COMP 1205 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

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

legal
workplace
ethical
Example: power & responsibility

Key topics for legislation
- Privacy
- Security
- Slander, Libel and Defamation
- Digital rights and ownership
- Intellectual Property

Possible Perspectives
- As an individual
- As a 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
Overview: Types of law in the UK

- Statute law
- Common law
- International law

UK: Statute Law

- Acts of Parliament
  - Debated
    - House of Commons
    - House of Lords
  - Enacted
    - Royal Consent

UK: Common Law aka Case Law

- Historical roots
  - In addition to what is covered by statute
  - Judges’ role
    - 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

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 Directives) 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)

Data and Information perspectives

WAYS OF LOOKING AT UK LAW AS AN IT PROFESSIONAL
Workplace Perspectives: detail W10

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

Professional issues: Perspectives include legal and regulatory - some topics are taken order more than one hearing

Legal contents and awareness
- Data Protection Act
- Equal opportunities

Workplace contents and equality
- Data Protection Act
- Discrimination

Global responsibilities/ civic responsibilities
- Freedom of information
- Open data

Reworking the table overview

Top Topic Areas (see how they relate)

TAKING AN IT PERSPECTIVE

Walkthrough some new areas
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

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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

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

Computer fraud
- 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

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Computer misuse act
- 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/](http://www.edshare.soton.ac.uk/10483/)
Links from week 7 (see Blackboard)

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**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

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**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

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**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

Data Protection Act 1998

ICO web site

Gov.uk
Further sources?

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

- See also Holt and Newton (2004) for more background

You Tube – use your critical faculties

March 14

BCS – book details + download

Google it!

DPA - extent

Checklist (from ICO)

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?

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

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

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

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. govt
- The source legislation – http://legislation.gov.uk from the national archive
- Public Services Portal – http://www.direct.gov.uk/
- Library Services – 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

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

Further work to organise information

Think about a bigger picture...

Starting points

Freedom of Information Act

Data and Information

Think about a bigger picture...
REMMINDERS: MODULE OVERVIEW

Build up your knowledge step by step

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 😊

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

Work smarter not harder

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

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

Objectives:
• Knowledge, skills and understanding

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

Before next week

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 in 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

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

Overview

Security guest lecture

Presentation task briefing

Overview & Intro

W7: Uni w24
w/c 10/3

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/c 28/4

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

Thank you ;-) Su White
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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/