

# ETHICS, LAW & PROFESSIONALISM

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aka closebracket

# FIRST THINGS FIRST

1. I am not a solicitor. My studies/self-representation shouldn't be taken as a "green light" that I know absolutely everything about the law and you should seek independent legal advice. (You are entitled to 10 mins free with a solicitor!)
2. We are not going to cover every aspect of ethics, law or professionalism today. Do your own research as well. I have provided some resources at <https://github.com/closebracket/ELPTalk>



## WHO ARE YOU? *(AND WHY SHOULD I CARE?)*

1. Started working in media 15-16 years old. Developed relationships with around 18 radio stations / multiple media personalities.
2. Freelancing as a designer/developer by 18, clients included: political parties, parish councils, local businesses, radio stations, media production companies.

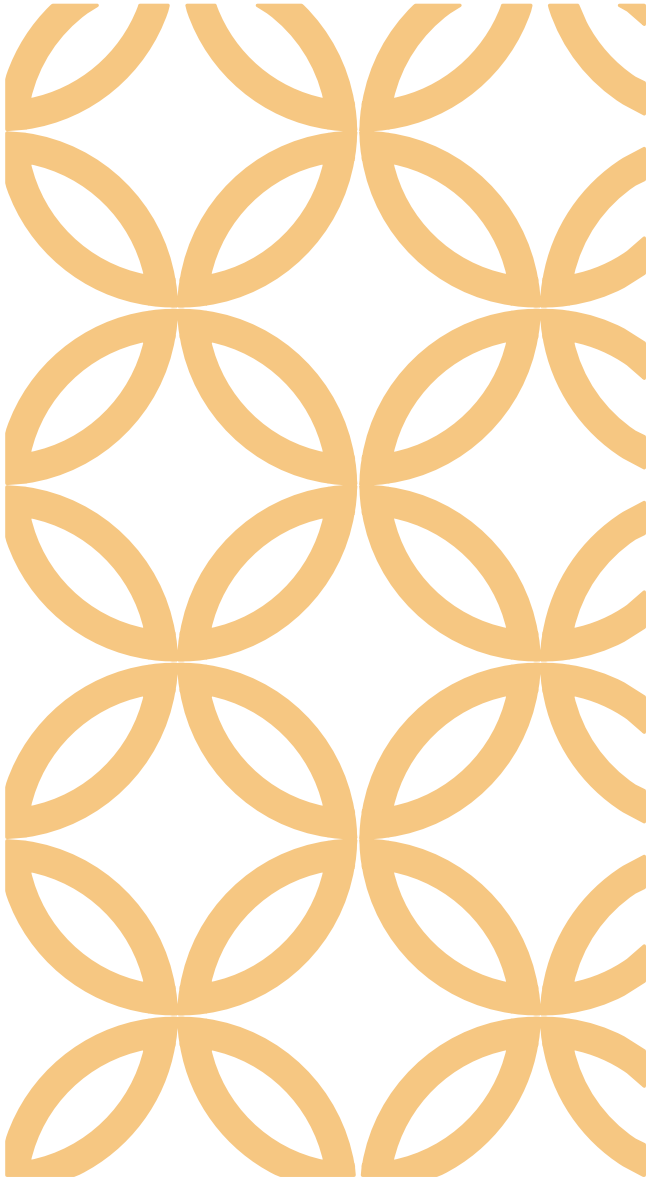
I helped my clients support entities such as H&M, Topshop, Bentley, Aston Martin, Humberside Police, University of Hull etc.

3. Interned for International and local companies who implemented my cyber security policies and use software developed by me.
4. Studied Law at Access level whilst representing myself in magistrates court (council tax) and family courts (personal matters). Despite having no training, I won against the local authorities solicitors and multi-award winning firms.
5. However in contrast, I have first hand experience of both sides of the system. I have been caught out by some of these laws, I have done 'naughty' things with computers and now work to stay on the right side of the law.
6. Very good example of that is using my BSc Dissertation to develop prototype software to help families in conflict avoid prolonged legal battles, focusing their attention on the needs of children and objective data gathering. The prototype gained support from district judges, domestic abuse / violence campaigners and MKM boss, David Kilburn.



# WHAT ARE WE GOING TO TALK ABOUT TODAY?

1. Ethics – What are they? How do they influence our decisions?
  1. Ethical thought experiment.
2. Law – A brief insight into the legal system, relevant laws to our subject and upcoming laws to think about.
  1. Legal thought experiment.
3. Professionalism – Codes of conduct to keep in mind.



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ETHICS

# WHAT ARE ETHICS?

When asked, people might say....

"Ethics has to do with what my feelings tell me is right or wrong."

"Ethics has to do with my religious beliefs."

"Being ethical is doing what the law requires."

"Ethics consists of the standards of behaviour our society accepts."

# WHAT ARE ETHICS? (HOW DO THEY INFLUENCE OUR DECISIONS?)

1. Personal values? Surely each persons values differ and conflict?
2. Religious values? There are some good lessons to be learned from religion, but arguably none of these organisations can claim to represent the values of all society.
3. “Whatever society accepts.” Arguably not given...
  - Society accepts judicial outcomes because it benefits the wider society but justice is not always “right” or “ethical”. E.g.
  - Society accepts imbalances in power, resources, education and finances.
  - Society accepted slavery for a long time, and in some parts of the world, still does.
  - Society accepts sex work, in some cases actively promotes it – brothels, porn, onlyfans etc.
4. A higher set of principles of right/wrong which a person adheres to for the better of society.
  - E.g. Not stealing, not murdering, not lying, respecting each others privacy etc.



Lets test it with a thought experiment



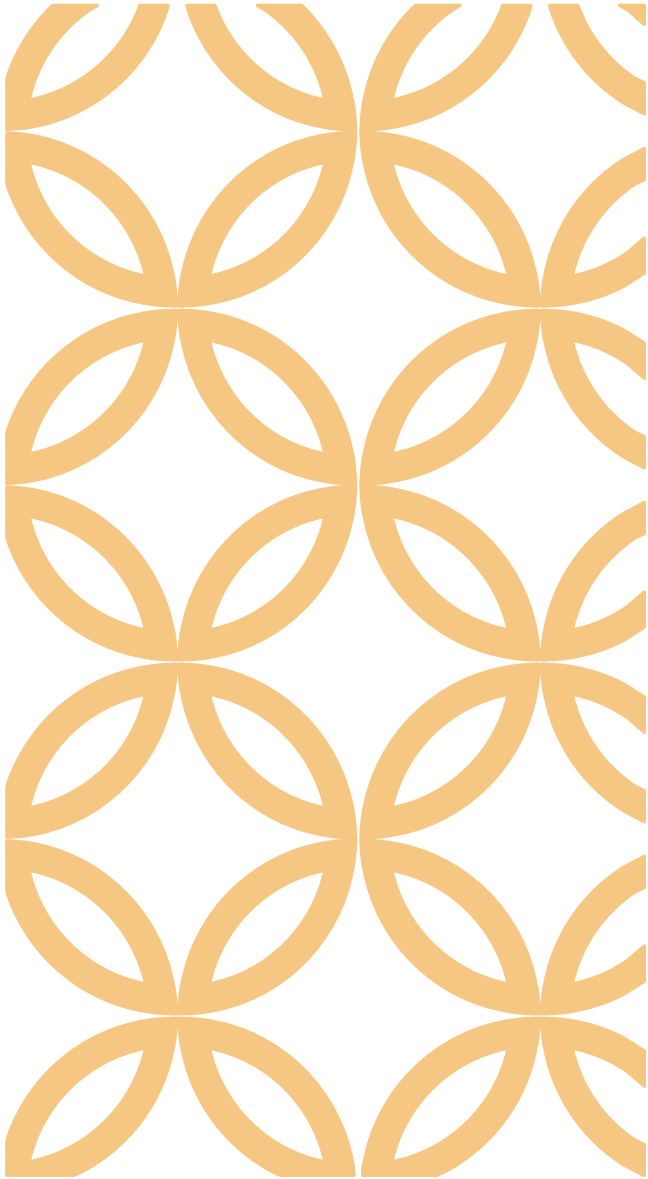
# LESSER OF THE TWO EVILS

Jack works for an national intelligence service and has been tasked to a project that will gather GPS, Microphone and Camera data within geofenced areas, the aim being to gather information on terrorists.

After a few months of working on the project, Jack discovers that the project is cataloguing information to bribe and blackmail people into working for the agency and that some colleagues are misusing the system to spy on their former and current partners.

Aware of the problem this causes, Jack keeps working for the project whilst feeding information to press and whistleblowing agencies. During the time Jack continues working on the project, he deceives colleagues, films them undercover and continues to write code for the projects espionage systems.

Which is the lesser of the two evils? Was Jack right to whistleblow? Should society accept minor infringements if it means everyone is safer?



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LAW

# BRIEF OVERVIEW OF THE LEGAL SYSTEM

## 1. Two pathways – Civil and Criminal.

1. Civil deals with contract, company, family, employment and tort law.
2. Criminal (unsurprisingly) deals with Summary Offences (driving offences, common assault, criminal damage), Triable Either Way Offences or Indictable Offences (Murder, Rape, Gross-Bodily Harm with intent)
3. Triable Either Way offences means they can be heard in either a Magistrates Court or Crown Court.

## 2. Burden of Proof –

1. In civil cases, the burden of proof is on the claimant and focuses on the balance of probabilities. I.E. How convincing in your argument and the evidence?
2. In criminal cases, the burden of proof is on the prosecution and must be proven beyond reasonable doubt. There is much less “wobble room” for subjectiveness, despite what the media say, because it’s possible that a jury / judge might send a person to prison incorrectly.

# LEGAL PHRASES TO REMEMBER

## 1. Actus Reus – The Act (Physical)

1. Does not have to be an act carried out. It can be an act that is not performed – an omission.
2. Does not have to be an act carried out by yourself. For example, if you employ someone, you are vicariously liable for their actions.

## 2. Mens Rea – The Intent (Mental)

1. Was this planned? V Was this accidental / self-defence?
2. Are there any reasons the person may not have proper cognitive function? (e.g. drunk, mental health, medication, medical condition)

## 3. Ignorantia Juris Non Excusat – Ignorance of the law is no excuse.

# LAWS TO CONSIDER

## 1. Computer Misuse Act 1990

1. Very easy to break this one because any act you are not authorised to perform on another persons systems is considered misuse. Wise to treat systems like having sex – always get consent. If it's a business/client/work system, always get it in writing.
2. Real risk of criminal record

## 2. Data Protection Act 2018

## 3. Investigatory Powers Act 2016

## 4. Malicious Communications Act 1988

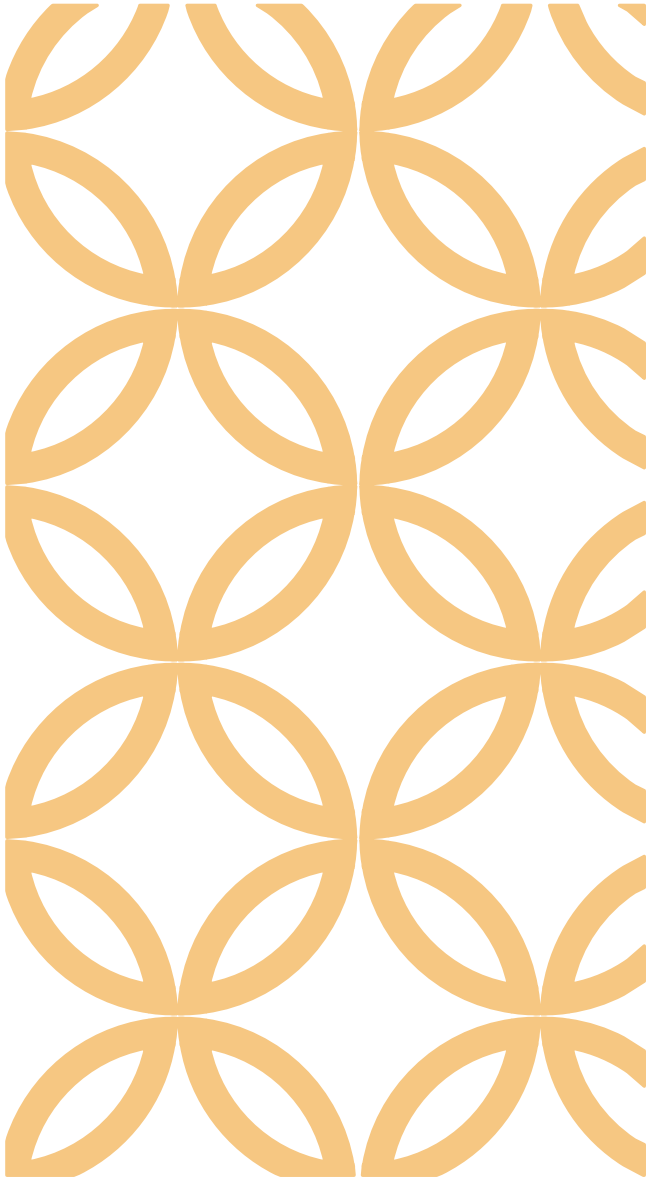


# UPCOMING LEGISLATION

1. Online Harms Bill
2. The Product Security and Telecommunications Infrastructure (PSTI) Bill

# LAW MEETS TECH

1. The online harms bill seeks to clamp down on “harmful” content and bring social media and other large platforms under the regulation of OFCOM, as well as introduce criminal offenses for sharing certain types of content.
2. Will this legislation be effective or will people use technology to build/use unregulated platforms? Will platforms cut themselves off from the UK market?
3. Gab, Mastodon and Matrix.io are examples of “non-mainstream” platforms that are unlikely to adhere to such regulations. Gab is an interesting example given it is mostly US focused – what incentive does it have to report to OFCOM or even comply with UK law?
4. What stops UK residents simply moving their services to foreign hosts?



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PROFESSIONALISM



# BCS CODE OF CONDUCT

## PUBLIC INTEREST

You shall:

- 1. have due regard for public health, privacy, security and wellbeing of others and the environment;**
- 2. have due regard for the legitimate rights of third parties;**
- 3. conduct your professional activities without discrimination on the grounds of sex, sexual orientation, marital status, nationality, colour, race, ethnic origin, religion, age or disability, or of any other condition or requirement;**
- 4. promote equal access to the benefits of IT and seek to promote the inclusion of all sectors in society wherever opportunities arise.**

# BCS CODE OF CONDUCT

## PROFESSIONAL COMPETENCE AND INTEGRITY

You shall:

1. only undertake to do work or provide a service that is within your professional competence;
2. NOT claim any level of competence that you do not possess;
3. develop your professional knowledge, skills and competence on a continuing basis, maintaining awareness of technological developments, procedures, and standards that are relevant to your field;
4. **ensure that you have the knowledge and understanding of legislation and that you comply with such legislation, in carrying out your professional responsibilities;**
5. respect and value alternative viewpoints and seek, accept and offer honest criticisms of work;
6. **avoid injuring others, their property, reputation, or employment by false or malicious or negligent action or inaction;**
7. reject and will not make any offer of bribery or unethical inducement.

# BCS CODE OF CONDUCT

## DUTY TO RELEVANT AUTHORITY

You shall:

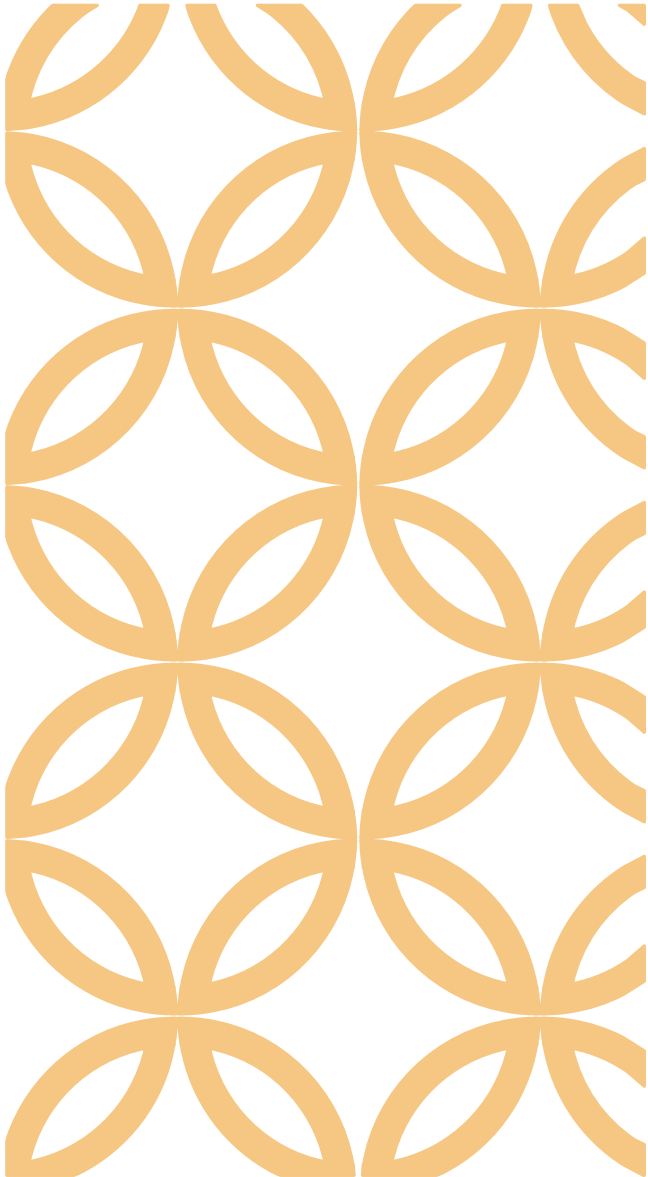
1. carry out your professional responsibilities with due care and diligence in accordance with the relevant authority's requirements while exercising your professional judgement at all times;
2. seek to avoid any situation that may give rise to a conflict of interest between you and your relevant authority;
3. accept professional responsibility for your work and for the work of colleagues who are defined in a given context as working under your supervision;
4. NOT disclose or authorise to be disclosed, or use for personal gain or to benefit a third party, confidential information except with the permission of your relevant authority, or as required by legislation;
5. **NOT misrepresent or withhold information on the performance of products, systems or services (unless lawfully bound by a duty of confidentiality not to disclose such information), or take advantage of the lack of relevant knowledge or inexperience of others.**

# BCS CODE OF CONDUCT

## DUTY TO THE PROFESSION

You shall:

1. accept your personal duty to uphold the reputation of the profession and not take any action which could bring the profession into disrepute;
2. seek to improve professional standards through participation in their development, use and enforcement;
3. uphold the reputation and good standing of BCS, The Chartered Institute for IT;
4. act with integrity and respect in your professional relationships with all members of BCS and with members of other professions with whom you work in a professional capacity;
5. encourage and support fellow members in their professional development.



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## OTHER RESOURCES



# CYBER CHOICES

Students should be aware of the Cyber Choices programme run by the National Crime Agency (and all police forces) to give advice and resources on staying legal when learning cyber security / hacking skills.

All resources can be found on the github – including information about £4000 bursaries for undergrads.



# THANKS FOR COMING

If you have questions, please DM or join the Freeside discord to ask.

Thanks to HullCSS for hosting.