

A decorative graphic consisting of blue circuit-like lines with small circles at the ends, extending horizontally from the left and right sides of the central black box.

RESPONSIBLE DATA SCIENCE

WEEK EIGHT TUTORIAL

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QUESTION 1

- A charity which finds foster homes for pets sets up a database of potential foster carers. This database collects information including the names, phone numbers, and addresses of potential carers.
- Is this organisation regulated by the *Privacy Act 1988*?

1. Yes

2. No

QUESTION 1 ANSWER

- To be an APP entity, and thus regulated by the *Privacy Act 1988*, an organisation must either be commonwealth agency, have a turnover greater than \$3 million/year, be a private health service, be a business which sells or purchases information, be a government contractor, or be a credit reporting body
- As none of these apply, the charity is **not regulated** by the *Privacy Act 1988*

QUESTION 2

- Which of the following are justifications for privacy laws?
 1. Privacy is important for human dignity
 2. People should have the right to be left alone
 3. Information should be freely available
 4. Privacy is necessary for authentic human intimacy
 5. Privacy laws are important to prevent other kinds of criminal activity

QUESTION 2 ANSWER

- As discussed in the lecture, 1, 2 and 4 are all commonly cited arguments for privacy, and for the importance of privacy laws
- 5 could also be an argument (for example, for increased security preventing cybercrime), but is also used as an argument against strong privacy laws

QUESTION 3

- A data scientist comes up with a brilliant new search function. She verbally describes this idea to her colleague in great detail, including specific details about how the code should be written. Does she own copyright in this?

1. Yes

2. No

QUESTION 3 ANSWER

- It is a requirement of copyright that the material is recorded in some way. **No** **copyright** exists in things which are spoken.

QUESTION 4

- A website for online art discussion requires users to provide their names, phone numbers, and home addresses in order to register. Is this compliant with the Australian Privacy Principles?

1. Yes

2. No

QUESTION 4 ANSWER

- No (explained in the next question)

QUESTION 5

- Which Australian Privacy Principles have been breached?
 1. APP 1 Open and transparent management of personal information
 2. APP 2 Anonymity and pseudonymity
 3. APP 3 Collection of solicited personal information
 4. APP 4 Dealing with unsolicited personal information
 5. APP 6 Use or disclosure of personal information
 6. APP 10 Quality of personal information
 7. APP 13 Correction of personal information

QUESTION 5 ANSWER

- **APP 2** has been breached, as it requires anonymity or pseudonymity unless it would be impractical for the APP entity to deal with non-identified individuals. This is extremely unlikely to be the case for an online art forum
- **APP 3** has also been breached, as it requires that only information which is reasonable necessary for the organisation's function is collected. This is unlikely to include personal and identifying details.

QUESTION 6

- A hacker uses a DDoS attack to bring down a number of websites, including several forums and a meteorology website. Which offence or offences are they likely to have committed?
1. Unauthorised access to, or modification of, restricted data
 2. Fraud
 3. Intention to commit a serious offence
 4. Impairing electronic communications
 5. Identity theft

QUESTION 6 ANSWER

- The hacker has committed the offence of “impairing electronic communication”. A website is a type of communication, and the DDoS attack has impaired it
- The offence of “intention to commit a serious offence” may also have been committed, depending on the websites which were brought down and the hacker’s intention
- “Unauthorised access to, or modification of, restricted data” is unlikely to apply, unless the DDoS attack damaged or modified files
- The remaining two offences are dishonesty offences, and not very relevant here

QUESTION 7

- A business owner wishes to reward an employee for the good work he had done. He offers to buy the employee a car, and the employee accepts. Has a legally binding contract been formed?

1. Yes

2. No

QUESTION 7 ANSWER

- This is **not** a binding contract, as there has been no consideration given in exchange for the car. The requirement of certainty may also be lacking, if the car was unspecified

QUESTION 8

- A social science research institution collects data about peoples' voting histories and plans, during recorded telephone interviews. This is:
 1. Personal information but not sensitive information
 2. Sensitive information but not personal information
 3. Both sensitive and personal information
 4. Neither sensitive nor personal information

QUESTION 8 ANSWER

- This information is **both personal and sensitive**. It is sensitive because “political beliefs or opinions” are one of the listed types of sensitive information, and it is personal because all sensitive information is always also personal information

QUESTION 9

- A hacker breaks into an online database and steals the usernames, post details, and usage statistics of forum users. Has an eligible data breach under the privacy act occurred?

1. Yes

2. No

QUESTION 9 ANSWER

- An eligible data breach means that personal data has been accessed or disclosed, this is likely to cause serious harm to people, and this has not been remedied by the APP entity. As this data is de-identified and impersonal, it is hard to imagine it causing serious harm. Therefore there has been **no eligible data breach**
- Criteria 1 may also not be met, as this information may not be considered personal information

QUESTION 10

- A person took an existing piece of software, for automatically determining the breed of a dog, and translated it into another programming language. Nobody had ever created that kind of software in the new language. What intellectual property rights could cover this new code?

1. Copyright
2. Patent
3. Trade marks
4. Trade secret

QUESTION 10 ANSWER

- As **copyright** covers all original software, it would automatically exist here
- Patents would not be available as the invention already existed (just in a different language); it is very unlikely that an inventive step would be identified
- Trade marks cover signs designating commercial origin, and are not relevant here
- The new code could potentially be a trade secret if it was kept confidential, although the fact that it was based on existing published code makes this an unlikely option

QUESTION 11

- A company is charged with a breach of the Privacy Act for publishing some personal information about employees on their “About Us” page, including their names, occupations, and email addresses. A judge throws the case out, on the basis that the *Privacy Act 1988* (Cth) was clearly not intended to apply to this kind of situation. This is an example of:

1. Legal formalism
2. Purposive interpretation
3. Parliamentary supremacy
4. Legal personhood

QUESTION 11 ANSWER

- This is **purposive interpretation** – interpreting laws with regard to their purpose and context

QUESTION 12

- In comparison to the Australian Privacy Act, the EU GDPR:
 1. Covers more organisations and imposes greater privacy obligations
 2. Covers more organisations and imposes lesser privacy obligations
 3. Covers fewer organisations and imposes greater privacy obligations
 4. Covers fewer organisations and imposes lesser privacy obligations

QUESTION 12 ANSWER

- The EU GDPR covers many **more** organisations, as it regulates all companies that process or store personal information about EU citizens
- It also imposes **greater** privacy obligations, with a focus on individuals' rights to control their own data