



DUBLIN INSTITUTE OF TECHNOLOGY

---

# DT228 BSc. (Honours) Degree in Computer Science

Year 2

---

SUMMER EXAMINATIONS 2015/2016

---

LEGAL AND PROFESSIONAL ISSUES [CMPU2011]

MR. P. BOURKE  
DR. DEIRDRE LILLIS  
MR. P. COLLINS

TUESDAY 17<sup>TH</sup> MAY

4.00 P.M. – 6.00 P.M.

TWO HOURS

INSTRUCTIONS TO CANDIDATES

QUESTION 1 IS **COMPULSORY**.

ANSWER QUESTION 1 **AND** TWO OF THE OTHER THREE QUESTIONS.

1. Compulsory question, answer all parts, (a) to (e):

- (a) Distinguish the legal expressions *ratio decidendi* and *obiter dicta* used in the creation of precedents. [8 marks]
- (b) Using TWO relevant examples, explain the purpose of the British Computer Society (BCS) Code of Conduct. [8 marks]
- (c) Outline the operation of the *postal rule* in contract law. [8 marks]
- (d) Give FOUR examples of information that must be provided before goods are sold on the internet. [8 marks]
- (e) Discuss how the use of cookies on an organisation's website might potentially infringe the Data Protection Acts. [8 marks]

2.

- (a) Briefly describe the scope of each of the following intellectual property rights:

- (i) Copyright [3 marks]
- (ii) Patent [4 marks]
- (iii) Trade mark [3 marks]

- (b) Sean Walsh and Mary Doyle are employees of Rollingdata Ltd., an online data analytics company. They have identified a new idea for a mobile app based on social media data about companies. They design and develop this app in their own time. The app utilises ideas that they are aware of from their commercial experience with Rollingdata Ltd., and is in competition with the company's own web service. The app is launched and Sean and Mary decide to resign from their employment to start a new company, Our Social Media Ltd.

Discuss the following legal and professional issues:

- (i) What legal and moral rights do Sean and Mary have to develop this app, given the BCS Code of Conduct, the law as it relates to intellectual property rights in work carried out by employees and any other intellectual property rights protection that Rollingdata Ltd. has for its existing software. [10 marks]
- (ii) Given the design of the system on small mobile screens, what are the implications of disability discrimination legislation? [10 marks]

3.

- (a) Explain the meaning of a *counteroffer* in contract law and its effect on the parties to a contract. [10 marks]
- (b) What are *exemption clauses* and how are they incorporated into a contract? In your answer explain how courts determine whether they are effective. [10 marks]
- (c) Tadhg advertises in the local newspaper that he has lost his expensive wallet and offers a reward of cash. Sean who has not read the advertisement finds the wallet and returns it to Tadhg. Sean later finds out that there is a reward for the return of the wallet and he asks Tadhg for the cash reward. Is Tadhg legally obliged to pay Sean the reward? Explain whether your answer would be different if Sean knew of the reward before he found Tadhg's wallet? [10 marks]

4.

- (a) Explain each of the following terms under the Data Protection legislation:
- |                               |           |
|-------------------------------|-----------|
| (i) Data Subject              | [2 marks] |
| (ii) Processing               | [2 marks] |
| (iii) Sensitive personal data | [2 marks] |
| (iv) Relevant filing system   | [2 marks] |
| (v) Data Processor            | [2 marks] |
- (b) Noelle is a member of the care staff in a nursing home. Recently the nursing home owner has installed CCTV cameras in the corridors, day room, kitchen, front entrance, staff room, residents' dining room, games room and drug therapy room. Noelle has concerns that the CCTV system can be checked remotely by the owner using his smart phone during the night. Discuss the Data Protection concerns, if any, in this case. [10 marks]
- (c) Terry, is a member of a teaching union which was recently engaged in industrial action against the Department of Education & Science. The Department decided to withhold pay for days on which individual teachers were not properly performing their work duties arising from their industrial action. In order to do this, the Department used the payroll database to identify those individuals who were members of the trade union, and pay was withheld from those individuals. Terry is upset because he was on sick leave at the time of the industrial action. Discuss the Data Protection concerns, if any, in this case. [10 marks]