In the case of EF Cultural Travel v. Explorica if there had been no confidentiality agreement between EF Cultural Travel and any of the Explorica employees it would still have been legally appropriate. There is only one reason in which it would still be appropriate and that is the use of the tour codes that were not of any significance to the public. Using the tour codes to search for specific tours and pricings breaks the Computer Fraud and Abuse Act. This is because they exceeded authorized access of EF’s website through the tour codes. If the scraper had obtained the information from any other means that is significant to the public, such as keyword searching, then it wouldn’t be legally appropriate for the District Court to restrict the use of the scraper. But, since the scraper used information that employees of EF would only understand then this still supports the District Court’s decision even without the confidentiality agreement. Philip Gormley, the former vice president of EF and Explorica’s vice president, heavily relied on the information that he obtained while working at EF to specify the scraper he wanted Zefer to build. EF also claimed that the tour codes were proprietary information and they would need to be “translated” to be understood because they connected the tours with the destination points. So, the use of these tour codes to gain over 30,000 inquiries to EF’s website when they were clearly proprietary demonstrates the scraper exceeding authorized access and once again supports the District Court’s decision.

In the case of EF Cultural Travel v. Explorica it seems clear which side behaved more ethically. EF behaved more ethically than its competition Explorica. EF Cultural Travel was the leading company in high school student global tours and were in business for more than thirty-five years. Explorica was created to compete against EF Cultural Travel in this domain. Competition is fine where there is fairness. There is no ethical wrong in searching through your competitions website and trying to beat their prices on the same or similar tours. There is ethical wrong though in the way Explorica went about to get this information. Philip Gormley fed Zefer information that he had acquired from formerly being an employee at EF to help build the scraper, knowingly having a confidentiality agreement with EF. Gormley knew that the tour codes were proprietary but still used them anyway to obtain the information which is ethically wrong because he knew Explorica didn’t have any right to the tour codes. Gormley also provided information on the structure of the website which is clearly proprietary since the public doesn’t have access to the code for the website, this is also ethically wrong because it knowingly breaches the confidentiality agreement. This allowed the scraper to bypass any restraints the website had and get straight to the tour information which is ethically wrong because it cheats the way to the information instead of going through numerous menus and options to access the information. The use of the scraper with the information that Gormley had provided caused loss to EF through business and any actions EF had to take to secure their website even more. This shows that although there may be decisions that are ethically questionable on both sides, knowingly using the proprietary information from EF to promote the personal gain of Explorica is overall more ethically wrong. Thus, making EF’s behavior more ethical.