

Legal and ethical issues training course outline

The course is divided into seven parts

Part 1. Understanding the basics

Learning Objectives:

- To understand the main legal terms and references that may be encountered
- To have a best practice approach to legal issues
- To know how to access reference material, updates, and practical help

Key points:

- Three principles – understand, comply, demonstrate
 - Balanced approach
 - Determine the facts from source documents or qualified advice
 - Monitor changes and case law
 - Seek advice before acting
 - Be prepared to show that you are aware of the law and have been 'reasonable'
 - Be sensitive to bad publicity from infringements
- How laws are formed
 - International law (eg copyright)
 - EU Directives (eg. Data Protection, Electronic Communications)
 - Acts of Parliament
 - Regulations/Statutory instruments
 - Case law
- The difference between civil and criminal law
- The meaning of Tort
- Product and service liability
- Warnings and disclaimers
- International activities
- References

Part 2. Data Protection Act

Learning Objectives:

- To understand the purpose and key points of the legislation
- To know what you should do to comply
- To address any specific issues

Key points:

- What it's about
- What it says - the 8 principles
 - Collect only what you need
 - Keep it safely
 - Process only as you promised
 - Delete when no longer needed
 - Give subject access to their data
- Personal data
 - In practice any data you control that relates to an identifiable individual
 - Could include cookies your site places on a user's computer
- The Data Controller
 - Person who says what data is used for (not the person handling)
 - DC must register and appoint Data Protection Officer
 - Importance of where the data is held
- Information Commissioner
 - Office responsible for enforcing this *criminal* offence
 - Potential penalties
- Potential confusion
 - With Electronic Communications Act
 - With Freedom of information Act
- Potential problems
 - Collecting registration information for an event then 'processing' as member or registered user
 - Passing user information to other organisations
- References

Part 3. Electronic Communications Act

Learning Objectives:

- Understand the legislation
- Know how the Act applies to KTNs
- Be able to operate within the law

Key points:

- What it's about
- What constitutes spam?
- What the law says
- Other requirements
 - Provide contact address
 - Address suppression
 - Differentiate business from private
- A point of interpretation
 - 'for the purposes of direct marketing'
- Registering members
 - Permission tick boxes
- Sending mails
 - CC v BCC
 - Explain how address obtained
 - Explain why mailing
- References

Part 4. Intellectual Property

Learning Objectives:

- Understand the meaning of intellectual property and the types of IP.
- Be able to recognise when copying is legal and when it constitutes fair use
- Understand what patents are and the precautions needed for patentable material

Key points:

- What is Intellectual Property?
 - Copyright
 - 'Industrial Property'
 - Patents
 - Trademarks
 - Registered designs etc.
 - Copyright
 - Civil law of tort
 - Against copying for gain
 - What it covers
 - Exceptions
 - Fair/acceptable use
 - By default
 - Policies
 - 'Public domain'
 - Legal meaning
 - Common meaning
 - New forms of copyright
 - Creative Commons
 - GPL
 - 'Copyleft'
 - What do I have to do as a user?
 - What do I have to do as an owner
 - Copyright legal references
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- What are patents?
 - A deal with the state
 - Publish
 - Get a monopoly on use

- Two systems
 - US – first to invent
 - EU – first to file
- Problems with the EU system
 - Nationally based
 - Expensive
 - Slow
- Patent legal references

Part 5. Accessibility

Learning Objectives:

- Have an idea what accessibility means
- Understand the requirements to achieve accessibility

Key points:

- Terminology
- Two concepts
 - Disabled
 - Devices
- Disabilities
- Assistive technologies
- Demonstration
- What is the applicable law?
- What should I do?
 - Accessibility guidelines
 - Accessibility page
- Legal and standards references
- Additional resources + other publications

Part 6. Libel

Learning Objectives:

- Understand the concept of defamation
- Appreciate the consequences and actions to take

Key points:

- Terminology
- What is it?
 - Civil law of tort
 - Protects us from malicious lies
- Recognising defamation
 - Statement of fact
 - Causes harm to someone
 - untrue
- What do I have to do?
- Who is responsible?
- Legal references

Part 7. Other legislation

Learning Objectives:

- Be aware of what other legislation may be relevant
- Have a basic understanding of the nature of such legislation

Key points:

Identification of legal entity

- What's it about?
 - The companies Act 2006

- Identifying the legal entity
- What do I have to do?

Freedom of Information Act

- What's it about?
 - Public having access to government information
- What do I have to do
 - Respond to requests
 - May charge a fee

Computer Misuse Act

- What's it about?
 - Criminal offence
 - Unauthorised access (Hacking)
 - Vandalism or theft
- What do I have to do
 - Don't hack
 - Be clear about authorisations

Official Secrets Act

- What's it about?
 - Protecting sensitive government information
 - Applies to everyone
- What do I have to do
 - Keep it secret

Human Rights Act

- What's it about?
 - Engendering confidence in government
 - Establishing common sense of right and wrong
- What do I have to do
 - List of rights

Legal references for other legislation