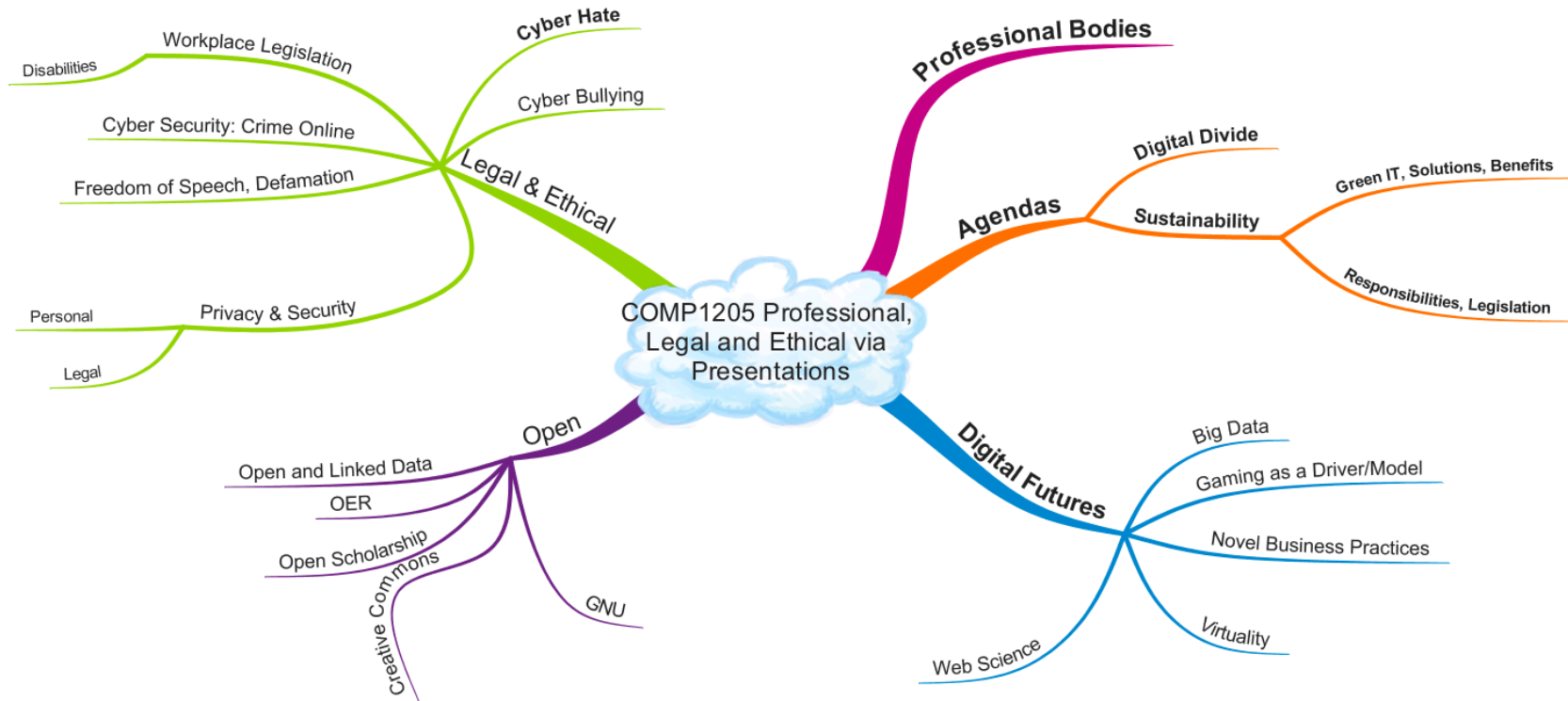
Walkthough some new areas

TAKING AN IT PERSPECTIVE

IT contexts

UK criminal law

- By statute

- examples

  ◦ Digital Economies Act 2010

  ◦ Computer Misuse Act 1990

  ◦ Design Copyright and Patents Act 1988

- UK Civil law

- By case history

- Issues:

  ◦ buggy software

- Rights:

  ◦ when purchased software fails

  ◦ when purchased software makes me lose money

New technologies -> disruption

Existing legislation

- Was not prepared for new contexts

But…

- Are there actually new crimes…
- or are there just new ways of committing old crimes

New legislation

- Moral panic
- May need refinement
- Appeals, civil action to augment legislation
- Examples
  - Malicious hacking
  - Technological attack (viruses)
  - Perceived social threat

Response to disruption

Computer misuse act 1990

- Fraud, hacking, viruses

- other computer-related crime

- Motivation
  - ◦ Overcome loopholes in existing legislation

Principles

- Conduct which is criminal remains criminal when enabled by new means
e.g. computer technology

Conduct which is not generally considered to be criminal
does not become criminal because of the computer context

Computer misuse act 1990

- Causing an computer to perform any function **with intent** to secure access to any program or data held within a computer
- The **access** intended to be secured is unauthorised
- The act is performed with knowledge lack of authorisation at the time of the alledged crime

- Further offence
- If (having gained unauthorised access) faciliate the commission of an offence
- Consequence
- Illegal
- To use a computer to help set up a crime
  ◦ Either by yourself
  ◦ Or by any other person

Computer misuse act

- A person is guilty of an offence if….
- The commit any act which causes the unauthorised modification of the contents of a computer

- At the time of the act they have
  ◦ the requisite intent

and
  ◦ the requisite knowledge

Computer fraud

- Fraud
- Gaining financial gain by deception
- Theft
- Taking with intent to permanently deprive

- Using a computer to obtain money illegally is fraud
- Computer fraud often conducted by insiders
- Acting without authorisation

Revisiting the week 7 independent tasks

DATA PROTECTION ACT

DPA: http://www.edshare.soton.ac.uk/10483/
Links from week 7 (see Blackboard)

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COMP1205 w7-12 http://
www.edshare.soton.ac.uk/12511/

Revision resources

- DPA - http://www.edshare.soton.ac.uk/10483/
- Links from week 7 (see Blackboard)

Use this as a model for the way you approach any of the legal topics

FIRST CALIBRATE YOUR EXISTING KNOWLEDGE…

Who?

According to the Data Protection Act (1998) "a person who (either alone or jointly or in common with other persons) determines the purposes for which and the manner in which any personal data are, or are to be, processed" is the definition of:

1) A data subject
2) A data processor
3) A data controller
4) The Data Protection Commissioner

What?

- In the Data Protection Act, processing is defined as _____ information.

  1) Obtaining
  2) Recording
  3) Holding
  4) Carry out any operation on
  5) all of the above
  6) None of the above

Rights

Which of the following rights does an individual NOT have under the Data Protection Act (1998)?

1) The right to prevent data about the individual being used for direct marketing
2) The right to have inaccurate data corrected or erased
3) The right to prevent data about the individual being held
4) The right to find out what data is being held about the individual

Why questions?

- To evaluate your knowledge and understanding

- To remind you about the stage test

- To focus you on the topic under discussion ☺

- You might want to find out the answers to these questions

Where to find the answers…

DATA PROTECTION ACT (1998)

Where? …basics

Government Legislation

◦ Data Protection Act

Read and understand

Set book (library)

- Bott Chapter 14:
- Data Protection,
- Privacy
- Freedom of Information

Other Sources
➔ **Information Commissioners Office**
➔   **.gov.uk**

Professional Issues
in Information Technology

BCS   Frank Bott

Data Protection Act 1998

ICO web site

http://www.ico.gov.uk/

Gov.uk

Home > Crime, justice and the law > Your rights and the law

Guide
Data protection

🖨 Printer friendly page

Part 1
The Data Protection
Act

Part 2
Find out what data an
organisation has about
you

Part 3
Make a complaint

Part 1
The Data Protection Act

The Data Protection Act controls how your personal
information is used by organisations, businesses or the
government.

Everyone who is responsible for using data has to follow
strict rules called 'data protection principles'. They must
make sure the information is:

- used fairly and lawfully
- used for limited, specifically stated purposes
- used in a way that is adequate, relevant and not
  excessive
- accurate
- kept for no longer than is absolutely necessary
- handled according to people's data protection rights
- kept safe and secure
- not transferred outside the UK without adequate
  protection

Further sources?

- Search youtube data protection act (sort of ironic?), copyright would be more so…

- See also Holt and Newton (2004) for more background
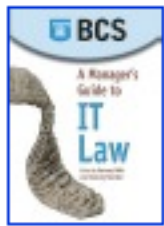
A Manager's **Guide** to It **Law**
Jeremy Holt, Jean Morgan, Sarah Ellacott, Andrew Katz, Jeremy Newton - Computers - 2004 - 156 pages
This comprehensive guide for management professionals discusses the IT-related legal issues faced by business and their staff on a daily basis.
No preview available - About this book - Add to my library

YouTube –use your critical faculties

http://bit.ly/9DHj2c

BCS – book details + download

Google it!

DPA - extent

"Data protection law protects what is known very generally as information privacy: the right to control what is know about you.

The type of information protected is differently defined in different countries and it is not always clear but typically includes 'personal data' such as

name, address, date of birth, contact details, financial, medical, and social work details, history of psychiatric treatment, photographs, genetic, racial and ethnic details, school records, domestic situation and so forth.

From Edwards and Rodrigues, The right to privacy and confidentiality for children: the law and current challenges (2008)

March 14

Checklist (from ICO)

- Do I really need this information about an individual?

  ◦ Do I know what I'm going to use it for?

- Do the people whose information I hold know that I've got it, and are they likely to understand what it will be used for?

- If I'm asked to pass on personal information, would the people about whom I hold information expect me to do this?

- Am I satisfied the information is being held securely, whether it's on paper or on computer?

  ◦ And what about my website? Is it secure?

Checklist continued

Is access to personal information limited to those with a strict need to know?

Am I sure the personal information is accurate and up to date?

Do I delete or destroy personal information as soon as I have no more need for it?

Have I trained my staff in their duties and responsibilities under the Data Protection Act, and are they putting them into practice?

Do I need to notify the Information Commissioner and if so is my notification up to date?

Data must be

* Fairly and lawfully processed
* Processed for limited purposes
* Adequate, relevant and not excessive
* Accurate and up to date
* Not kept for longer than is necessary
* Processed in line with your rights
* Secure
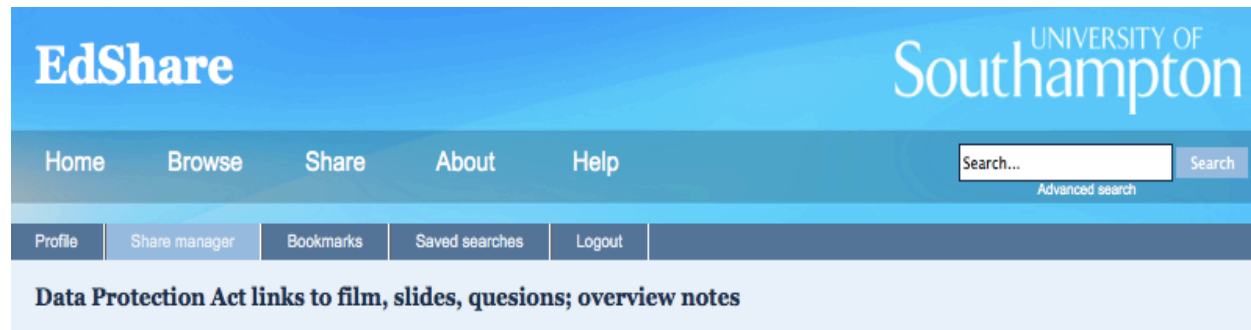* Not transferred to other countries without adequate protection

Think about these pointers

- Sources
  - Via a library search
  - Through selective searching (government and official sites)
  - Through popular sources/feeds

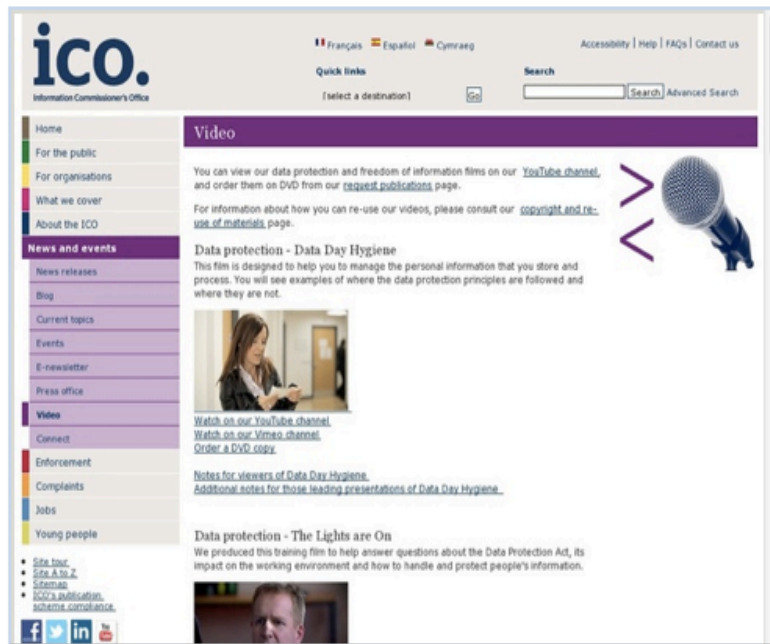- Use this approach
  - For private study
  - For group preparation

you may be expected to demonstrate familiarity
with sources of information in the exam

There are some related resources in EdShare

Related topics…

- Privacy and Ownership
  - Privacy
    - DPA ✓
    - Surveillance
    - Freedom of Information
    - Human Rights Act
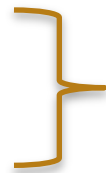
Pointers plus private study

You need to do this private study for the exam

Use the DPA example/model

- This class has identified four topics which come within the frame of privacy

- Use the range of sources shown for the DPA

  ○ identify information on each topic

    · Surveillance

    · Freedom of Information

    · Human Rights Act

- Questions

- Books

- Guidance from official web sites – e.g. .gov.uk

- The source legislation – http://legislation.gov.uk from the national archive

- Business advice – business link – http://www.businesslink.gov.uk/

- Public Services Portal – http://www.direct.gov.uk/

- Library Searches http://www.soton.ac.uk/library/

- YouTube searches http://www.youtube.com/

- Professional bodies – e.g. British Computer Society http://www.bcs.org/
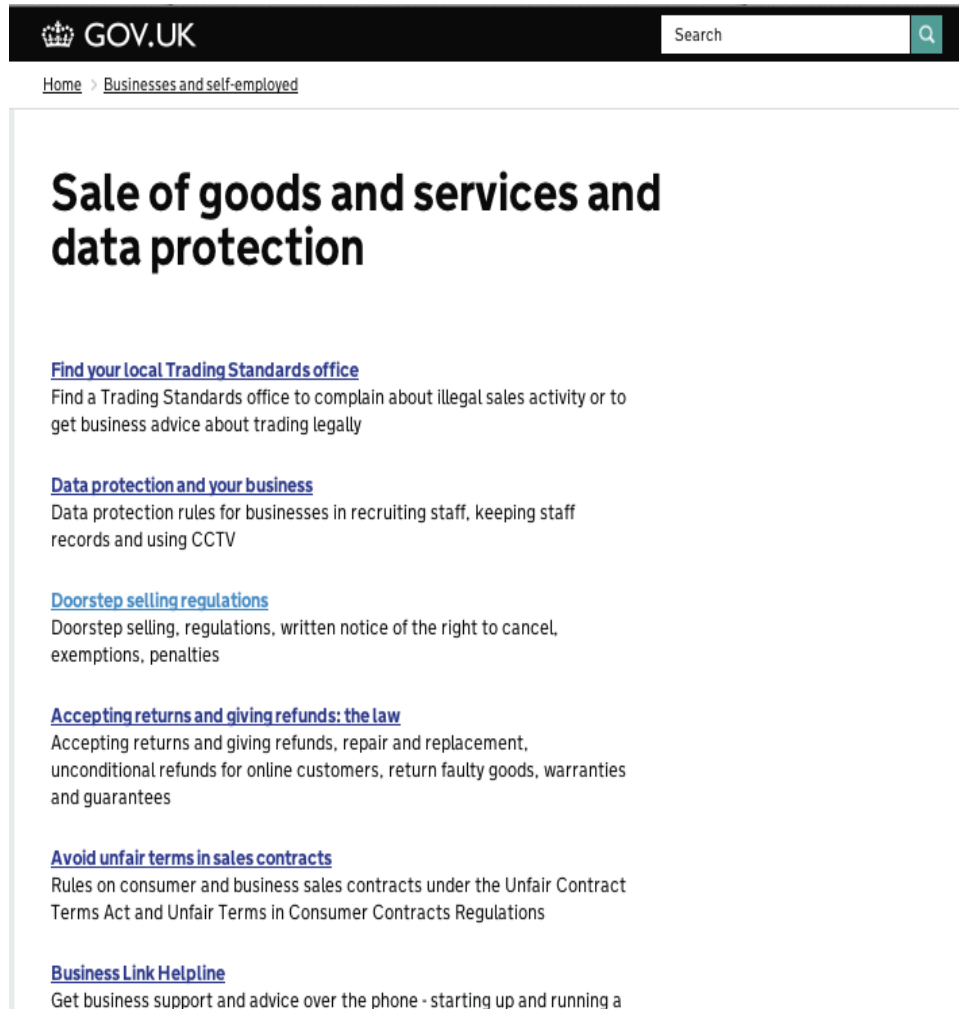
Conducting private study

Find Information

- Google searches for orientation
  - Keywords
  - Keywords + 'tutorial'
  - Keywords + 'quiz'
  - Keywords + 'ac.uk' | '.edu'
- Critical reading of responses
- Targeted searches to <u>gather</u> information
- Further work to organise information

Organise/review

- You might want to work alone
- You might like to work together
  - Study groups
  - Revision groups
  - Student wiki

Think about a bigger picture…

GOV.UK

Search

Home > Businesses and self-employed

Sale of goods and services and data protection

Find your local Trading Standards office
Find a Trading Standards office to complain about illegal sales activity or to get business advice about trading legally

Data protection and your business
Data protection rules for businesses in recruiting staff, keeping staff records and using CCTV

Doorstep selling regulations
Doorstep selling, regulations, written notice of the right to cancel, exemptions, penalties

Accepting returns and giving refunds: the law
Accepting returns and giving refunds, repair and replacement, unconditional refunds for online customers, return faulty goods, warranties and guarantees

Avoid unfair terms in sales contracts
Rules on consumer and business sales contracts under the Unfair Contract Terms Act and Unfair Terms in Consumer Contracts Regulations

Business Link Helpline
Get business support and advice over the phone - starting up and running a

Starting points

Starting points

Data and Information

Think about a bigger picture…

Build up your knowledge step by step

REMINDERS: MODULE OVERVIEW

Work smarter not harder

- Intellectually
  - Understand your motivations
- Imaginatively
  - Develop and use your creativity and imagination
  - Make your tasks enjoyable
- Intuitively
  - Learn to know what works for you

Approaches

- Pareto principle
  - 20% of the effort produces 80% of the result
  - … but think about it logically, rationally
- One touch
  - Capture all the necessary information in a single touch

Work smarter not harder

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COMP1205 w7-12 http://
www.edshare.soton.ac.uk/12511/

Follow up: Dan Pink – RSA Animate, see refs and links

The presentation topics relate to the syllabus..

You will become a specialist

- Use your presentation to understand content, context and perspectives as well as develop skills
- Many of the other presentations will have content which relates to the exam topics, pay attention ☺

Formal/timetabled	Informal/un-timetables

- Lecture
  - The big picture
  - Pacing
- Blackboard
  - Links and references

- Out of class
  - Take the quizzes
  - Watch videos
  - Read overviews
  - Work through tasks
  - Think and discuss
  - Prepare assessments
  - Prepare for examination

Objective:
knowledge, skills and understanding

Overview: working method

Reminder: rationale of the structure

Guidance and prompting
Plus… directing you to a realistic/sustainable approach

This is not the same as coding, maths or other 'hard' subject areas
But it is **very relevant** to your degree…
… and the approach is relevant to future study and work

- Find out, think about, re-present
- Work in groups

- Find your strengths

- Overcome your weaknesses

- Enjoy yourselves

Quiz

- You will be invited to respond to a short survey/quiz (midweek)
  - Designed to find calibrate
    - The progress you have made so far
    - Your familiarity with topics we are going to study
    - Your familiarity with the topics within the exam
    - The way which you are relating COMP1205 to the rest of your studies

Quiz notes

Your responses will be anonymous
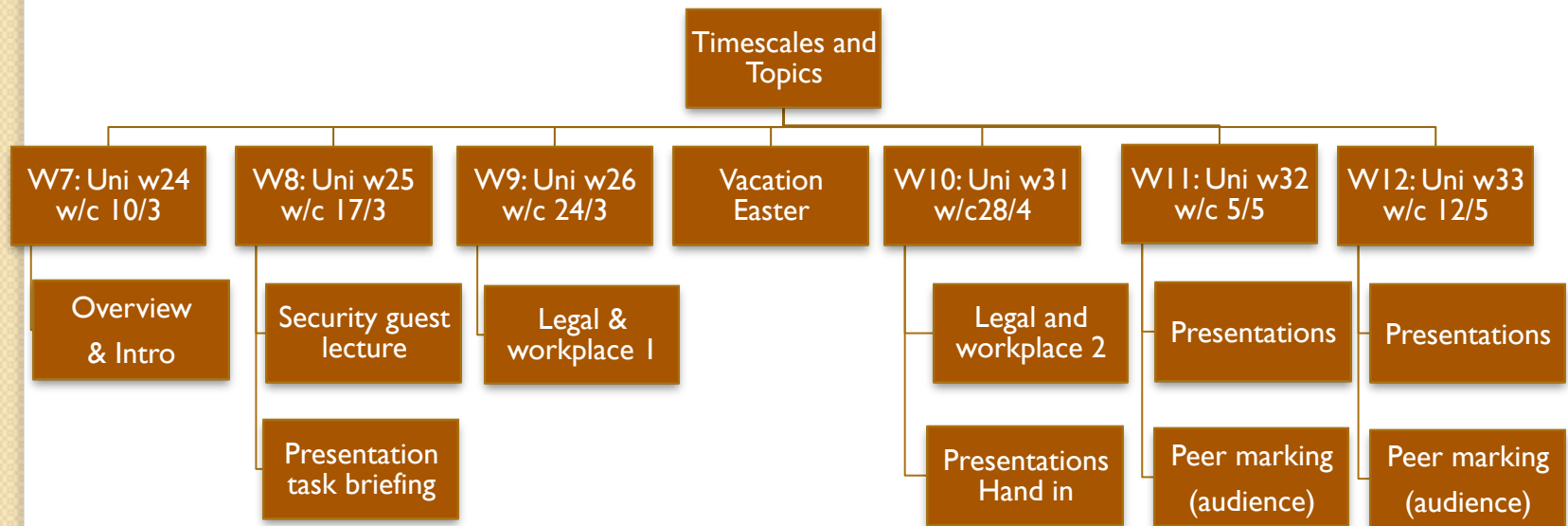
But

I can send you reminders
…
If you have not completed the task

Before next week

The quizzes are designed help you understand the breadth of the topics we are going to study in a quick and easy way

Overview: timescales and topics

Timescales and Topics

- W7: Uni w24 w/c 10/3
  - Overview & Intro
- W8: Uni w25 w/c 17/3
  - Security guest lecture
  - Presentation task briefing
- W9: Uni w26 w/c 24/3
  - Legal & workplace 1
- Vacation Easter
- W10: Uni w31 w/c28/4
  - Legal and workplace 2
  - Presentations Hand in
- W11: Uni w32 w/c 5/5
  - Presentations
  - Peer marking (audience)
- W12: Uni w33 w/c 12/5
  - Presentations
  - Peer marking (audience)

Overview of entire module by multiple choice exam

Ethics and Professionalism are threads which run throughout the module

Thank you ;-)

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- http://www.ecs.soton.ac.uk/~saw

Tasks: Other key areas

Copyright Design and Patents Act

Review the slides, make notes

- Related slides – rights and ownership online

  http://www.edshare.soton.ac.uk/9939/