COMP1205 Week 8
Professional Development
Legal, professional and ethical perspectives

Dr Su White

http://www.edshare.soton.ac.uk/13596/
OVERVIEW, PRINCIPLES

guidance
High Level Objectives

Why we are here

- To produce the best informed most widely educated CS and IT graduates in the country!
- To help you learn how to argue and express yourself with informed insight on current professional and legal issues
- To help you better understand how you address ‘fuzzy’ tasks which complement your technical skills
- Make it a worthwhile use of your time (for you and me!)
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

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

- Why does it matter?
  - Your degree is accredited
  - Employers expect awareness
  - Choose the workplace which suits you
  - Think forward

- NOTE
- You are **not expected** to
  - be a lawyer
- You are **expected** to
  - demonstrate and awareness of laws which impact on the workplace

How you will know, how we will know

- Self check
  - Confidence
  - “I have watched the videos”
  - “I have read the notes”
  - “I have tackled the tasks”
  - “I have worked out how it is relevant to my plans”

- Online exam
- Multiple choice questions
professional and legal issues might include
Take ownership

- What do you want to do?
- What CS/IT areas really interest you?
- Identify the topics where you plan to be an expert
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

**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

**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

**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

**Technology watch / Digital futures**
- Open data
- Open source
- Augmentation
- Web 3.0 / Semantic Web
- Linked Data
- E-commerce
- Emerging Business Models
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
This week... and next

Timescales and Topics

W8: w/c 17/11

Overview & Intro

W9

Guest Lecture

Guest Lecture Professor Michael Butler

Legislation in the IT workplace

Think about

Review the slides

Watch the videos

Visit the ICO website

Security

Privacy

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You are not learning to be a lawyer

But with this module

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

Legal 1
Data, Information and Life in a Connected World

Legal 2
Law in the (IT) workplace

NB: you will find legal 1 topics in the workplace!
Understand the extent of the area

- legal
- workplace
- ethical
Example: power & responsibility

- Info Security
- Data Privacy

common factors
Legal areas

Workplace perspectives: Rights and Responsibilities

Information, Data and Living in a Connected World
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
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 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)
The focus for this module

WAYS OF LOOKING AT UK LAW AS AN IT PROFESSIONAL
Data and Information perspectives

- Copyright, Designs and Patents
- Defamation
- Personal agent
- Website Host
- Responsibilities
- Distance Selling
- Our students have online businesses
- One way you get data
- They get to your data
- You have their data
- They have your data
- Access to Public Info
- Rights
- Surveillance
- Rights
- Responsibilities
- Sets of Personal Data
- Personal Data

You sign up for responsibilities via the BCS

BIG BROTHER IS WATCHING
Workplace Perspectives

- WEEE
- Health and Safety
- Equalities Act
- Disabilities Discrimination
- Human Rights Act
- Whistleblowing
- 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
You will have to study independently

Topics:

**Hacking (see also privacy, security)**
Communications Act 2003 section 127
(Came into force 25th July 2003 replaced s43 Telecommunications Act 1984)
Computer Misuse Act 1990

**Copyright, Digital Rights Management and IPR**
Copyright design and patents Act1988
Digital economy Act 2010

**Green IT**
Waste Electrical and Electronic Equipment (WEEE) Regulations

**Freedom of Information**
Freedom of Information Act 2000

**Freedom of Speech**
Human rights act 1998

**Harassment, Bullying**
Malicious Communications Act 1988 section 1
Harassment protection act 1997
Defamation Act 1996

**Privacy, Security, Surveillance**
Data Protection Act 1998

**Whistleblowing**
Public Interest Disclosure Act 1998

These are topics for Legal I
Follow the task instructions

Work collaboratively
- Use the wiki
- Or any other chosen shared space

Creating the notes will help you learn
You might curate links using social media sites
- Compare the task to computer labs work ;-)  
- The DPA notes (later) provide a model for your working method
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 due to:
• Moral panic
  May need refinement
• Appeals, civil action to augment legislation

Examples
  ◦ Malicious hacking
  ◦ Technological attack (viruses)
  ◦ Perceived social threat
Legislation as response to change

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

There are widespread criticisms of UK IT legislation – see for example Policing in an Information Age Demos Report
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

It is 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
Over to you....

- The following slides are designed to be read and used as a model for preparing your notes on each of the further legal topics.

COMP1205 Legal Issues 1
Theme: Data, Information and Life in a Connected World

Expectations
You are expected to be familiar with the basic principles of various pieces of legislation related to your professional knowledge and expertise.

How we will measure your understanding
This will be evaluated in the end of term exam (online, multiple choice)

Tasks
Watch
- Data Protection Act (from the ICO) [http://youtu.be/wAe4358amJc](http://youtu.be/wAe4358amJc)

Visit and study
Information Commissioners Office [http://ico.org.uk/what_we_cover/legislation](http://ico.org.uk/what_we_cover/legislation)

Construct
A collaborative course book which summarises the key points for each piece of legislation. Use your experience and knowledge gained in the preparing the group presentations and technical reports.

Topics:
- **Hacking (see also privacy, security)**
  Communications Act 2003 section 127
  (Came into force 25th July 2003 replaced s43 Telecommunications Act 1984)
  Computer Misuse Act 1990

- **Copyright, Digital Rights Management and IPR**
  Copyright design and patents Act1988
  Digital economy Act 2010

- **Green IT**
  Waste Electrical and Electronic Equipment (WEEE) Regulations

- **Freedom of Information**
  Freedom of Information Act 2000

- **Freedom of Speech**
  Human rights act 1998

- **Harassment, Bullying**
  Malicious Communications Act 1988 section 1
  Harassment protection act 1997
  Defamation Act 1996

- **Privacy, Security, Surveillance**
  Data Protection Act 1998

- **Whistleblowing**
  Public Interest Disclosure Act 1998
You will have to study independently

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**Privacy, Security, Surveillance**
Data Protection Act 1998

**Whistleblowing**
Public Interest Disclosure Act 1998

These are topics for Legal 1
Thank you ;-)  

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Following slides for independent study

Not shown during the lecture
Anticipating independent study

DATA PROTECTION ACT

DPA videos: http://www.edshare.soton.ac.uk/10483/
FIRST CALIBRATE YOUR EXISTING KNOWLEDGE...

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

> 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

ICO Data Protection Office for the public sector

http://www.ico.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!

About 5,740,000 results (0.27 seconds)

[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.

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

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?

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

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

http://www.edshare.soton.ac.uk/13596/
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. .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
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

Doorselling regulations
Doorselling, 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

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
Data and Information

You sign up for responsibilities via the BCS

Copyright, Designs and Patents

Defamation

Our students have online businesses

One way you get data

Freedom of Information

Access to Public Info

Data Protection Act

Security

Data Protection

Computer Misuse Act

Sets of Personal Data

Personal Data

Access to

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

Build up your knowledge step by step
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

• Intellectually
  ◦ Understand your motivations

• Imaginatively
  ◦ Develop and use your creativity and imagination
  ◦ Make your tasks enjoyable

• Intuitively
  ◦ Learn to know what works for you

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
- Notes/EdShare
  - Links and references

Informal/un-timetables

- Out of class
  - Watch videos
  - Read overviews
  - Work through tasks
  - Think and discuss
  - 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
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/
Independent Study

- Watch
  - RSA Animation on Motivation
  - Data Protection Act (from the ICO)
    - “The lights are on” http://youtu.be/wAe4358amJc
    - “Data Day Hygiene” http://youtu.be/CdYWoLC7TNI
    - Tick Tock http://youtu.be/Tdff6UPzvDQ
  - Visit and study
    - Information Commissioners Office http://ico.org.uk/what_we_cover/legislation

- Review
  - This week’s slides and instructions

Watch, visit, study, review
Overview: timescales and topics

Ethics and Professionalism are threads which run throughout the module

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Overview of entire module by multiple choice exam