

## COMPI205 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

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## Overview: timescales and topics

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Based on module needs and past experience

## WHAT IS IMPORTANT...

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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

Law in the workplace

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

Membership benefit

- Professional bodies
- Trades Unions

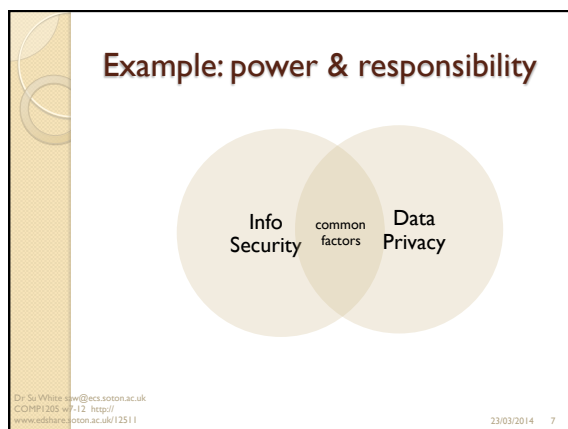
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## Understand the extent of the area

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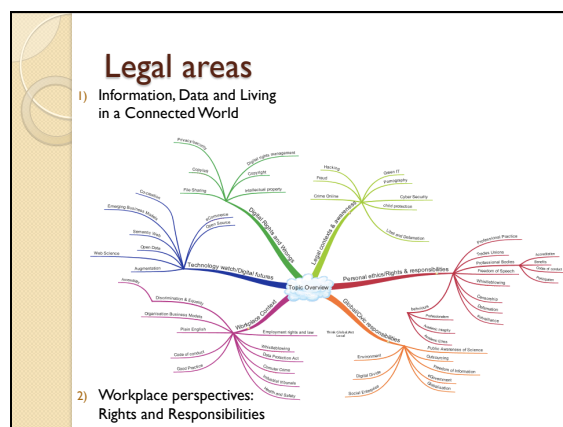
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Professional Issues: Perspectives indicative list and categorisation - some topics are listed under more than one heading

Legal contexts and awareness	Workplace contexts and equality	Digital Rights and Wrongs
<ul style="list-style-type: none"> <li>Label and defamation</li> <li>Crime online/ cyber-security</li> <li>Pornography</li> <li>Fraud</li> <li>Hacking</li> <li>Green ICT</li> <li>Legislation in workplace contexts</li> </ul>	<ul style="list-style-type: none"> <li>Organisations/business models</li> <li>Codes of conduct</li> <li>Data Protection Act</li> <li>Computer crime</li> <li>Whistleblowing</li> <li>Good practice</li> <li>Employment rights and law</li> <li>Health and safety</li> <li>Industrial tribunals</li> <li>Discrimination</li> <li>Accessibility</li> <li>Inclusivity</li> </ul>	<ul style="list-style-type: none"> <li>Copyright</li> <li>Copyleft</li> <li>Creative commons</li> <li>File sharing</li> <li>Intellectual property</li> <li>Digital rights management</li> <li>Privacy/security</li> <li>Ethical Computing</li> </ul>
Global responsibilities/civic Responsibilities	Technology watch/Digital futures	Personal ethics/Rights and responsibilities
<ul style="list-style-type: none"> <li>Environment</li> <li>Digital divide</li> <li>E government</li> <li>Globalisation</li> <li>Social enterprise</li> <li>Think global act local</li> <li>Responsibilities</li> <li>Freedom of information</li> <li>Outsourcing</li> <li>Public awareness of science</li> <li>Globalisation</li> </ul>	<ul style="list-style-type: none"> <li>Open data</li> <li>Open source</li> <li>Augmentation</li> <li>Web 3.0/Semantic Web</li> <li>Linked Data</li> <li>E-commerce</li> <li>Emerging Business Models</li> </ul>	<ul style="list-style-type: none"> <li>Academic ethics</li> <li>Civic duty</li> <li>Censorship</li> <li>Freedom of speech</li> <li>Defamation</li> <li>Whistleblowing</li> <li>Surveillance</li> <li>Professionalism</li> <li>Codes of conduct</li> <li>Professional bodies</li> <li>Professional practice</li> <li>Trades unions</li> </ul>

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- ### 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
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Part of the big picture

## TYPES OF LAW IN THE UK

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## Overview: Types of law in the UK

- Statute law
- Common law
- International law

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## 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

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## Statutes are made by parliament

Example Digital Economies Act 2010

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## 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

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## 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

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## International law: treaties

- Government treaties
- For example, trademarks, IP

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## 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

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## 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

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## 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?

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## 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

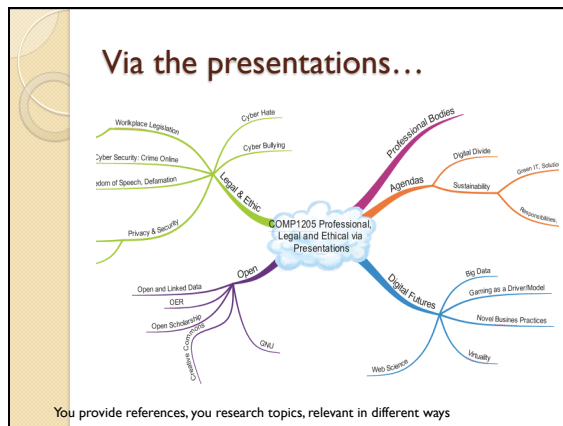
The focus for this module

# WAYS OF LOOKING AT UK LAW AS AN IT PROFESSIONAL

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## Data and Information perspectives

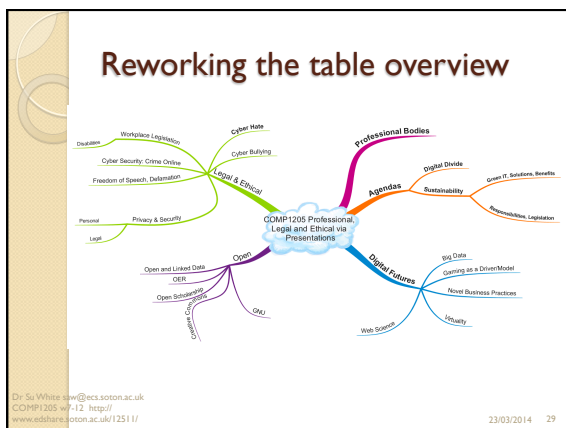
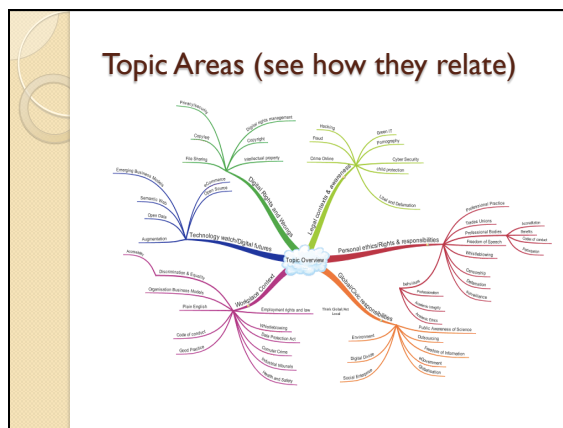
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Professional Issues: Perspectives indicative list and categorisation - some topics are listed under more than one heading

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Libel and defamation	Organisations/business models	Copyright
Crime online/ cyber-security	Codes of conduct	File sharing
Pornography	Computer crime	Intellectual property
Fraud	Whistleblowing	Digital rights management
Hacking	Good practice	Privacy/security
Green ICT	Employment rights and law	Ethical Computing
Legislation in workplace contexts	Health and safety	<b>Personal ethics/Rights and responsibilities</b>
	Industrial tribunals	Academic ethics
	Discrimination	Civic duty
	Accessibility	Censorship
	Inclusivity	Freedom of speech
<b>Global responsibilities/civic Responsibilities</b>		Defamation
Environment	<b>Technology watch/ Digital futures</b>	Whistleblowing
Digital divide	Open data	Ethics
E government	Open source	Surveillance
Globalisation	Augmentation	Professionalism
Social enterprise	Web 3.0/Semantic Web	Codes of conduct
Think global act local	Linked Data	Professional bodies
Responsibilities	E-commerce	Professional practice
Freedom of information	Emerging Business Models	Trades unions
Outsourcing		
Public awareness of science		
Globalisation		

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Walkthrough some new areas

## TAKING AN IT PERSPECTIVE

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### IT contexts

<p>UK criminal law</p> <ul style="list-style-type: none"> <li>• By statute</li> <li>• examples             <ul style="list-style-type: none"> <li>◦ Digital Economies Act 2010</li> <li>◦ Computer Misuse Act 1990</li> <li>◦ Design Copyright and Patents Act 1988</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• UK Civil law</li> <li>• By case history</li> <li>• Issues:             <ul style="list-style-type: none"> <li>◦ buggy software</li> </ul> </li> <li>• Rights:             <ul style="list-style-type: none"> <li>◦ when purchased software fails</li> <li>◦ when purchased software makes me lose money</li> </ul> </li> </ul>
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### New technologies -> disruption

<p>Existing legislation</p> <ul style="list-style-type: none"> <li>• Was not prepared for new contexts</li> </ul> <p>But...</p> <ul style="list-style-type: none"> <li>• Are there actually new crimes...</li> <li>• or are there just new ways of committing old crimes</li> </ul>	<p>New legislation</p> <ul style="list-style-type: none"> <li>• Moral panic</li> <li>• May need refinement</li> <li>• Appeals, civil action to augment legislation</li> <li>• Examples             <ul style="list-style-type: none"> <li>◦ Malicious hacking</li> <li>◦ Technological attack (viruses)</li> <li>◦ Perceived social threat</li> </ul> </li> </ul>
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### Response to disruption

<p>Computer misuse act 1990</p> <ul style="list-style-type: none"> <li>• Fraud, hacking, viruses</li> <li>• other computer-related crime</li> <li>• Motivation             <ul style="list-style-type: none"> <li>◦ Overcome loopholes in existing legislation</li> </ul> </li> </ul>	<p>Principles</p> <ul style="list-style-type: none"> <li>• Conduct which is criminal remains criminal when enabled by new means e.g. computer technology</li> </ul>
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Conduct which is not generally considered to be criminal does not become criminal because of the computer context

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### Computer misuse act 1990

<ul style="list-style-type: none"> <li>• Causing a computer to perform any function <b>with intent</b> to secure access to any program or data held within a computer</li> <li>• The <b>access</b> intended to be secured is unauthorised</li> <li>• The act is performed with knowledge lack of authorisation at the time of the alleged crime</li> </ul>	<ul style="list-style-type: none"> <li>• Further offence</li> <li>• If (having gained unauthorised access) facilitate the commission of an offence</li> <li>• Consequence</li> <li>• Illegal</li> <li>• To use a computer to help set up a crime             <ul style="list-style-type: none"> <li>◦ Either by yourself</li> <li>◦ Or by any other person</li> </ul> </li> </ul>
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### Computer misuse act

<ul style="list-style-type: none"> <li>• A person is guilty of an offence if....</li> <li>• The commit any act which causes the unauthorised modification of the contents of a computer</li> </ul>	<ul style="list-style-type: none"> <li>• At the time of the act they have             <ul style="list-style-type: none"> <li>◦ the requisite intent and</li> <li>◦ the requisite knowledge</li> </ul> </li> </ul>
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### Computer fraud

<ul style="list-style-type: none"> <li>• Fraud</li> <li>• Gaining financial gain by deception</li> <li>• Theft</li> <li>• Taking with intent to permanently deprive</li> </ul>	<ul style="list-style-type: none"> <li>• Using a computer to obtain money illegally is fraud</li> <li>• Computer fraud often conducted by insiders</li> <li>• Acting without authorisation</li> </ul>
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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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**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

March 14

**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

March 14

**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

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## 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

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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



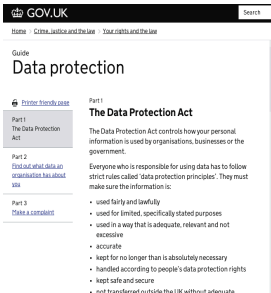
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## ICO web site



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## 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



**A Manager's Guide to IT Law**  
 Jeremy Holt, Jean Morgan, Sarah Elacott, Andrew Katz, Jeremy Newton - Computers - 2004 - 166 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](#)

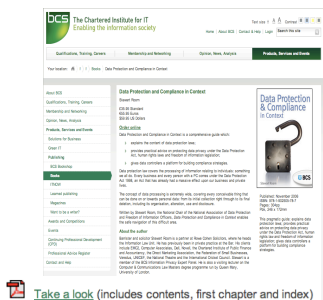
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### YouTube –use your critical faculties



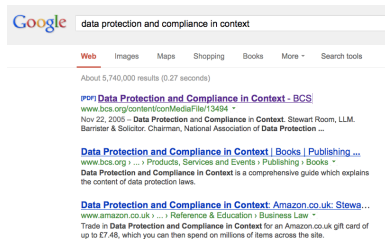
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### BCS – book details + download



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### Google it!



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### DPA - extent

**"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)

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### 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?
  - And what about my website? Is it secure?
- 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?

### 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

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### 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

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### 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/>

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## 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

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## Think about a bigger picture...

The screenshot shows a GOV.UK page with a search bar at the top. The main heading is 'Sale of goods and services and data protection'. Below the heading, there are several sub-sections with brief descriptions: 'Find your local Trading Standards office', 'Data protection rules for businesses in recruiting staff', 'Distance selling regulations', 'Accepting returns and dealing with the law', 'Retail or consumer and business sales contracts', and 'Business law helpline'.

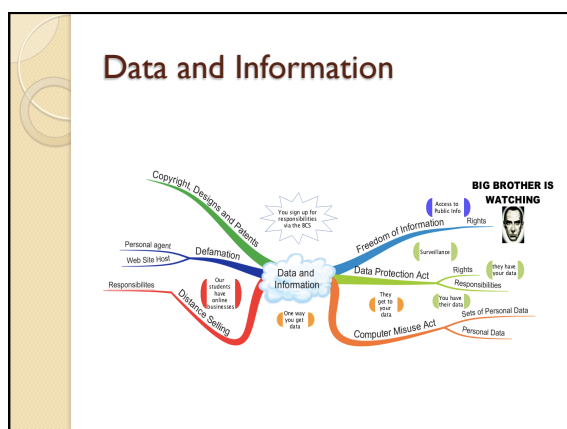
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## Starting points

The screenshot shows the ICO website's page for the Freedom of Information Act. The header includes the ICO logo and the text '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.' The main content area is titled 'Freedom of Information Act' and includes a sub-heading 'Your responsibilities and obligations to freedom of information'. A sidebar on the left lists various resources like 'Home', 'For the public', 'For organisations', 'Data protection', 'Privacy and electronic communications', 'Freedom of information', 'The Guide', 'ICO specialist guides', 'Environmental information', 'INFORM Regulations', 'Sector guides', 'Guidance notes', and 'Training materials'.

## Starting points

The screenshot shows the Equality and Human Rights Commission website's page for the Human Rights Act. The header includes the Commission's name and the tagline 'Creating a fairer Britain'. The main content area is titled 'The Human Rights Act' and includes a sub-heading 'What are human rights?'. The page lists several rights: 'Right to life', 'Protection from torture and inhuman treatment', 'Right to liberty and security', 'Protection from slavery and forced labour', and 'Right to a fair trial'. It also notes that there is 'No punishment without law'.



## Think about a bigger picture...

This is an identical screenshot to the one in the top right, showing the GOV.UK page for 'Sale of goods and services and data protection'.

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Build up your knowledge step by step

**REMINDE**  
**RS: MODULE OVERVIEW**

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Work smarter not harder	Approaches
<ul style="list-style-type: none"> <li>Intellectually                     <ul style="list-style-type: none"> <li>Understand your motivations</li> </ul> </li> <li>Imaginatively                     <ul style="list-style-type: none"> <li>Develop and use your creativity and imagination</li> <li>Make your tasks enjoyable</li> </ul> </li> <li>Intuitively                     <ul style="list-style-type: none"> <li>Learn to know what works for you</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Pareto principle                     <ul style="list-style-type: none"> <li>20% of the effort produces 80% of the result</li> <li>... but think about it logically, rationally</li> </ul> </li> <li>One touch                     <ul style="list-style-type: none"> <li>Capture all the necessary information in a single touch</li> </ul> </li> </ul>

**Work smarter not harder**

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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 😊

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Formal/timetabled	Informal/un-timetabled
<ul style="list-style-type: none"> <li>Lecture                     <ul style="list-style-type: none"> <li>The big picture</li> <li>Pacing</li> </ul> </li> <li>Blackboard                     <ul style="list-style-type: none"> <li>Links and references</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Out of class                     <ul style="list-style-type: none"> <li>Take the quizzes</li> <li>Watch videos</li> <li>Read overviews</li> <li>Work through tasks</li> <li>Think and discuss</li> <li>Prepare assessments</li> <li>Prepare for examination</li> </ul> </li> </ul>

Objective:  
knowledge, skills and understanding

**Overview: working method**

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**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

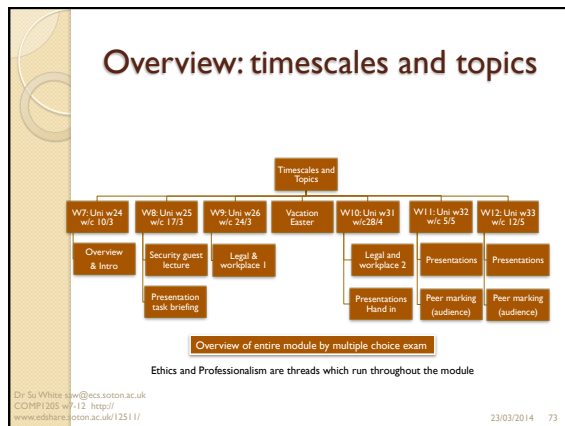
- Find out, think about, re-present
- Work in groups
- Find your strengths
- Overcome your weaknesses
- Enjoy yourselves

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Quiz	Quiz notes
<ul style="list-style-type: none"> <li>You will be invited to respond to a short survey/quiz (midweek)                     <ul style="list-style-type: none"> <li>Designed to find calibrate                             <ul style="list-style-type: none"> <li>The progress you have made so far</li> <li>Your familiarity with topics we are going to study</li> <li>Your familiarity with the topics within the exam</li> </ul> </li> <li>The way which you are relating COMP1205 to the rest of your studies</li> </ul> </li> </ul>	 <p>Your responses will be anonymous</p> <p>But</p> <p>I can send you reminders ... If you have not completed the task</p>

**Before next week**

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## 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/>

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