

# Introduction to Ethics and Legal Issues

# Ethical vs. Legal Issues

- Legal Issues : Determination is made by others who are in a recognized authority.
- Ethical Issues: You determine your choice of action

The law doesn't make it right

Being right doesn't make it legal

# Ethical vs. Legal Issues

Q: Using some examples differentiate between a legal issue and an ethical issue?

- How do you determine which it is?
- Should you care which it is?
- What percentage of your time would you guess that you will spend dealing with ethical or legal issues?

# Ethical Issues

1. pertaining to or dealing with morals or the principles of morality;  
pertaining to right and wrong in conduct.
2. in accordance with the rules or standards for right conduct or  
practice, esp., the standards of a profession.

Examples:

- ❖ Should companies collect and/or sell customer data?
- ❖ Should IT specialists monitor and report employee computer use?

# Ethical Issues (2)

## **Lets Consider our Views on Ethical Behavior**

- In every job situation, we are all eventually faced with an ethical dilemma
- How will you react? How will you determine what the “right” course of action is? What are you willing to risk to do the “right thing”?
- How far are you willing to bend? And when?

# Ethical Issues (3)

## Are Your Ethics Contextual?

**Are they unchanging or contextual?**

- People know that downloading music or software they don't own is illegal, but do so anyway because they don't believe that it hurts the owners of the IP (intellectual property)
- You have an expectation of privacy (lockers, email, etc) except if there is suspicion of wrong doing
- Never tell a lie....except if .....
- Somehow, legal doctrine must codify these complicated and contextual courses of action

# The Types of Ethical Choices

- Choosing right from wrong
  - Most of us know that stealing, lying, and cheating are wrong
  - These three actions are taboos of a commonsense morality
- Choosing right from right
  - Some ethical choices are harder when the situation is not as clear
  - Lying may be wrong but if you visit a sick friend is it wrong to exaggerate how well they look?
    - Some might lie about how the friend looks to achieve a perceived higher good
      - The quick recovery or general welfare of the patient
  - Is it wrong to steal food if one is starving?
  - Is it wrong if one's child is starving?
  - Is it wrong to keep money found in an empty class?

# Types of Ethical Choices (2)

- These trivial examples illustrate the complexity of ethical choices
  - The necessity to choose a course of action from two or more alternatives
  - Each having a desirable result
- In an ethical choice then, an individual must often choose between two or more goods or the lesser of two evils



# Why Should we Care About Ethics

- There are so many ethical situations that we encounter each day that we should care.
- Some unethical actions can violate law.
- Others, though not illegal, can have drastic consequences for our careers and reputations.
- We should care about ethics for our own self interest.

# Framework for Ethics

- What motivates us to view issues a certain way?

Are we consistent in the way we approach ethical issues?

How do we resolve conflicts in approach?

Two basic camps:

1. consequence-based
2. rule-based

# Consequence-Based Ethics

Priority is given to choices that lead to a “good” outcome (consequence)

The outcome outweighs the method

-**Egoism:** the “right choice” benefits self

-**Utilitarianism:** the “right choice” benefits the interests of others

# Rule-Based Ethics

Priority is given to following the rules without undue regard to the outcome

Rules are often thought to codify principles like truthfulness, right to freedom, justice, etc.

Stress fidelity to a sense of duty and principle (“never tell a lie”)

Exist for the benefit of society and should be followed

# **Example**

## **Scenario:**

Student copies answers on a final exam. As per policy, I confront student with evidence

**My perspective:** The right thing to do is to tell the truth regardless of the consequences

**The student's perspective:** "If I confess now, will the penalty be less than if I roll the dice with the University disciplinary Counsel and am found guilty?"

# Four Ethical Issues of the Information Age<sup>1</sup>

**\*Privacy** - right of individual to control personal information

**\*Accuracy** – who is responsible for the authenticity, fidelity, and accuracy of information?

**\*Property** – Who owns the information? Who controls access? (e.g. buying the IP verses access to the IP)

**\*Accessibility** – what information does an organization have the right to collect? Under what safeguards?

# Privacy Issues

Many ethical issues (and legal issues) in security seem to be in the domain of the individual's right to privacy verses the greater good of a larger entity (a company, society, etc.)

Examples: tracking employee computer use, managing customer profiles, tracking travel with a national ID card, location tracking [to spam cell phone with text message advertisements], ....

A key concept in sorting this out is a person's expectation of privacy

# Legal Issues

**We need to know this because: ?**

- Emerging legal requirements for C.I.A. of data
- Requirements for due process
- Liability for not exercising “best practice” security?



# What would we expect to see in “information protection” legislation

## Components:

- Statement of what we are trying to protect (what type of data)
- Attributes that need protection (C.I.A)
- Changes to business practices
- Assigning accountability for protection
- Penalty for failure
- Specific areas that technology should address (e.g. authentication, storage, transmission)

# Hierarchy of Regulations

## Examples:

### 1. Health Data Security

□ “All organizations that handle patient-identifiable health care information – regardless of size – should adopt the set of technical and organizational policies, practices, and procedures described below to protect such information.”

#### 1- Organizational Practices:

- Security and confidentiality policies
- Information security officers
- Education and training programs
- Sanctions

## 2- Technical Practices and procedures

- Individual authentication of users
- Access controls
- Audit trails
- Physical security and disaster recovery
- Protection of remote access points
- Protection of external electronic communications
- Software discipline
- System assessment

# Hierarchy of Regulations in Kenya

## Assignment One

# Computer Ethics and Regular Ethics

- Is computer ethics different from regular ethics?
- Is there an ethical difference in browsing someone else's computer file and browsing their desk drawer?

No!

- What we have are ethical situations where computers are involved.
- Computers allow people to perform unethical actions faster than ever before
- Or perform actions that were too difficult or impossible using manual methods

# Identifying Ethical Issues

- A characteristic common to computer ethics is the difficulty of identifying ethical issues
- Many who perform unethical practices with computers don't see the ethical implications
- When caught, their first reaction is:
  - "I didn't know I did anything wrong. I only looked at the file, I didn't take it."
- If they copy a file they say:
  - "I didn't do anything wrong. The file is still there for the owner. I just made a copy."

# Identifying Ethical Issues (2)

- Hackers often say,
  - “I was just testing to see how secure the system was. I was going to report the weakness to management. I was performing a valuable service.”
- One goal of this course is to increase sensitivity to ethical issues involving computers
- Computer ethics should have a strong link to policy or strategy
  - When an ethical problem is identified, a policy or strategy should be developed to prevent the problem from recurring

# Relationship between Ethics and Law

- The relationship between ethics and law leads to four possible states

	Legal	Not Legal
Ethical	I	II
Not Ethical	III	IV



# Some Examples of the Four Categories

## I. Ethical and Legal

- a. Buying a spreadsheet program and using it to do accounting for clients
- b. Firing an individual who does not perform according to expectations or who fails to follow certain contractual obligations
- c. Increasing the price of goods when the demand for those goods increases

## II. Ethical but not Legal

- I. Copying copyrighted software to use only as a backup, even when the copyright agreement specifically prohibits copying for that purpose

# Examples Continued

## III. Not Ethical but Legal

- Revealing data that was expected to remain confidential – for example, gossiping by data entry operators, about the salary data they are processing
- Using a pirated version of a software product in a foreign country that has no software copyright laws

## IV. Not Ethical and Not Legal

- I. Pirating copyrighted software
- II. Planting viruses in someone else's computer system

- When law does not provide an answer, as in categories II and IV, it becomes necessary to consider the ethical situation by using informal or formal guidelines.

# Practical Approaches to Ethical Decision Making

- Making ethical decisions is not a science
- People do it differently
- In ethical decision making the individual must decide what the answer depends on
  - What the facts are
  - What harm might be done by each alternative
  - Which course of action results in the least harm
- Some ways to do this are to use laws, guidelines, and ethical principles

# Using Law to make Ethical Decisions

- When a law tells us not to do something it implies that a recognized authority has decided that the action the law prescribes is of benefit to society
  - What are some laws you like?
  - What are some good laws?
- Often, an ethical principle was used prior to a law's construction
- Remember that ethical principles are ideas of behavior that are commonly acceptable to society
- So, law is often grounded in ethical principles, a good starting point for ethical decision making

# Using Formal Guidelines

- When you have an ethical situation ask yourself:
  - Is the act consistent with corporate policy?
    - Either explicitly or implicitly, corporations often tell their employees how to act.
    - The policy may be a rule stating that no gifts are to be accepted from vendors, or it may just be a motto, such as: “The customer is always right.”
  - Does the act violate corporate or professional codes of conduct or ethics?
    - Often companies and professional organizations adopt such codes.
    - Some are quite specific and can be helpful in directing the activities of the members.
    - Even if you do not belong to a professional society or your organization does not have a computer ethics code, it may be worthwhile to adopt a code as your personal guide.

# Using Formal Guidelines Cont.

- Does the act violate the GoldenRule?
  - That is, are you treating others the way you would wish them to treat you?
- Does the act serve the majority rather than a minority?
  - Does it serve yourself only?
  - Generally, an outcome that benefits the majority, or serves the common good, is more desirable than one that benefits a few or even one.
- As students in school of computing, you can familiarize yourselves with the ACM and IEEE code of Ethics

# Using Informal Guidelines to Make Ethical Decisions

- Informal guidelines help us to quickly evaluate a situation in an attempt to resolve an ethical dilemma
- Informal guidelines help us to arrive at a general direction for an ethical action