COMP1205 Week 9
Professional Development
Legal, professional and ethical perspectives
Legislation I
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

Timescales and Topics

W7: Uni w24 w/c 10/3
Overview & Intro

W8: Uni w25 w/c 17/3
Security guest lecture

W9: Uni w26 w/c 24/3
Legal & workplace 1
Presentation task briefing

Vacation Easter

W10: Uni w31 w/c28/4
Legal and workplace 2
Presentation Hand in

W11: Uni w32 w/c 5/5
Presentations
Peer marking (audience)

W12: Uni w33 w/c 12/5
Presentations
Peer marking (audience)

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
- Data Privacy

common factors
professional and legal issues might include

- intellectual property
- code of conduct
- open data
- employment rights
- file-sharing
- academic ethics
- computer crime
- health and safety
- data protection
- discrimination

- creative commons
- e-commerce
- open source
- digital futures
- e-government
- outsourcing
- civic duty
- free speech
- hacking
- surveillance
- responsibility
- censorship

- professionalism
- freedom of information
- equality globalisation
- semantic web
- localisation
- professional bodies
- inclusivity
- linked data
- digital rights management
- pornography
- security
- accessibility
- employment rights
- defamations
- digital divide
- ethics
- copyright
- green ICT
- environment
- freedom of information
- employment rights
- digital divides
- social enterprises
- health and safety
- inclusivity
- linked data
- digital rights management
- pornography
- security
- accessibility
- employment rights
- defamations
- digital divide
- ethics
- copyright
- green ICT
- environment

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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

**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

**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

**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

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

*K versus xxxxx*

Civil law
- Rights & obligations
- Business contracts
- Implied contracts
- Product liability
- Vicarious liability
  - Employers may be liable for acts by employees 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)
WAYS OF LOOKING AT UK LAW AS AN IT PROFESSIONAL
Data and Information perspectives

- Copyright, Designs and Patents
- Defamation
- Freedom of Information
- Data Protection Act
- Computer Misuse Act
- Access to Public Info
- Personal Data
- Sets of Personal Data
- They get to your data
- You have their data
- One way you get data
- They sign up for responsibilities via the BCS
- Responsibilities
- Distance Selling
- Our students have online businesses
- Personal agent
- Web Site Host
- Our students have online businesses
- Personal Data
Workplace Perspectives: detail W10
Via the presentations...

You provide references, you research topics, relevant in different ways
### Legal contexts and awareness
- Libel and defamation
- Crime online/ cyber-security
- Pornography
- Fraud
- Hacking
- Green ICT
- Legislation in workplace contexts

### 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

### 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
- Trades unions

### 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

### Technology watch/Digital futures
- Open data
- Open source
- Augmentation
- Web 3.0/Semantic Web
- Linked Data
- E-commerce
- Emerging Business Models
Topic Areas (see how they relate)
Reworking the table overview

COMP1205 Professional, Legal and Ethical via Presentations

- Professional Bodies
  - Digital Divide
  - Green IT, Solutions, Benefits
  - Responsibilities, Legislation

- Agendas
  - Sustainability
  - Responsibilities, Legislation

- Digital Futures
  - Big Data
  - Gaming as a Driver/Model
  - Novel Business Practices

- Open
  - Open and Linked Data
  - OER
  - Open Scholarship

- Legal & Ethical
  - Workplace Legislation
  - Cyber Security: Crime Online
  - Freedom of Speech, Defamation
  - Cyber Hate
  - Cyber Bullying

- Legal
  - Privacy & Security

- Personal
  - Disabilities

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Walkthrough 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 alleged crime

- Further offence
- If (having gained unauthorised access) facilitate 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)
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
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
DATA PROTECTION ACT (1998)

Where to find the answers…
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
ICO web site

The Information Commissioner’s Office is the UK’s independent authority set up to uphold information rights in the public interest, promoting openness by public bodies and data privacy for individuals.

We can help you

- Find out what personal information is held about you
- Access information from a public body
- Prevent unwanted sales calls and spam emails
- Find out information about the environment

Find out how to request CCTV footage under the Data Protection Act

> Latest news

- 05 Nov 10 - Businesses lag behind public sector on DP awareness
  Large private sector companies are lagging behind the public sector on data protection knowledge, the ICO says today ...

- 03 Nov 10 - ICO announces outcome of Google investigation
  Google UK will be subject to an audit and must sign an undertaking to ensure data protection breaches do not occur again ...

> Information for organisations

- Data Protection Act
- Privacy and electronic communication
- Freedom of Information Act
- Environmental information
- Register of data controllers
- Notify with us under the Data Protection Act
- Decision notices
- Document library

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

Guide
Data protection

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
YouTube – use your critical faculties

http://bit.ly/9DHj2c
Google it!

[PDF] Data Protection and Compliance in Context - BCS
www.bcs.org/content/conMediaFile/13494

Data Protection and Compliance in Context | Books | Publishing ...
www.bcs.org › ... › Products, Services and Events › Publishing › Books ›
Data Protection and Compliance in Context is a comprehensive guide which explains the content of data protection laws.

Data Protection and Compliance in Context: Amazon.co.uk: Stewa...
www.amazon.co.uk › ... › Reference & Education › Business Law ›
Trade in Data Protection and Compliance in Context for an Amazon.co.uk gift card of up to £7.48, which you can then spend on millions of items across the site.
"Data protection law protects what is known very generally as information privacy: the right to control what is known 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)"
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

http://www.edshare.soton.ac.uk/9625
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

23/03/2014
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
- 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 gather 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

23/03/2014
Think about a bigger picture...

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

Freedom of Information Act

Your responsibilities and obligations to freedom of information

If you are a public authority you have a legal obligation to provide information through an approved publication scheme and in response to requests. Find out what you need to do under the Freedom of Information Act 2000.

Guide to Freedom of Information

The Guide to Freedom of Information explains your obligations under the Act, answers many frequently asked questions and gives practical examples to illustrate how to apply the Act in practice.

Guidance index

View a full list of our freedom of information guidance.

Specialist guidance

We have published specialist guidance, including our detailed knowledge base, an internal resource which gives the ICO’s position on many of the issues we deal with, and sample questions we ask public authorities.
The Human Rights Act

The Human Rights Act 1998 (also known as the Act or the HRA) came into force in the United Kingdom in October 2000. It is composed of a series of sections that have the effect of codifying the protections in the European Convention on Human Rights into UK law.

All public bodies (such as courts, police, local governments, hospitals, publicly funded schools, and others) and other bodies carrying out public functions have to comply with the Convention rights.

This means, among other things, that individuals can take human rights cases in domestic courts; they no longer have to go to Strasbourg to argue their case in the European Court of Human Rights.

The Act sets out the fundamental rights and freedoms that individuals in the UK have access to. They include:

- Right to life
- Protection from torture and mistreatment
- Right to liberty and security
- Protection from slavery and forced labour
- Right to a fair trial
- No punishment without law
Data and Information

- Copyright, Designs and Patents
- Defamation
- Freedom of Information
- Data Protection Act
- Computer Misuse Act
- Access to Public Info
- Rights
- Surveillance
- Sets of Personal Data
- Personal Data
- They have your data
- You have their data
- They get to your data
- One way you get data
- You sign up for responsibilities via the BCS

BIG BROTHER IS WATCHING
Think about a bigger picture...

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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
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

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 😊
Overview: working method

Formal/timetabled

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

Informal/un-timetables

- 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
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

Overview of entire module by multiple choice exam

Ethics and Professionalism are threads which run throughout the module
Thank you ;-) 

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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/]