Legal, Ethical and Professional Perspectives (LEPP)

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Professional development (COMP1205)

UNIVERSITY OF
Southampton

guidance

OVERVIEW, PRINCIPLES

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 yourselves with
  informed insight
  on current legal, ethical and
  professional

- 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!)

**Give you an informed perspective overall – and specifically for
for your group presentations and your individual Technical Reports**

What are the Intellectual Challenges?

Intellectual Challenges

- Research

- Identifying new knowledge

- Disseminating new knowledge

- Integrating new knowledge

- Building theory

Embrace a different world view

- Outside your comfort zone

- Requiring different approaches to thinking

- A world where Truth is 'negotiable'

- Work across disciplines

Independent working , critical thinking, moving outside your comfort zone

Work smarter not harder

- Intellectually

  – Understand your motivations

- Imaginatively

  – Develop and use your creativity and imagination

  – Make your tasks enjoyable

- Intuitively

  – Learn to know what works for you

Approaches

- Pareto principle

  – 20% of the effort produces 80% of the result

  – … but think about it logically, rationally

- One touch

  – Capture all the necessary information in a single touch

Work smarter not harder

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

There are supporting materials

Thinking space…

SO WHAT IS OUR FOCUS?

Thinking time

- Class exercise

- What are the key legal issues?

- Think, pair, share

Follow up questions (for reflection)
- What do you think is the extent of legal and ethical perspectives?
- Where and how might this be relevant in the remainder of your degree?

Establish your own method of organising the topics e.g.

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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

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

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

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

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

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

professional and legal issues might include

environment

intellectual **property**

creative **commons**

e-commerce

green ICT

freedom of **information**

code of **conduct**

open **data**

professionalism

open **source**

employment **rights**

employment **rights**

e-government

digital **futures**

accessibility

equality

file-sharing

globalisation

semantic **web**

security

defamation

academic **ethics**

outsourcing

inclusivity

linked data

computer **crime**

localisation

professional **bodies**

health and **safety**

civic **duty**

libel

digital **rights management**

free **speech**

surveillance

social **enterprises**

data **protection**

hacking

responsibility

digital **divide**

pornography

discrimination

privacy

censorship

ethics

copyright

morals

Legal & professional

- Why does it matter?

    – Your degree is accredited

    – Employers expect awareness

    – Choose the workplace which suits you

    – Think forward

- NOTE

- You are <u>not expected</u> to

    – be a lawyer

- You <u>are expected</u> to

    – demonstrate and awareness of laws which impact on the workplace

How you will know, how we will know

- Self check

    – Confidence

    – I have reviewed the slides

    – "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"

Legal & professional

HOW TO APPROACH THE TOPICS

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

  – This is a project for the whole of your degree

  – Explore, discuss, share develop your curiosity

  – If you can…

    - Prepare now for your final year project
    - Prepare now to know about your dream job

Our focus

- Legislation of which you must be aware:

  – Data and Information

  – Workplace

  – Intellectual property

- Ethical frameworks:

  – Understanding or developing your own framework

  – Understanding external frameworks which might bind you

Your task
To integrate your understanding in a useful and meaningful way

You are not learning to be a lawyer

But with this module

- develop some legal awareness

- think about your rights

- think about your responsibilities

- Identify your personal ethical perspectives

Data, information and life in a connected world

Workplace perspectives on data, information and life in a connected world
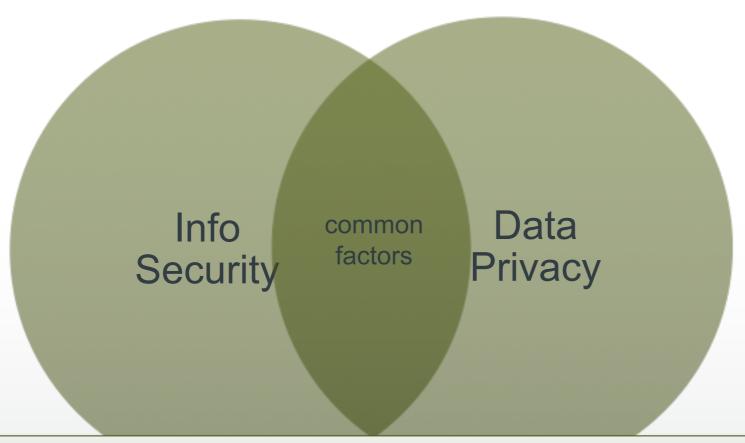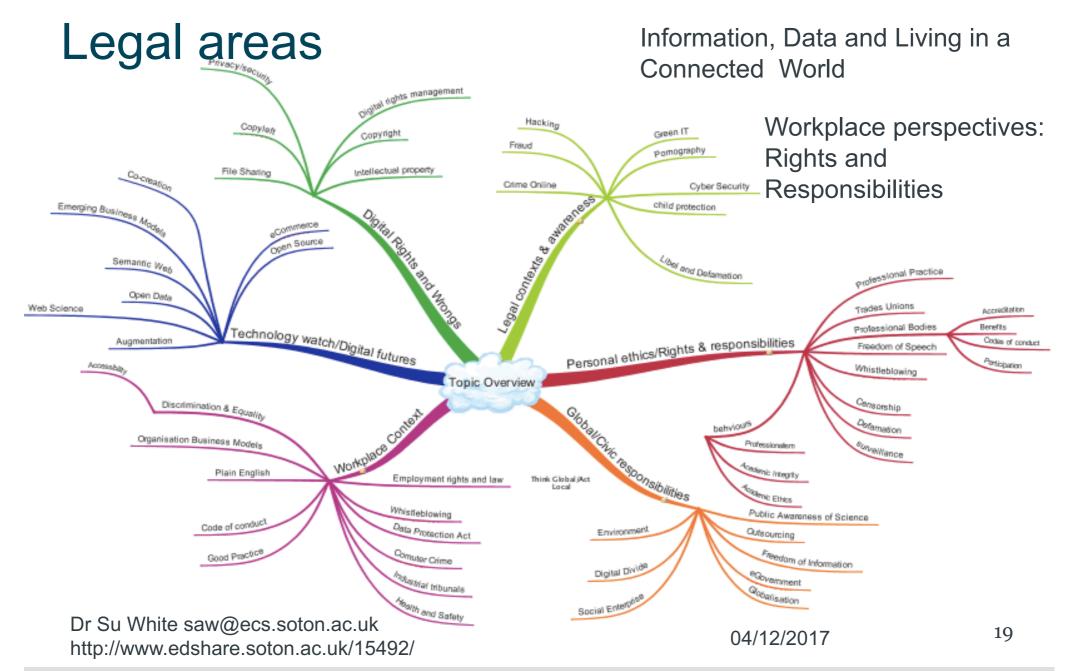
Understand the extent of the area

Example: power & responsibility

Info
Security   common
factors   Data
Privacy

Find the sweet spot between your developing technical expertise
and a reflection on the implications of your behaviours or approach

Legal areas

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Information, Data and Living in a Connected World

Workplace perspectives: Rights and Responsibilities

Mind map branches from central "Topic Overview":

Digital Rights and Wrongs
- Privacy/security
- Digital rights management
- Copyleft
- Copyright
- File Sharing
- Intellectual property

Legal contexts & awareness
- Hacking
- Fraud
- Crime Online
- Green IT
- Pornography
- Cyber Security
- child protection
- Libel and Defamation

Technology watch/Digital futures
- Co-creation
- Emerging Business Models
- Semantic Web
- Open Data
- Web Science
- Augmentation
- eCommerce
- Open Source

Personal ethics/Rights & responsibilities
- Professional Practice
- Trades Unions
- Professional Bodies
  - Accreditation
  - Benefits
  - Codes of conduct
  - Participation
- Freedom of Speech
- Whistleblowing
- Censorship
- Defamation
- surveillance
- behviours
  - Professionalism
  - Academic integrity
  - Academic Ethics
  - Public Awareness of Science

Workplace Context
- Accessibility
- Discrimination & Equality
- Organisation Business Models
- Plain English
- Code of conduct
- Good Practice
- Employment rights and law
- Whistleblowing
- Data Protection Act
- Comuter Crime
- Industrial tribunals
- Health and Safety

Global/Civic responsibilities
- Think Global /Act Local
- Environment
- Digital Divide
- Social Enterprise
- Outsourcing
- Freedom of Information
- eGovernment
- Globalisation

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http://www.edshare.soton.ac.uk/15492/

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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 to legal and ethical responsibilities

Index – read, watch, discuss, understand

- Types of law in the UK

- IT professional perspective

- Online communications and legislation

- Data Protection

- A model for self study

- Specific Tasks

Method is relevant to your group research and will be relevant to your technical reports

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

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http://www.edshare.soton.ac.uk/15492/

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

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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

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 (NI only)

- Digital Economy Act 2010

- NB: Digital Economy Bill 2016-17

- 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

Remember – legislation is being revised as we study, and as your degree progresses the Crown Prosecution Service may be valuable in checking out current guidance http://www.cps.gov.uk/legal/

The focus for this module

WAYS OF LOOKING AT UK LAW AS AN IT PROFESSIONAL

Data & Information perspectives (1&2)

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Workplace Perspectives (3&4)

You may think of workplace perspective in this section!

WEEE

Health and Safety

Equalities Act

Disabilities
Discrimination

Human Rights Act

Whistleblowing

Workplace
Perspectives

Advice and
representation
BCS and Trades Unions

BCS Code of Conduct

BCS Code of Professional Practice

Employment Law

You have to understand

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

Regulation of Investigatory Powers Act
2000
Data Protection Act 1998

Whistleblowing

Public Interest Disclosure Act 1998

Remember – legislation is being revised as we study, and as your degree progresses
e.g. check http://www.harassmentlaw.co.uk/ for updates wrt harrassment

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 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

But: 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 the report: Policing in an Information Age, Bartlett et al, 2013 Demos
available from the Mendeley Group for COMP1205
https://www.mendeley.com/groups/3137931/comp1205/papers/

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

Anticipating independent study

DATA PROTECTION ACT

DPA videos: http://www.edshare.soton.ac.uk/10483/

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

FIRST CALIBRATE YOUR EXISTING KNOWLEDGE…

Who?

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

1) A data subject

2) A data processor

3) A data controller

4) The Data Protection Commissioner

What?

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

  1) Obtaining

  2) Recording

  3) Holding

  4) Carry out any operation on

  5) all of the above

  6) None of the above

Rights

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

1) The right to prevent data about the individual being used for direct marketing

2) The right to have inaccurate data corrected or erased

3) The right to prevent data about the individual being held

4) The right to find out what data is being held about the individual

Why questions?

- To evaluate your knowledge and understanding

- To focus you on the topic under discussion ☺

- To develop your critical thinking

Where to find the answers…

DATA PROTECTION ACT (1998) PROBABLY OTHER SOURCES…

Where? …basics

Government Legislation

– Data Protection Act

Read and understand

Professional Issues
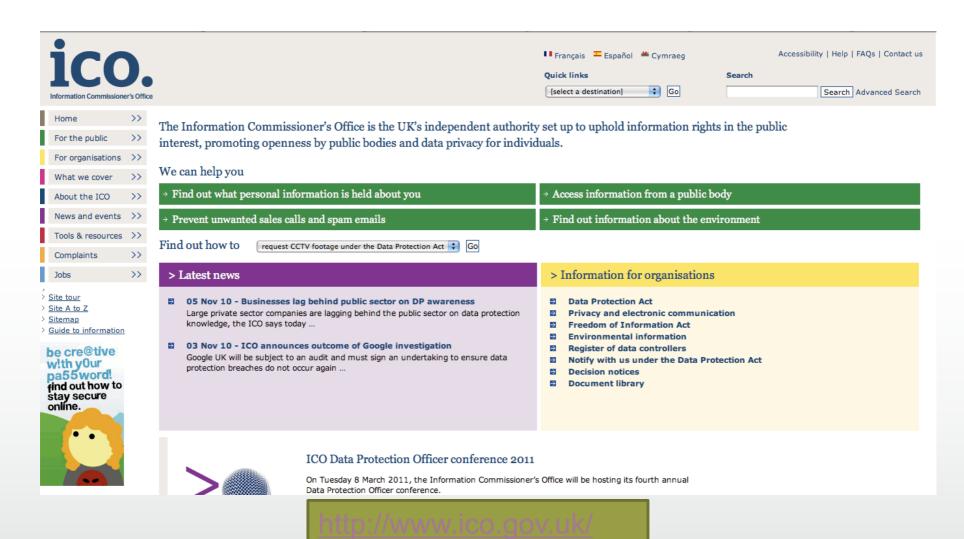in Information Technology

BCS   Frank Bott

Set book (library)

- Bott Chapter 14:

- Data Protection,

- Privacy

- Freedom of Information

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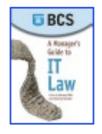➔ **.gov.uk**

ICO web site

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

Gov.uk

Further sources?

- Search YouTube

  – But make sure you use your critical faculties!

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

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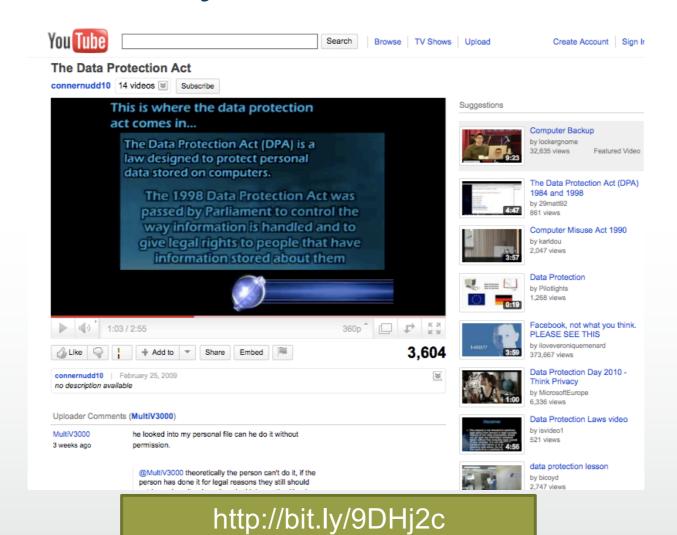
A Manager's **Guide** to It **Law**
Jeremy Holt, Jean Morgan, Sarah Ellacott, Andrew Katz, Jeremy Newton - Computers - 2004 - 156 pages
This comprehensive guide for management professionals discusses the IT-related legal issues faced by business and their staff on a daily basis.
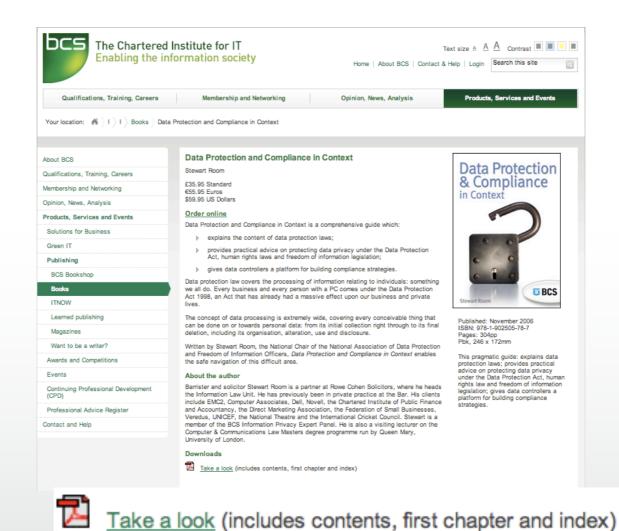No preview available - About this book - Add to my library

YouTube –use your critical faculties

http://bit.ly/9DHj2c

BCS – book details + download

Google it!

Google | data protection and compliance in context

Web   Images   Maps   Shopping   Books   More ▾   Search tools

About 5,740,000 results (0.27 seconds)

[PDF] **Data Protection and Compliance in Context** - BCS
www.bcs.org/content/conMediaFile/13494 ▾
Nov 22, 2005 – **Data Protection** and **Compliance** in **Context**. Stewart Room, LLM.
Barrister & Solicitor. Chairman, National Association of **Data Protection** ...

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...
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up to £7.48, which you can then spend on millions of items across the site.

DPA - extent

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

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

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

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

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
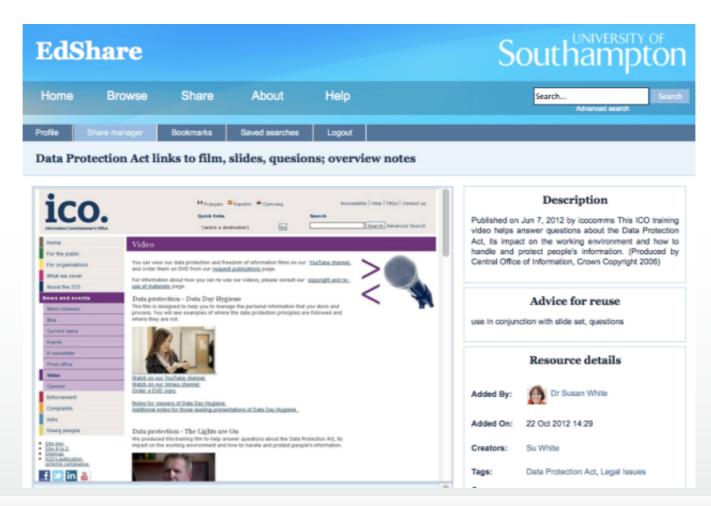   adequate protection

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

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

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How to follow up these slides

A MODEL FOR SELF STUDY

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/

Relevant to your technical report

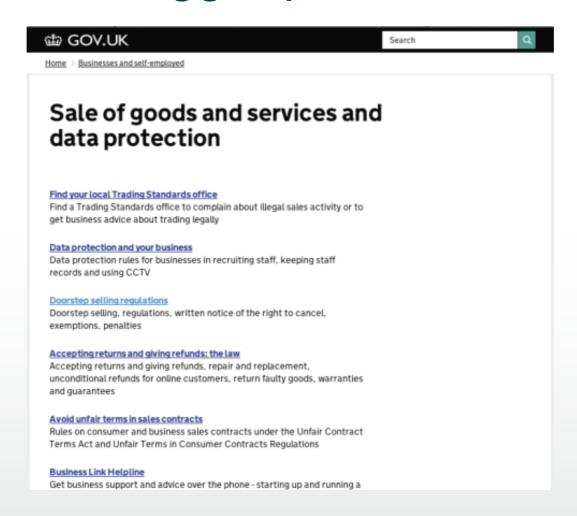http://

Conducting private study

Find Information

– Google searches for orientation

- Keywords
- Keywords + 'tutorial'
- Keywords + 'quiz'
- Keywords + 'ac.uk' | '.edu'

– Critical reading of responses

– Targeted searches to <u>gather</u> information

– Further work to organise information

Organise/review

• You might want to work alone

• You might like to work together

– Study groups
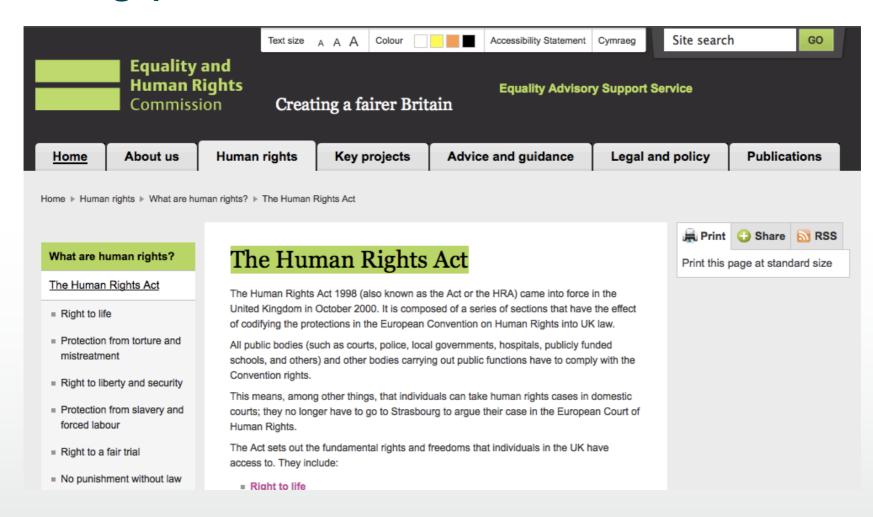
– Peer review groups

Think about a bigger picture…
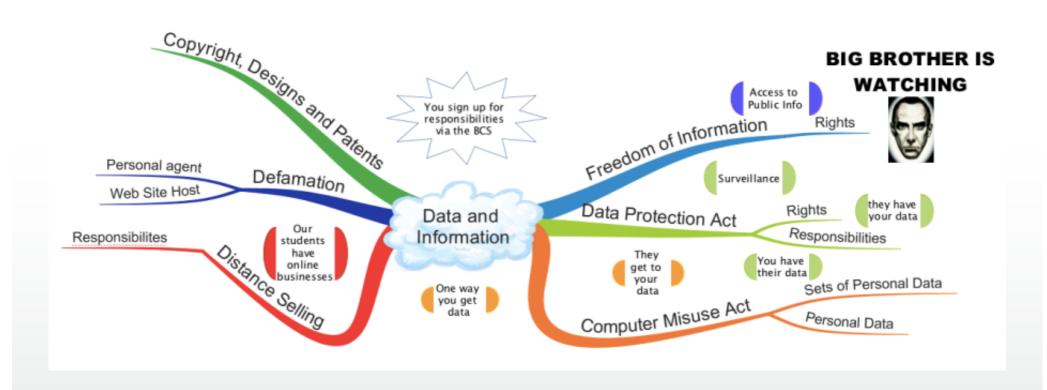
Starting points

Starting points

Data and Information (1&2)

Think about your ambitions…

BUILD UP YOUR KNOWLEDGE STEP BY STEP

Work smarter not harder

- Intellectually

  - Understand your motivations

- Imaginatively

  - Develop and use your creativity and imagination

  - Make your tasks enjoyable

- Intuitively

  - Learn to know what works for you

Approaches

- Pareto principle

  - 20% of the effort produces 80% of the result

  - … but think about it logically, rationally

- One touch

  - Capture all the necessary information in a single touch

Work smarter not harder

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

Before next week

SPECIFIC TASKS

- Watch, visit, study, review

DPA…

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

Independent Study

Watch

– RSA Animation on Motivation

- http://youtu.be/u6XAPnuFjJc

Investigate

- Matt Syed: Bounce the myth of talent https://youtu.be/njae5qGhxEw

  – http://www.matthewsyed.co.uk/

- Carol Dweck:

  – Mindsets http://mindsetonline.com/

Use your judgment to decide how carefully you work on a video, reading or task remember keeping up to date helps meet all of your deadlines