SIT223 – Professional Practices in IT

Task 10.1P Ethical Analysis of Project

**Task Submission Details**

You are required to submit one document. Your document should provide answers to the

following questions in relation to how you understand or analyse your project:

**1. What are the possible ethical issues/dilemmas that might exist with the usage of your product?**

The CheckYourCar website poses many potential ethical issues/dilemmas surrounding consumer privacy and comprehension. Firstly, there are concerns surrounding the company’s data retention policies, including how data is stored and how it is secured. CheckYourCar must take several measures to ensure the sound development and implementation of infosec policies and procedures, making sure that they do not expose their consumer data to external and internal adversaries. Secondly, CheckYourCar must ensure that the data that they collect cannot be utilised by third parties for the purpose of gaining a dishonest industry-based competitive edge, using said information for marketing, focused advertisements (potential Adware) and monitoring consumer data (potential Spyware). Finally, the company's choice of linguistic features has the potential to reduce consumer comprehension of the sites content, including issues with complex jargon and the absence of plain English. Therefore, the web portal should be implemented with accessibility in mind to not create disadvantage.

**2. For the particular ethical scenario/dilemma you have chosen:**

Third party data sharing

1. **Who are the stakeholders in the scenario?**

* Car Owner/Account holder
* CheckYourCar
* Third party organisations - e.g. vehicle manufacturers, advertising agencies

1. **What are the facts?**

* CheckYourCar is a web portal built to search manufacturers database for car model recall details.
* Captures information about car owners – e.g. name, date of birth, email address, home address, telephone, car make model year, registration, contact number.
* Motivation was to notify customers’ accounts for recent news detailing the cars saved in their account.
* Account holders are to sign a EULA (end-user license agreement) which agrees to data capturing usage when using CheckYourCar.
* CheckYourCar then can possibly make a profit in selling the data to third parties for targeted advertising.
* Development team is asked to create the software that shares the data obtained with these third-party companies.

1. **Which facts raise ethical concerns? Why?**

* Capturing so much information in the first place would increase the risk of clients’ personal data being subject to security breaches
* Clients agreeing to have their data captured and stored would raise concerns about the company’s data retention policy.
* CheckYourCar selling data for profit is a major concern for users due to breach of privacy and confidentiality.
* Third parties using it to provide targeted advertisements would have implications on consumer privacy if such data is used for another undisclosed purpose.
* Employees being asked to design software that assemblages the CheckYourCar data with the third parties’ who want to use that information.

1. **What are the rights and duties of each of the stakeholders?**

Customers:

* Must know the facts of the terms and conditions or EULA and abide by them when making an account or using the search engine
  + Understanding that CheckYourCar stores consumer data
* Customer rights:
  + Confidentiality of data through proper security measures
  + Must be informed of data information policy and give their consent to their data being used

CheckYourCar must be:

* Responsible to its:
  + Employees
    - Obligated to look out for welfare of employees
    - Having fair pay
    - Providing a safe and clean working environment, free from discrimination of any type.
    - Duty to provide job security where possible.
    - Providing safe space to raise ethical concerns or issues without the fear of retaliation.
  + Customer
    - By being honest and truthful.
    - Keeping its promises.
    - Effectively communicating.
    - Abiding by its own terms of conditions, EULA and the law.
    - Not have malicious intent.
* Abide by:
  + Laws
    - Privacy Act 1988
    - The Telecommunications (Interception and Access) Act 1979
    - Corporations Act 2001
    - Consent Law
    - Intellectual property law
  + Professional Ethics
    - Australian Computer Society (ACS)
    - Association for Computing Machinery (ACM)
    - Institute of Electrical and Electronics Engineers (IEEE)

Third party companies must:

* Abide by:
  + Laws such as
    - Privacy Act 1988
    - Consent Law
    - Corporate law
    - Intellectual Property Law
  + Professional ethical frameworks e.g. ACS, ACM and IEEE
  + Organisation policies and ethics

1. **Does the ACS Codes of Ethics and Professional Practice provide any advice on these issues? If so what?**

Of the values outlined in the ACS Codes of Ethics and Professional Practice, Honesty and The Primacy of Public Interest are core to the issue of data sharing. The ACS suggest that the business place the interests of the public above the interest of the business. The CheckYourCar service needs to ensure that workplace has a chance to thrive in order to enhance the quality of life of the employees. In addition, it needs to be honest about what the service provides, how it provides it, and what it does with your personal data. The company must conduct themselves as professional and respectable members of the IT industry, while making sure to continually enhance the organisation’s professional development, such as maintaining ethical standards and practices.

1. **How would you resolve the dilemma identified in point (c) above? Justify your decision.**

There is possibility that CheckYourCar has required its clients to sign a EULA agreement to permit the company to share their personal data. The dilemma is that they have been asked to design a software to share its clients’ data with third parties. To solve this dilemma, CheckYourCar should make it very clear that data is stored and may be used in the future by the company or by a third party for advertising or data collection purposes. In the event of a data breach, the company must notify all affected users immediately. Additionally, users must be notified about any changes to company policy or terms and conditions and re-consent.

1. **How are each of the stakeholders listed in point (a) affected by your decision?**

The data breach will negatively impact the reputation of the employees and the company in general and impact all of the stakeholders.

* Car Owner/Account holder – The discussed resolutions to the listed dilemmas will ensure that the rights and interests of consumers using the CheckYourCar website. These resolutions ensure that the companies' employees are at the forefront of their business practices. Customers are fully informed by the EULA that they sign that their information may be shared with third parties, prior to using the services.
* CheckYourCar - The discussed resolution to the dilemma will reduce the liability that CheckYourCar faces for sharing consumer information.
* Third party Organisations - Unless CheckYourCar is prevented from sharing data with third parties, they are not negatively impacted by our decision.

1. **What should you do to avoid the dilemma in the first place?**

To avoid this dilemma, the company should seek to implement privacy practices into the development of CheckYourCar service from the very beginning (privacy by design approach). This is to help reduce the risk of any privacy breaches. In order to achieve this, developers are to make a privacy impact assessment which identifies any privacy issues and considers the strategies to mitigate these issues. Such practices should be implemented in the early stages and should be updated according to the growth of the project. CheckYourCar must also ensure that they know what the practices of the third-party agencies are, and perhaps come upon an agreement on what personal details should be shared.

1. **What federal and/or state legislation currently exists in Australia that could apply in this or other similar situations? Consider any contractual obligations that may be relevant.**
   1. *Privacy Act 1988 -* The privacy act concerns the ways in which CheckYourCar deals with its consumer information.
   2. *The Telecommunications (Interception and Access) Act 1979* - This Act requires that CheckYourCar retain data relating to its telecommunications data (for 2 years), between its clients. It must ensure that this data is secure and does not get into the wrong hands.
   3. *Corporations Act 2001 –* the corporations act applies to the scenario of sharing data with third parties, as it creates the potential for a conflict of interest to be apparent, which is governed by the Corporations Act 2001.
      1. This act is also relevant to preventing information from being misleading and/or ambiguous or highly convoluted
2. **What policies and procedures, if any, should be in place at the organizational level, or embedded in your design for the project to address this and other similar issues?**
   1. CheckYourCar should have a password policy that must be adhered to by both their employees and their customers.
      1. The password policy should include the following requirements:
         1. Minimum of 8 characters
         2. Must include a special symbol
         3. Must include numbers characters
         4. Must include uppercase characters
         5. Must include lowercase characters
      2. The purpose of such a policy is to ensure that an adversary cannot easily guess a customer or employees' password and use those credentials to steal sensitive personally identifying information.
   2. Non-disclosure policy – Such a policy would prevent employees and third parties from exposing sensitive data such as personally identifying information to external entities.
   3. Information and data classification policy – Such a policy would allow for access control to be implemented that prevents users who do not need access to sensitive consumer information from seeing it. This would assist the company in protecting its consumer information and complying with its data protection obligations.
   4. Offline data retention policy – this policy would segregate data backups from the internet, preventing adversaries from gaining unauthorised access to archived data, allowing CheckYourCar to full the requirements set out under *The Telecommunications (interception and Access) Act 1979.*