ASUNTOS LEGALES; ETICOS Y PROFESIONALES

Ciclo 2025 - 1
SI904V (ST215V) - Seguridad de Sistemas
Jesús Huapaya Ciriaco, MBA

Content

Title: "Legal, Ethical, and Professional Issues in Cybersecurity"

Subtitle: "Laws, Privacy, Intellectual Property, and Ethics"

Sources:

[NIST Cybersecurity Framework]

[How ISO 27001 Streamlines Legal and Regulatory Compliance]

[UN Cybercrime Treaty]

YouTube Video: [The Five Laws of Cybersecurity | Nick Espinosa | TEDxFondduLac]

Fig. 5. Using the CSF to improve risk management communication

Law vs. Ethics

Law: Binding rules (e.g., GDPR).

Ethics: Moral principles (e.g., ACM Code of Ethics).

Example: Whistleblowing (legal vs. ethical dilemmas).

Sources:

[Ethics vs. the Law: What's the Difference?]

[ACM Code of Ethics]

[Inside The Mind of a Whistleblower]

YouTube Video: The Snowden files -- the inside story of the world's most wanted man | Luke Harding | TEDxAthens

Types of Laws in Cybersecurity

Criminal Law (e.g., hacking prosecutions).

Civil Law (e.g., data breach lawsuits).

Regulatory Law (e.g., HIPAA, SOX).

Sources

US DOJ - Computer Crime and Intellectual Property Section (CCIPS)

The European Union Agency for Cybersecurity, ENISA

Health Insurance Portability and Accountability Act (HIPAA) - The Security Rule

YouTube Video: Introduction to Cyber Law

Key US Cybersecurity Laws

CFAA (Computer Fraud and Abuse Act).

SOX (Sarbanes-Oxley Act).

State Laws (e.g., CCPA).

Sources

The Computer Fraud and Abuse Act (CFAA) of 1986 Text (Cornell Law)

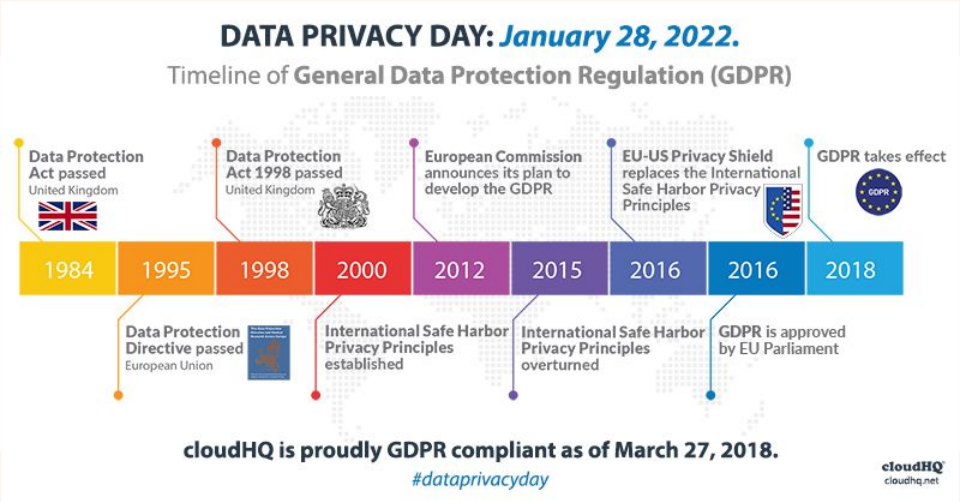
What is SOX Compliance? 2025 Complete Guide

CCPA vs. GDPR (IAPP)

YouTube Video: What is SOX Compliance?

Privacy & Data Protection

- GDPR (EU).
- LOPDGDD (Spain's Data Protection Law).
- FOIA (Freedom of Information Act, USA).



Sources:
[GDPR Official Text]
[LOPDGDD (AEPD)]
[Freedom of Information Act (FOIA)]
YouTube Video: [GDPR: What Is It and How Might It Affect You?]

International Cybersecurity Laws

Budapest Convention (Cybercrime Treaty).

UN Charter's Cyber Norms.

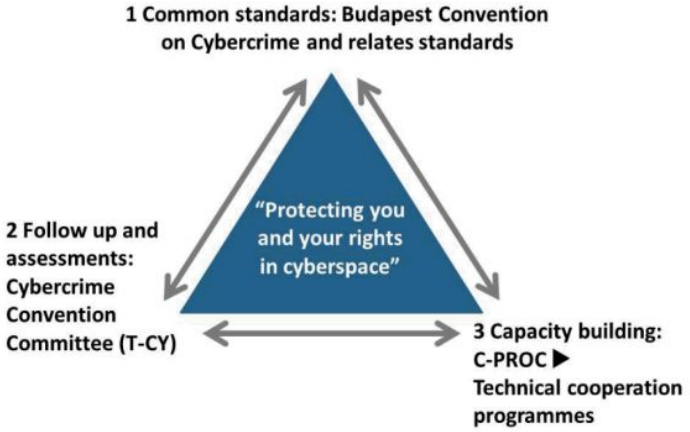
China's Data Security Law.

Sources:

[Budapest Convention (CoE)]

[UN Cyber Norms]

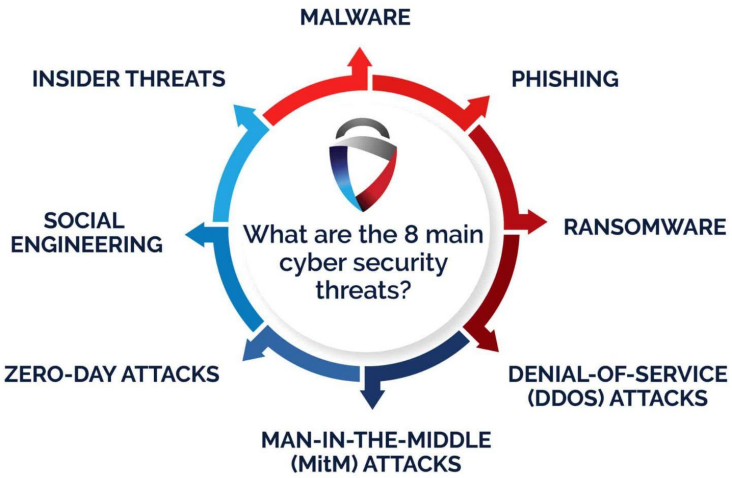
[China's DSL (NPC)]



The Convention is more than the text of a treaty. It is this "dynamic triangle" of common standards, follow up and assessments, and capacity building which makes the difference.

YouTube Video: [International cyber law: does it exist and do we need it?]

Intellectual Property & Digital Rights



Copyright (DMCA).

Patents (e.g., software patents).

Digital Millennium Copyright Act (DMCA).

Sources:
US Copyright Office
DMCA Summary (EFF)
WIPO Treaties
YouTube Video: Understanding the DMCA: An Overview

Sarbanes-Oxley (SOX) Act

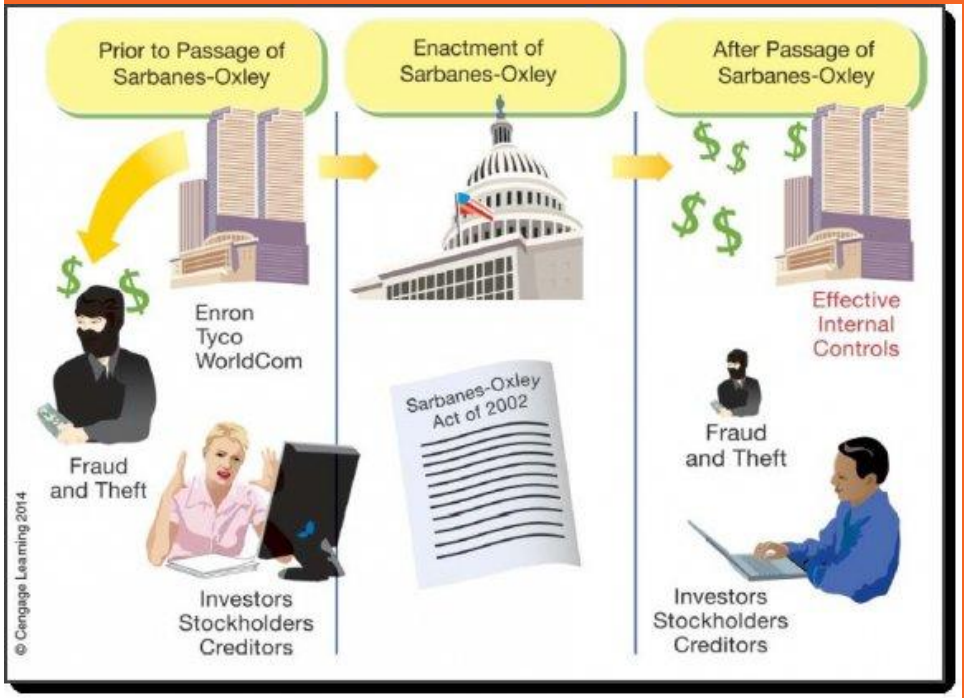
Purpose: Financial transparency post-Enron.

IT Controls: Sections 302, 404.

Case Study: Enron scandal.

Sources:
[Sarbanes-Oxley Section 404: A Guide for Small Business]
[Enron Scandal (Investopedia)]
[The Role of Technology in SOX and ICFR Compliance Programs]

YouTube Video: [Enron: The Smartest Guys in the Room (2005)]

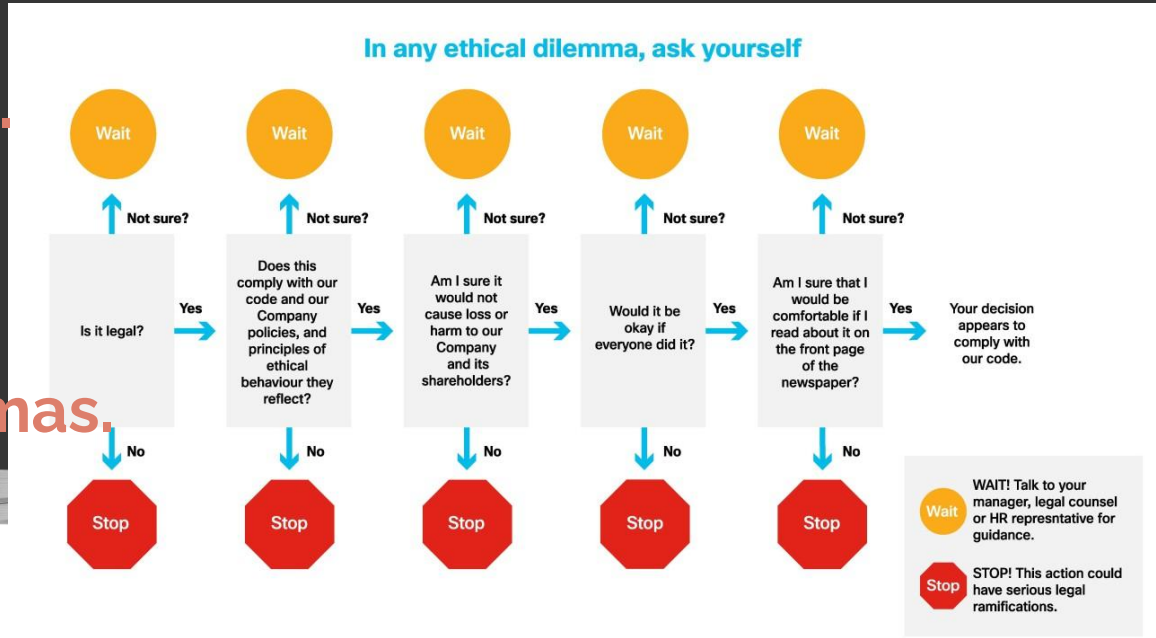


Professional Ethics & Certifications

Cert: CISSP, CISM, CEH.

Ethics: (ISC)², ISACA.

Ethical hacking dilemmas.



Sources

[(ISC)² Code of Ethics]

[ISACA Ethics]

[Ethical Hacking Guide (EC-Council)]

YouTube Video: [Hacking Terminology (HackerSploit)]

Policy vs. Law

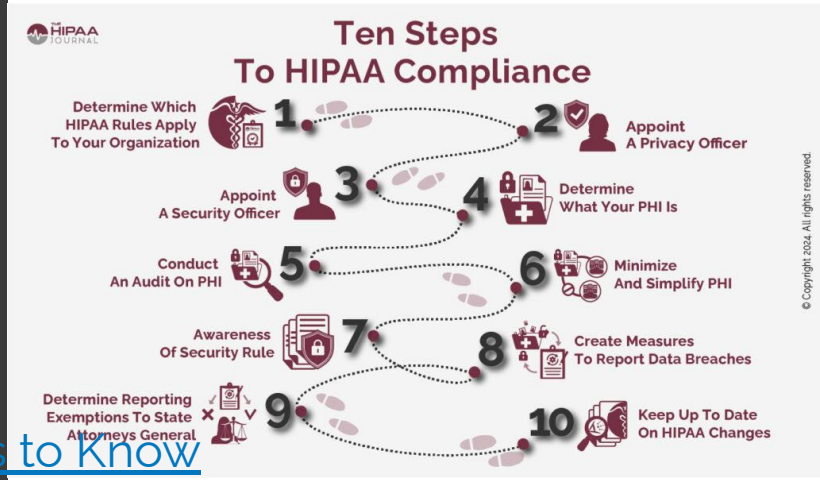
Policy: Organizational rules (e.g., BYOD policies

Law: Government-mandated (e.g., HIPAA).

Example: Workplace monitoring policies.

Sources:
NIST Policy Templates
HIPAA vs. Internal Policies (HHS)
BYOD Security Policy Guide: 6 Best Practices to Know

YouTube Video: The Business Owners' Guide to Workplace Privacy and Surveillance | MNK Law



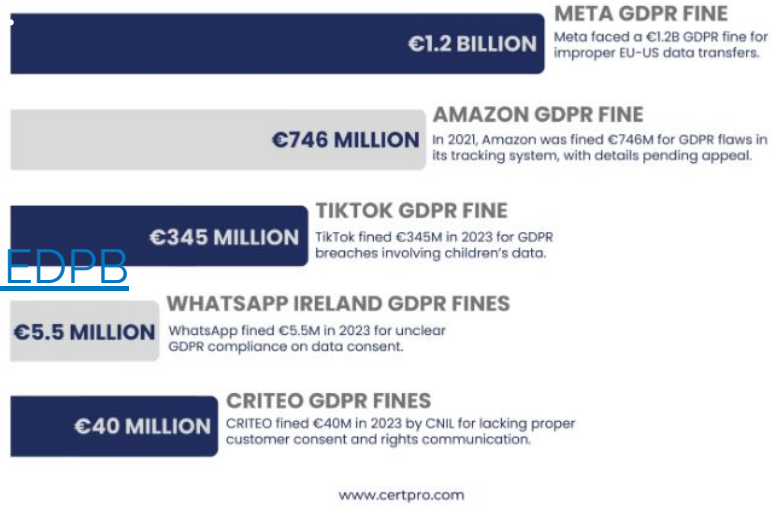
Case Study – Facebook & GDPR

Issue: €1.2B fine for EU-US data transfers (2023

Lesson: Cross-border compliance challenges.

Sources:
1.2 billion euro fine for Facebook as a result of EDPB binding decision
EU-US Data Flows (EDPB)
GDPR Enforcement Tracker

YouTube Video: Twitter and Facebook user numbers decline as GDPR regulation weighs | Squawk Box Europe



Case 1: Cambridge Analytica & Data Privacy Violations (2018)

What happened: Harvested 87M Facebook profiles without consent for political targeting

Legal consequences: $5B FTC fine (largest in Facebook's history)

Ethical issues: Consent, data misuse, and democratic integrity

Sources:

FTC Settlement Document

YouTube Video: What is the Cambridge Analytica scandal?

Case 2: Uber Data Breach Cover-up (2016)

What happened: Paid hackers $100k to hide breach of 57M user records

Legal fallout: $148M settlement across US states

Professional ethics: CSO fired for concealment

Sources:

What can the Uber breach teach us about information security?

YouTube Video: Uber Paid Hackers $100K To Delete Data And Stay Quiet | CNBC

Case 3: Sony Pictures Hack (2014)

What happened: North Korean hackers leaked emails and unreleased films

Legal issues: First cyberattack declared act of terrorism by US

Intellectual property implications: Pirated films cost millions

Sources:

The Sony Pictures Breach: A Deep Dive into a Landmark Cyber Attack

YouTube Video: The Perfect Weapon (2020): Sony Hack (Clip) | HBO

Case 4: Microsoft vs. US Government (2013-2018)

Legal battle: Refusal to hand over emails stored in Irish data center

Outcome: CLOUD Act resolution (clarifying cross-border data access)

Privacy vs. law enforcement debate

Sources:

United States vs Microsoft

YouTube Video: Defending the cloud: Microsoft argues landmark data storage case

Case 5: Google Right to Be Forgotten (2014-Present)

EU ruling: Individuals can request removal of personal search results

Implementation challenges: Over 5 million URLs processed

Balance between privacy and free speech

Sources:

Google wins landmark right to be forgotten case

YouTube Video: Privacy Law and the right to be forgotten: Three Minute Lectures