# Knowledge assessment: Research copyright, ethics and privacy

## Criteria

### Unit code, name and release number

ICTICT418 - Contribute to copyright, ethics and privacy in an ICT environment (1)

### Qualification/Course code, name and release number

ICT50615 Diploma of Website Development

## Student details

### Student number

807135473

### Student name

Alex Goulden

## Assessment Declaration

**This assessment is my original work and no part of it has been copied from any other source except where due acknowledgement is made.**

**No part of this assessment has been written for me by any other person except where such collaboration has been authorised by the assessor concerned.**

**I understand that plagiarism is the presentation of the work, idea or creation of another person as though it is your own. Plagiarism occurs when the origin of the material used is not appropriately cited. No part of this assessment is plagiarised.**

### Student signature and Date

4/7/2020

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For queries, please contact:

Technology and Business Services SkillsPoint

Ultimo

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This assessment can be found in the: [Learning Bank](https://share.tafensw.edu.au/share/access/searching.do?doc=%3Cxml%2F%3E&in=P7ac4831b-430a-4b8d-8b56-f7b32ed5b9cf&q=&type=standard&sort=rank&dr=AFTER)

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## Assessment instructions

Table 1 Assessment instructions

|  |  |
| --- | --- |
| Assessment details | Instructions |
| **Assessment overview** | The objective of this assessment is to assess your knowledge to analyse and review legislation, standards and organisational policies relating to copyright, ethics and privacy. |
| **Assessment Event number** | 1 of 2 |
| **Instructions for this assessment** | This is a written assessment and it will be assessing you on your knowledge of the unit.  This assessment has one part:   1. **Short answer questions.**   This assessment is supported by the following:  **Assessment Feedback.** |
| **Submission instructions** | On completion of this assessment, you are required to upload it to the Learning Management System or hand it to your trainer for marking.  Ensure you have written your name at the bottom of each page of your assessment.  Submit the following documents for each part:  **Part 1**  **This document.**  It is important that you keep a copy of all electronic and hardcopy assessments submitted to TAFE and complete the assessment declaration when submitting the assessment. |
| **What do I need to do to achieve a satisfactory result?** | To achieve a satisfactory result for this assessment, all questions must be answered correctly and all items in the Assessment checklist must be marked Satisfactory. |
| **What do I need to provide?** | **USB drive or other storage method to save work to, with at least 500KB free space**  **Personal computer with internet access**  **A pen, if a paper version of assessment is provided.** |
| **What will the assessor provide?** | **Access to the Learning Management System**  **Scenario documents as outlined in assessment:**  [***Copyright statement***](https://share.tafensw.edu.au/share/integ/gen/4e2424f3-024d-4bf1-b865-206ea679190e/0/?attachment.uuid=9a9d5961-4be6-451e-9973-1950e95abe50) **(Copyright\_statement.pdf)**  [***Privacy Policy***](https://share.tafensw.edu.au/share/integ/gen/4e2424f3-024d-4bf1-b865-206ea679190e/0/?attachment.uuid=ed60ff9d-7d97-4ddf-ac86-c6b2bf5b569d) **(Privacy Policy.pdf)**  [***Strategic Plan***](https://share.tafensw.edu.au/share/integ/gen/4e2424f3-024d-4bf1-b865-206ea679190e/0/?attachment.uuid=b290e42c-8127-4db4-a6e8-27f1a22d7a5a) **(Strategic Plan.pdf).** |
| **Due date/time allowed** | **12 June 2020** |
| **Assessment location** | This assessment may be completed outside of the classroom. |
| **Supervision** | This assessment is an unsupervised, take-home assessment. Your assessor may ask for additional evidence to verify the authenticity of your submission and confirm that the assessment task was completed by you. |
| **Assessment feedback, review or appeals** | Appeals are addressed in accordance with [Every Student’s Guide to Assessment](https://www.tafensw.edu.au/documents/60140/76288/Every+Students+Guide+to+Assessment+in+TAFE+NSW.pdf/cc2b5417-89a6-08f7-9a67-a0c2ff1e26ee). |

## Specific task instructions

In this scenario, you’re an IT Trainee at [*DataTrust*](https://share.tafensw.edu.au/share/file/22c51ecc-efca-455e-a7f2-18847749f30c/1/dataTrust.zip/dataTrust/index.html). DataTrust is currently reviewing its policies and procedures that relate to copyright, privacy and ethics and you’ve been asked to do some initial research so that you can assist the organisation in updating and implementing its policies and procedures.

## Part 1: Short answer questions

1. Read DataTrust’s [*Copyright statement*](https://share.tafensw.edu.au/share/integ/gen/4e2424f3-024d-4bf1-b865-206ea679190e/0/?attachment.uuid=9a9d5961-4be6-451e-9973-1950e95abe50) (Copyright\_statement.pdf) and answer the following questions (minimum 50 and maximum 150 words total):
   1. Is this a useful Copyright statement for visitors to the website? Explain why or why not.

No – because there is little to no explanation on what specific areas of intellectual property law they refer to: “intellectual property law: this includes copyright and, where applicable, moral and cultural rights.” If they wished to make this statement useful they should also insert summarisations or links to learn further on what they specifically refer to.

* 1. What do you need to do if you want to use any content from the DataTrust website?

DataTrust’s copyright statement states that “to use any content from this website, please contact our copyright officer” the short and vague statement would suggest that they would object to anybody using content otherwise legally, which could prove to be a headache – following their wishes would be the safest option.

1. According to [*Australian Privacy Principle (APP) 1*](https://www.oaic.gov.au/agencies-and-organisations/app-guidelines/chapter-1-app-1-open-and-transparent-management-of-personal-information) – open and transparent management of personal information – the organisation’s APP privacy policy must contain the following information:

* The kinds of personal information that the entity collects and holds
* How the entity collects and holds personal information
* The purposes for which the entity collects, holds, uses and discloses personal information
* How an individual may access personal information about the individual that is held by the entity and seek the correction of such information
* How an individual may complain about a breach of the Australian Privacy Principles, or a registered app code (if any) that binds the entity, and how the entity will deal with such a complaint
* Whether the entity is likely to disclose personal information to overseas recipients
* If the entity is likely to disclose personal information to overseas recipients—the countries in which such recipients are likely to be located if it is practicable to specify those countries in the policy.

Read through the [*Privacy Act 1988 overview*](https://www.oaic.gov.au/privacy-law/privacy-act/), DataTrust’s [*Privacy Policy*](https://share.tafensw.edu.au/share/integ/gen/4e2424f3-024d-4bf1-b865-206ea679190e/0/?attachment.uuid=ed60ff9d-7d97-4ddf-ac86-c6b2bf5b569d) (Privacy Policy.pdf) and DataTrust’s [*Strategic Plan*](https://share.tafensw.edu.au/share/integ/gen/4e2424f3-024d-4bf1-b865-206ea679190e/0/?attachment.uuid=b290e42c-8127-4db4-a6e8-27f1a22d7a5a) (Strategic Plan.pdf) to answer the following questions.

* 1. Does APP 1 apply to DataTrust? Explain why or why not (minimum 50 and maximum 150 words).

Yes – this is because regardless of what DataTrust claims itself to follow, it is required to follow APP 1. DataTrust should also specifically state and clarify that it adheres to the Australian Privacy Policy in its privacy policy, rather than “the Privacy Act of 1988”. Whether it was intentionally left or not being irrelevant.

* 1. Compare DataTrust’s Privacy Policy with the Privacy Act, in particular the [*Australian Privacy Principles*](https://www.oaic.gov.au/individuals/privacy-fact-sheets/general/privacy-fact-sheet-17-australian-privacy-principles) (APP) and the [*Notifiable Data Breaches scheme*](https://www.oaic.gov.au/privacy-law/privacy-act/notifiable-data-breaches-scheme) (NDB), to check whether they’re covered in the privacy policy. Record your answers for these questions in the following table:
     1. In the column ‘Privacy policy reference’, list the sentence or paragraph from the privacy policy that addresses the requirement. If it isn’t addressed, either partially or at all, note this.
     2. In the column ‘Privacy Act/NDB’, list the part of the Privacy Act that covers each requirement description.

|  |  |  |
| --- | --- | --- |
| Requirements | Privacy policy reference | Privacy Act/ NDB |
| The kinds of personal information that the entity collects and holds | DataTrust collects and stores sensitive and personal information regarding employees. This includes addresses, telephone numbers, next of kin, employment references, financial details and police histories. | Part 1 — Consideration of personal information privacy 1.4 A. |
| How the entity collects and holds personal information | DataTrust stores all data related to clients or sub-contractors and employees in an electronic database. Backup hard copies of this data are kept in a locked filing cabinet at our head office. | Part 1 — Consideration of personal information privacy 1.4 B. |
| The purposes for which the entity collects, holds, uses and discloses personal information | We do not collect personal or sensitive data regarding any employee or owner of any sub-contractor or client, unless this is specifically related to a work practice.  DataTrust only discloses the business-relevant information collected by us to our suppliers and subcontractors when requested for legitimate business purposes.  We do not under any circumstances pass on information relating to our clients to third parties for non-direct business-related reasons. | Part 1 — Consideration of personal information privacy 1.4 C. |
| How an individual may access personal information about the individual that is held by the entity and seek the correction of such information | Not specified | Part 1 — Consideration of personal information privacy 1.4 D. |
| How an individual may complain about a breach of the Australian Privacy Principles, or a registered app code (if any) that binds the entity, and how the entity will deal with such a complaint | If any client, employee, sub-contractor or supplier wishes to make a complaint regarding the information we hold about them, or our Privacy Policy, please address them to the Human Resources Department. | Part 1 — Consideration of personal information privacy 1.4 E. |
| Whether the entity is likely to disclose personal information to overseas recipients | Not specified | Part 1 — Consideration of personal information privacy 1.4 F. |
| If the entity is likely to disclose personal information to overseas recipients—the countries in which such recipients are likely to be located if it is practicable to specify those countries in the policy. | Not specified | Part 1 — Consideration of personal information privacy 1.4 G. |

* 1. APP 11 is about security of personal information. Using examples from DataTrust’s privacy policy, explain how the policy covers this principle (minimum 75 and maximum 150 words).

APP 11 requires an entity to take active measures to ensure the security of personal information it holds and protect from misuse – DataTrust does this by “an extensive security system in place to further ensure the security of both electronic and hard copy information.” And having “Security levels set for each logon, so that non-essential staff cannot view details that are not relevant to their position.” Overall, through it’s privacy policy DataTrust does this fairly well.

* 1. How does privacy legislation and standards, as well as DataTrust’s privacy policy, relate to the goals listed in DataTrust’s Strategic Plan? (minimum 50 and maximum 100 words)

Privacy legislation, standards and DataTrusts privacy policy relate somewhat to their strategic plan – however it is somewhat lacking in fleshed out understanding as to its prioritisation of data protection, they are also somewhat behind standards wise as they often refer to outdated legislation

* 1. If DataTrust was to expand or increase their customer base into Europe, what other privacy legislation would they need to comply with?

They would need to comply with the European Unions General Data Protection Regulation and be very strict on it

1. Locate the Australian Computer Society (ACS) Code of Ethics, as well as at least one other example of a code of ethics from an ICT organisation. Discuss one of the values from each code of ethics, as follows (minimum 50 and maximum 150 words each):
   1. What is the value that you’re discussing?
   2. What is the purpose of the value?
   3. Give two examples of situations where each value would apply.
   4. List website links for each of the codes of ethics.

Code of ethics 1

ACS II – Competence <https://users.ece.utexas.edu/~perry/education/SE-Intro/ACS-COE.pdf>

Competence refers to the client/employer being effectively serviced by the company in question. This would apply to freelance web work and any company that contractually agrees to build something

Code of ethics 2

Google E. Fair Treatment, Non-Discrimination, Diversity and Inclusion - <https://about.google/supplier-code-of-conduct/>

Refers to the company as not permitting harassment, abuse, discrimination, ect. Regardless of gender, ethnicity, disability ect. This is done to ensure a healthy and supportive workplace and would relate to interactions between employees and superiors

1. List and outline the relevant federal and NSW legislation in Australia, for each of the following, and discuss how they relate to working in an ICT environment (minimum 40 and maximum 100 words each):
   1. Access and equity

The anti-discrimination act 1977 states it is unlawful to discriminate on the basis of a number of protected attributes such as age, gender, race and marriage status. This directly relates to any ICT environment along with all other industries

* 1. Workplace health and safety.

Work Health and Safety Act 2011 (WHS Act) and Work Health and Safety Regulation 2017 (WHS Regulation).

The WHS Act places the primary health and safety duty on a person conducting a business or undertaking (PCBU). The PCBU must ensure, so far as is reasonably practicable, the health and safety of workers at the workplace. The WHS Act also sets out the requirements for the following: incident notification. This ensures the safety of ICT workers in their working environment

1. Copyright is one form of intellectual property. List and outline the relevant federal and state/territory legislation and guidelines in Australia (acts and regulations) relating to other forms of intellectual property, and discuss how they relate to working in an ICT environment (minimum 40 and maximum 100 words each):
   1. Patents

Australian patent law is law governing the granting of a temporary monopoly on the use of an invention, in exchange for the publication and free use of the invention after a certain time. The primary piece of legislation is the Patents Act 1990. The use of patents helps an ICT business to ensure its inventions and innovations are not infringed upon

* 1. Trade Marks

Services NSW allows for the registration of trademarks, and existing trademarks can be found on IP Australia. These relate heavily to ICT as companies rely heavily on the knowledge of their IP, the National Trademark system protects IP’s in ICT from being infringed upon

* 1. Designs

In Australia, the law regarding registered designs is prescribed by the Designs Act 2003 (the Act). The Act provides a range of features and benefits that aim to make it easy and simple to register and protect a design. The Act allows for a streamlined registration process in ICT

* 1. Circuit Layouts

Circuit layout rights automatically protect original layout designs for integrated circuits, and computer chips. In Australia circuit layouts are protected under the Circuit Layouts Act 1989. While the rights provided under the Act are based on copyright law principles they are a separate, unique form of protection.

* 1. Trade secrets

Australia does not offer statutory protection for trade secrets and any such related issues would fall under Non-disclosure agreements declared by a company and laws pertaining to breaches in such

## Assessment Feedback

This section is to be completed by the assessor. Once feedback has been provided by the assessor you will be given the opportunity to respond.

### Additional evidence for verification of assessments

#### Additional questions asked by assessor

Assessors may ask additional questions to clarify student understanding. List here any additional questions that were asked during this assessment event.

#### Student responses to additional questions

Record the student responses to any additional questions that were asked during this assessment event.

### Assessment outcome

☐ Satisfactory

☐ Unsatisfactory

### Assessor feedback

☐ Was the assessment event successfully completed?

☐ If no, was the resubmission/re-assessment successfully completed?

☐ Was reasonable adjustment in place for this assessment event?  
*If yes, ensure it is detailed on the assessment document.*

Comments:

### Assessor name, signature and date:

### Student acknowledgement of assessment outcome

Would you like to make any comments about this assessment?

### Student name, signature and date

Alex Goulden 4/07/2020

***NOTE: Make sure you have written your name at the bottom of each page of your submission before attaching the cover sheet and submitting to your assessor for marking.***