

Practice 2 DyP – Course 2020-2021

Sessions. 5 and 6.

Theory: Issues related to computer legislation. In particular, problem with data protection.

Practice development

During the first part of the first session we will have a small role play. The instructions are as an annex. As it develops, and later debate, your group will have to take note of those elements of interest that, **if it were real, would have to locate the information to be able to advise and not breach the law**, at the time of doing their job well professional (Hint: you should look at elements of the security document and the figure of the transfer, *when this occurs to international transfers*, especially to countries with a level of protection lower than that of the European Union).

That information can be found by many sources, ranging from generic search engines, like google, to the most particular of the rights network (www.derechotics.com/) or that of the Spanish Agency for Data Protection (<https://www.agpd.es/>) (an additional track, for who wants to know more about it: there is a thesis, awarded with an accésit in 2014, about this subject in particular, available in the AEPD as pdf file). You must also use the base of legal data Aranzadi, available within the network of the UPV. The use of Aranzadi and the web of the AEPD is **ESSENTIAL**.

The search must be done at the end of the first session and the first part of the second. All search **results, conveniently classified and commented**, should be delivered by a task at the end of the second session. **The origin must be indicated (of where you have taken that information).**

Weight and way to evaluate:

1 point. The document (Word, open office or pdf) is delivered as an annex at the end of the second session (and only during it) through a task created expressly for that purpose in the **polyform platform**. Any practice not delivered by that means and at that time, will not be considered.

For exceptions (for health reasons, etc.) consult with the teacher.

Annex: With Trojans and crazy

After a brief introduction of 10 minutes from the teacher, **you have 20 minutes to read the case individually and locate the appropriate legislation**, as well as any technical reference that you think is appropriate.

Keep in mind that there are SIX characters. But you have to choose **the 4 or 5 more important characters to “investigate” and explain:**

- **Your character has broken some law**. If you have noticed, you can choose between trying to drain the package or try to minimize the consequences of what has been done: alleviate the damage, for example.
- **Your character is innocent** (or you think he is), despite the fact that a doubt is generated in this case. It may be the case that he is innocent before the law, although his ethical behavior leaves to be desired. In that case you must look for (legal) arguments that reaffirm your innocence.
- **Your character is an actor** that in this plot, important or not, **is outside of this possible guilt**. In this case, it all comes down to your ability to apply your acting skills.

There are however two main roles, which should be in every group. (Emeterio and Pancracio).

In any case, it is necessary to reach an agreement on what legislation (at the level of article number) is involved in each case, and any possible derivative of the main plot that is narrated. You must define the roles indicated in the regulations of the LOPD (eg, responsible for the file, the treatment ...).

The story: With Trojans and crazy

Paco Pelaez owns a small shop of scraps (remains of tissues). He started years ago, At the beginning, he was only able to perform all the functions of the company: he was head of purchases, sales, sales, accounting ... he swept and brought coffee.

But with the years and the dedication, his small company, "Paños Pelaez" had been growing. First, he hired a clerk to help him. Then, he opened another store, a branch of his company, in Vinalesa (small town near Valencia), and hired two other people.

The needs related to the "paperwork" (relations with the public administration, accounting, etc.), were taken by an agency, friends of his always, the "**Bad witch agency**". They advised him at the time that he should computerize. He did so, hiring the services of an external company, which at the same time managed their backup copies and took care of matters such as complying with the data protection legislation. This external company, unipersonal, since the whole company was summarized in its founder and only worker, Remigio Astarlón, did everything for them: from placing network cables to preparing the backup copies, going through the forms of the Agency of Data Protection. (legal obligations).

In the middle of a galloping crisis, perhaps because of a mixture of luck, good work, great experience, knowledge of the market and common sense, while the companies of the competition closed, Paco was getting better and better. And, of course, whenever someone does well, enemies appear under the pots.

Especially when those enemies were, never better said, of their own cloth. Your competition Tissues

Fukushima was a company specialized in bringing fabrics from Japan. Seventy employees, with its headquarters in Valencia, where he had two stores, just, right, in the same neighborhoods that were Paco's stores. His manager and administrator, Pancraccio Coscuyuelas, a mischievous guy with a dark look, like fresh out of an Alan Moore comic, hated Paco Pelaez in silent secrecy.

Everything came together, not just professional envy. Paco had come out of nowhere, and everything had been given to him by his father. He saw him so happy with his wife and children, while he, the most stable relationship, had achieved it with a cat that, as a farewell to his life, scratched his buttocks before leaving with fresh wind and his fleas elsewhere. I was going to go after him.

Those thoughts crossed his mind when, reviewing how many stores in other cities had been closing in the last two years, read a statistic of a supplier, which placed him in the third place of its customers by volume of purchases. The first was Pelaez.

His face flushed (turned on) with anger, and if the monitor had not been so expensive, he would have stamped it against the wall. Instead, he pulled out his iPhone and called Emeterio Pancetas, the head of his computer department.

After half an hour, Pancetas made his knuckles through the door.

- Can I go into, boss?

- Come in, Emeterio, come in. Come in and sit down

Emeterio already suspected that something murky was going to be proposed by his boss. He was a snooty guy, but he only used good manners when he tried to get something from someone. But what I did not expect was the reach of Pancraccio's bad bagpipes.

- Kid, we have an enemy. And the enemies are destroyed. I want you to get into the network of that guy, the Pelaez of the nose, and destroy the network, you steal the data, you stick it to your computer, you break their hard disc drive and you get your dog pregnant if necessary. But I want it to sink into misery.

- but boss ... what do you say? Do you want me to get in the jail?
- Calm down, kid ... in this country you do not go to jail if you have a good sponsor, and a couple of politicians owe me favors.
- Boss! please! This is not something I can do! Hire the Russian mafia or something. I do not know ... Islamic terrorists, crazy American gun fanatics, Chinese hackers or Anacleto, the secret agent. But keep that cup away from me.
- Boy, I see that you do not like to work with me. Before collecting your things, prepare the announcement to request a head of information technology and ...
- No, boss, please! Do not fire me! I have a wife, children, a mother-in-law, two dogs and a mistress! Do not leave me in the street! Let me talk.
- Shoot, kid.
- I do not know how their network is. I do not know if I can do anything with it. Let me first investigate and talk.
- Ok, I'll give you a week. Seven more days than he should. Take advantage of them.

Emeterio did not know how to get out of the predicament. He did not want to get into trouble with the law, but he did not want to lose his job, so in the midst of despair and remorse, he began to track, to inform himself. And, suddenly, bingo! He found the key.

He found out that Peláez's computer was being taken by an old acquaintance. Remigio and he, had been from the same gang at the university, although they had ended up quarreling (Remigio's wife was Emeterio's girlfriend during the first years of the race, which confronted them forever). And he had an idea. It looked like a comic, with a light bulb on top of the head and everything. He went Google and took note of the phone, but when he was dialing, he thought better of it. No. There are things that must be done in person, and without witnesses.

The bell rang in the Astarlón house. Curious melody, he thought. They were the notes of "I walk the line" by Johnny Cash. Of course, since Remigio had always been a bit of a geek, he certainly had the idea when he saw that episode of the Simpsons where Marge installed a ring that sounds infinitely "Close to you" by The Carpenters.

The door opened Susana, beautiful, very beautiful, despite the time elapsed. And with a smile capable of blowing souls. But when he saw Emeterio's face, the smile went straight to hell.

- Your? What are you doing here?

- Hi, Susana ...

- Less stories, Eme, we know each other. Twenty years almost without seeing you, without knowing about you, and are you coming to visit? what do you want?.- Help you earn money. But are you going to let me pass by or are you going to have me at the door waiting?

Susana made her old boyfriend go to the living room. Once seated, he fired without more, taking a memory pen out of his pocket.

- I have an economic offer for your husband. Ten thousand euros if you install this Trojan in the network of a client.

Susana got up suddenly but, before she could say anything rude, or throw it away the window, Emeterio finished.

- I advise you to see the content of the device. There is a directory that will bring you memories.

Susana froze. I had not remembered that damn recording for a long time. One that they did when they were engaged, with their father's video camera, completely drunk and with a wardrobe that would make the very Playboy playmates ashamed. He could not imagine what his children would say if they saw those images.

- I'll talk to him, it was her dry answer.

Remigio already knew the existence of that video. He never cared, past water does not move mill. But now, thinking that her children could be witnesses of something they would not understand nor were they of age, especially the little one, of reasoning about it, it flared up. First he wanted to go kill him personally, but as he imagined that would not solve much about it, he picked up the phone and called Eme.

- You were always a pig. I'll install that, but get the money, cent to cent, where there's more sin.

Before three days, Eme went to take his boss a DVD.

- Boss, the data of the Pelaez company.

- Great, leave them here.

Emeterio left thinking that it was very strange that his boss was satisfied with that and

did not ask for more but better for him !. I had had enough fair. Pancraccio, once only, sent a message to his contact in Brazil, senhorita Rossanna Do Grandeconcha.

"I already have the database with the names of clients of the textile sector that I offered, I am sending it to you this afternoon, you can make the deposit in the account of the Caymans that you know".

Pancraccio smiled.....

He lit a cigarette and planned to sue Pelaez before the Data Protection Agency for selling the data of his clients to a country without protection comparable to the Spanish one.

Roles, characters to be distributed

- 1 Paco Pelaez. Owner of the company "Paños Pelaez".
- 2 Remigio Astarlón. Responsible computer contracted by Paco Peláez.
- 3 Pancraccio Coscuyuelas. Manager of the company "Fukushima Fabrics".
- 4 Emeterio Bats. Head of IT of "Fukushima Tissues".
- 5 Rossanna do Grandeconcha. Well-known Brazilian data trafficker.
- 6 Susana, Mrs. of Astarlón (Remigio's wife). Old girlfriend of Emeterio.

Additionally read these articles: The Guardian-News. And give your opinion.

- 1.- Courts get punishment guidelines for revenge porn offences

<https://www.theguardian.com/world/2018/jul/05/courts-get-punishment-guidelines-for-revenge-porn-offences>

- 2.- Facebook's value slides by \$36bn as data breach rocks shares - as it happened

<https://www.theguardian.com/business/live/2018/mar/19/melrose-pension-boost-gkn-pension-takeover-business-live>

<https://www.theguardian.com/uk-news/cambridge-analytica>

- 3.- Revealed: 50 million Facebook profiles harvested for Cambridge Analytica in major data breach

<https://www.theguardian.com/news/2018/mar/17/cambridge-analytica-facebook-influence-us-election>