# Compliance requirements in relation to management of data

What is a code of ethics?

Ethics relates to the management of data about YOU and ME held in computer systems. It relates to ensuring the **privacy** of the data held in an organisation's database eg your name and address, not being given out to say - Readers Digest. It is about an organisation behaving responsibly with all the data held in their computer system.

- A code of ethics is a documented code of

    – a professional body
    – a government agency
    – a private enterprise or
    – other organisation

- that outlines the expected behaviours and actions of its members or employees.

- The Institute of IT Professionals (formerly NZ Computer Society) produces a Code of Professional Conduct for sound ethical behaviour within the computer industry.

- The Institute of IT Professionals say "Above all else, the essence of being a professional is operating ethically and with the interests of the public, community, and the client at the forefront of their actions. Members of *IT Professionals NZ* subscribe - and are held accountable - to the ITP Code of Ethics."

- 8 Principles of the Code:
    - Good faith – Integrity – Community focus – Skills Continuous Development – Informed Consent Managed Conflicts of Interest – Competence

- Their website address is https://itp.nz/Members/Code-of-Ethics where you can read the full Code.
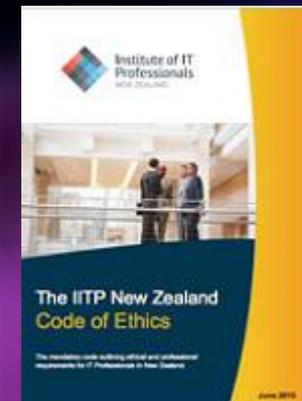
Documented ethical procedures for students at EIT

- A copy of the Computer Use Policy for students is included in your handbook

  - Note: This policy includes all the requirements of the relevant Acts – Privacy Act 1993, Copyright Act 1994, Unsolicited Electronic Messages Act 2007 and subsequent amendments.

- Procedure:
  While IT Services maintain a number of anti-virus and security related products designed to protect EIT's IT systems, it is crucial that all users of these systems take responsibility for "safe computing".

EIT has this IMPROPER COMPUTER USE ethical practice

- Using e-mail or messaging services to harass, intimidate or annoy another person in any way. This includes sending mass electronic messages.

- Receiving, downloading, showing, storing or forwarding by email any material on the EIT System which is objectionable, offensive, slanderous, or illegal

- Penalties: EIT takes breaking the rules of the Computer Usage policy seriously. EIT reserves the right to copy and examine any files or information on EIT Systems that might relate to inappropriate use.
  If anyone breaks the rules, EIT may close down your user account and stop access. If you break any New Zealand laws you will have to deal with the appropriate agency. Legislation covering operation and use of EIT's computer facilities includes: Films, Video and Publications Act 1993, Human Rights Act 1993, Privacy Act 1993, and Crimes Act 1961.
  NOTE: At all times EIT has the right to inspect the contents of any student account and to take appropriate action where necessary.

1. Information privacy

What is information privacy?

Information privacy is covered by the NZ Privacy Act 1993

Information privacy deals with the collection and use of data about people.

EIT collects information about staff and students.
Other databases also hold individual facts about people

eg (bank records, medical notes, police records, WINZ etc)

- When any organisation,
  collects information it

  - is responsible for it's confidentiality

  - must ensure the data is meaningful to the organisation

  - must only allow employees who need the data when performing their jobs to have access to the data

  - may NOT pass this data to others without the permission of the individual

  - must ensure the data is correct and that the data has come from a reliable source

What can the Individual do to find out about data?

- NZ Privacy Act 1993 gives you the right to ask for and get **any** personal information being held about you in **any** database eg EIT or WINZ, NZ Police, your doctor, your bank

  you have the right to **look** at the data, find out **where** they got it from (collection), who they have **given** it to (disclosure), **correct** it, see who is **using** it in the organisation

Access (look)

Collection (where)

Use (who)

Disclosure (who)

Correction (edit)
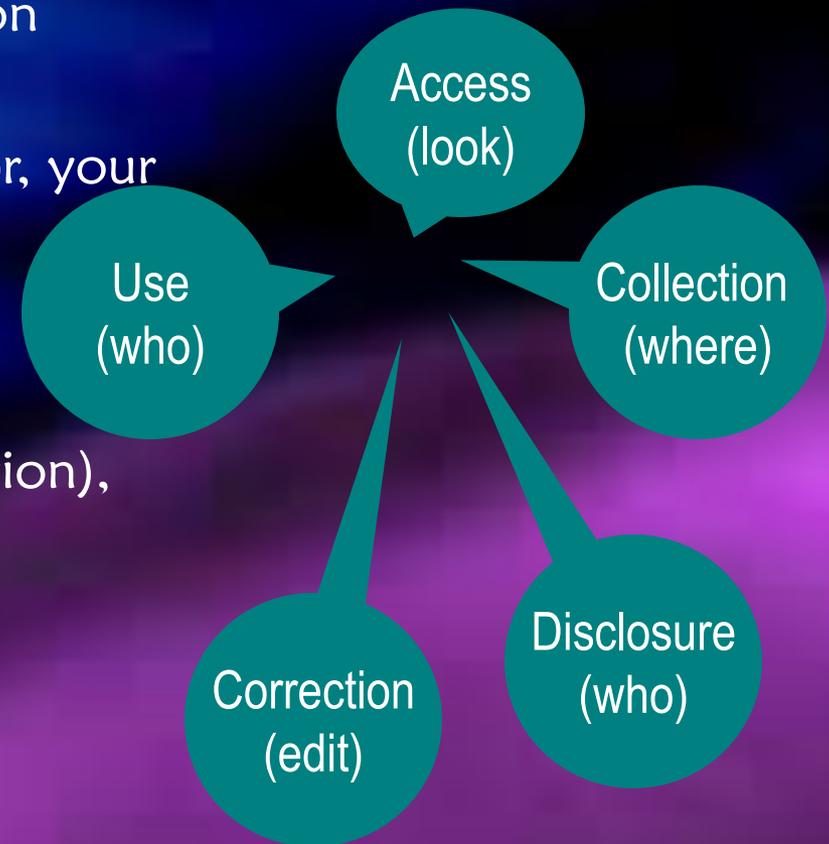
2. Copyright

What are the principles of Copyright?

Under the Copyright Act 1994

- Copyright is a set of 'exclusive property rights' given to owners in relation to their creations.
  - the way you express ideas and information
  - the way you express concepts

- To have copyright protection, a work must be 'original' – meaning the author must have created it independently using their own skills and labour, not copied it from another person's work.

- Copyright applies automatically to an original work as soon as it is recorded, either in writing or in some other way (can be hard copy or digital copy).

Copyright protects –

the way you express ideas and information
the way you express concepts

printed material (novels, letters, scripts etc)
computer programs
songs (music or lyrics)
photographs, graphics and paintings

internet material or communication to the public work
(video, web pages, graphics)
sound recordings on records, tapes, CDs, DVDs, BluRay or
online films, movies etc, etc

Copyright is automatic as long as the creative work is original

Copyright applies to hard copy and electronic copy

What do the symbol and notice mean?

- The copyright symbol and notice remind people that the work is protected and lets them know who is claiming copyright

- You should apply to the person claiming copyright for permission to copy etc.

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What are the ethical issues relating to copyright?

- Anyone who wants to use someone else's copyright work generally needs permission to use the work.

- If you do get permission, you must identify the author of the original work

The following would be unprofessional and unethical

- copying the work without permission – remember, it can be printed work or electronic work eg on-line or CD

- publishing the work without permission

- renting out copies of the work

- putting the work on radio, TV or the internet without permission

- adapting the work without permission

What are the penalties relating to copyright?

- Unauthorised use = copyright infringement

- Copyright Act provides for legal action against copyright infringement

- At EIT:
Students must note that EIT treats copying copyright material seriously. Penalties range from a warning through to suspension

Plagiarism - copying

- Plagiarism is the act of taking and using someone else's work as one's own without proper acknowledgement. It includes:

    - Copying the work of another student and pretending that it is your own (cheating)

    - Directly copying someone else's work which may be copyright

    - Summarising someone else's work which may be copyright

- Students must note that EIT treats plagiarism seriously. Penalties range from a warning through to suspension

Copyright (New technologies)Amendment Act 2008

- Updates and clarifies how copyright applies to new technologies in the digital environment

- Promotes a modern legal framework to guide the protection and use of copyright material, while maintaining the balance between protection, access and use already established in the Act.

- Technical protection measures (TPMs) are technical locks copyright owners use to guard or restrict the use of their material stored in digital format, such as encryption software.

- With digital technology, it has become easier to plagiarise and make illegal copies of copyrighted work. This is resulting in increased losses for copyright owners. The Act addresses this by providing copyright owners with a more comprehensive right to protect their works against increased piracy.

- It is prohibited for any person to deal with devices, means and information enabling people to circumvent copyright protections.

- The Act also provides a limited criminal offence provision that applies where there has been large-scale commercial dealing in devices, means and information enabling people to circumvent copyright.

- Copyright compliance procedures (means: rules to follow) are in place for protection of staff to protect staff against legal action

- Procedures are documented for circumstances where you may copy the material without permission for your own research or private study purposes (or part of the material), but you should include the source eg URL, book name, author name

Ethical practices when managing computer data - web and email

The Censorship Compliance Unit of the Department of Internal Affairs enforces the Films, Videos and Publications Classification Act. The unit carries out **proactive Internet investigations** in newsgroups and chatrooms and this has lead to many convictions of people transmitting objectionable material.

What are Web and email ethics?

- Will you delete an email from a questionable source:
  before you read it,
  or will you read it and then forward it on if you think it is funny / naughty / interesting?

- Will you delete an email with objectionable material included:
  before you read it,
  or will you read it and then forward it on if you think it is funny / naughty / interesting?

  - If someone inside the company sends you an e-mail that is questionable or offensive, delete it without responding. If it is a repeated occurrence, talk to a manager or a lecturer about how to deal with it.

  - DO NOT send e-mail that could be considered offensive, angry, derogatory or insulting to someone else either inside the organisation or outside the organisation.

Plus .....

- Do you restrict your use of your network to strictly work messages, files and graphics??

- Could you be contravening intellectual property by copying something off the Web to use in a report or assignment (maybe it is a good idea someone ELSE has had)?

- Would you contravene your network rules by downloading software?

- Do you use your computer for your own personal use? eg surfing the web for non-learning activities

- And ....

Do not use e-mail to discuss confidential information

Email etiquette for business

- Include a clear, direct subject line
- Use a professional email address
- Thick twice before hitting "reply all"
- Use professional salutations eg Morning Joe, NOT Hey Joe
- Use exclamation points sparingly
- Be cautious with humour – when in doubt, leave humour out
- Know that people from different cultures speak and write differently, tailor your messages to avoid miscommunication
- Reply to your emails
- Proofread every message – you will be judged on your errors
- Add the email address last when the message is ready to be sent
- Then double-check that it is correct

- Go to this website for the full list:
- http://www.gordowebdesign.com/11-email-etiquette-rules-professionals/

And another couple of ethical issues

Piracy

- Software piracy is making copies of programs for your use, someone else's use, or selling the copies for money.
  If you own a software program, and you let someone else install it on THEIR computer, YOU are BOTH guilty of piracy!

  - End-user piracy is when a company is licensed for eg 10 copies and puts the software on 12 computers
  - Internet Piracy is when copies are downloaded from the internet without authority
  - Illegal copies of software distributed as if it 'is the real thing' is also piracy
  - Software resold on-line or on TradeMe is also piracy

How did Microsoft find me?????

Organisation Confidentiality

Organisation confidentiality is the protection of data about an organisation, a business, or corporate.

It is keeping the data about the organisation secure from people not entitled to use or see it eg for EIT, students or staff who are not honest, staff and students who are "fired or failed" and who are angry that they are "fired or failed".

Some data may be financially sensitive, and the organisation would be required to keep the data private and confidential.

Sometimes, organisations require non –disclosure or confidentiality agreements to be signed by employees or when two companies are working together on a project.

How does EIT protect the data belonging to the organisation?

- The only employees who have access to the data are those who need to use the data in order to do their job

- When someone leaves the job logins are cancelled and passwords are changed immediately!

- Use of biometrics eg fingerprints to open EIT laptops, or voice recognition software for spoken logins to gain access to data

End of presentation

Next steps

Go back to the workbook

You will see that there are Study Notes on Compliance Requirements