

DUBLIN INSTITUTE OF TECHNOLOGY

KEVIN STREET DUBLIN 8

BSc. (Honours) Degree in Computer Science

Year 2

Semester 2 Examinations 2013/2014

Legal & Professional Issues

CMPU 2011

Mr. P. Bourke

Dr. D. Lillis

Mr. P. Collins

Tuesday, 20th May

4.00 p.m. – 6.00 p.m.

Question 1 is **compulsory**.

Answer question 1 and two of the remaining three questions.

1. Compulsory question, answer all parts:

- (a) One of the responsibilities of being a member of the British Computer Society (BCS) is to maintain your own knowledge and professional competence. Identify two examples of how being a member of the society would help to achieve this goal. [8 marks]
- (b) Using TWO relevant examples, explain the purpose of the British Computer Society's (BCS) Code of Conduct. [8 marks]
- (c) Outline the operation of the postal rule in *contract law*. [8 marks]
- (d) You are an IT contractor who has been hired by a small company to develop an e-commerce system to handle selling goods to consumers. Explain to your client what would need to be done to ensure that the company complies with the Consumer Protection (Distance Selling) Regulations. [8 marks]
- (e) Discuss how the use of cookies on a website might potentially infringe the Data Protection Acts. [8 marks]

2. CoolTreads Ltd. is a large clothes outlet for leading brands in many cities. The company is considering creating a "try-it-online" website for customers to visualise through the website how clothes look on themselves. CoolTreads Ltd. is not the first company to provide an online service of this type.

- (a) Explain how CoolTreads Ltd. can protect its intellectual property for the new service using:
 - (i) Trade marks, [5 marks]
 - (ii) Copyright and design rights, [5 marks]
 - (iii) Domain names. [5 marks]
- (b) Another company, CyberShop Ltd., has complained that CoolTreads Ltd. has copied its ideas for the e-commerce facility and is therefore infringing its intellectual property rights.

On what grounds might CyberShop Ltd. take legal action? [15 marks]

3. In relation to contract law:

(a) Explain the meaning of a *counteroffer* in contract law and its effect on the parties to a contract. [10 marks]

(b) As a result of previously satisfactory commercial relationships with Networks Ltd., William entered into a contract with the company to install a new computer network, including the provision of some new workstations, in his offices. On the six previous occasions in the last two years when William has contracted with Networks Ltd, the contract was always in writing and contained a clause stating:

"Networks Ltd. is not liable for any financial or other losses caused by using any products supplied and installed by the company, whether as a result of negligence of the company or otherwise."

The present contract between William and Networks Ltd. is not in writing, but when the new workstations were delivered to William by Networks Ltd., William was handed a delivery note by a Networks Ltd. employee which contained a clause worded in exactly the same terms as the one quoted above. William did not read the delivery note.

The first time the new network was used after installation a fire broke out in the office because of the negligent installation of the new workstations by Networks Ltd. William suffered serious burns as he escaped from the office and incurred expenses of €50,000 in refurbishing the damaged premises.

William sues Networks Ltd. for breach of contract, but the company denies liability on the basis of the exemption clause in the contract.

Advise William as to whether the exemption clause is incorporated into the contract with Networks Ltd. and whether it exempts Networks Ltd. from liability for the losses and personal injuries suffered by William. [20 marks]

4. In relation to Data Protection:

(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 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 from the individuals for days on which, arising from their industrial action, the individuals were not – in the view of the Department – properly performing their work duties. 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]