Q. 1

Data Protection Act 1988 & Data Protection Act 2003,

* Enforcement provisions
* Criminal sanctions
* Civil sanctions
* Forfeitures

Data Protection Commissioner:

* Role,
* Function
* Power of the Office.

(12 Marks)

Irish and EU Law:

* Lisbon Treaty, Article 16
* Data Protection Directive 95/46/EC
* Electronic Privacy Directive 2002/58/EC
* EUROPOL etc

(8 Marks)

[20 Marks]

Q. 2

Contract Law

* Offer,
* Acceptance,
* Intention to create legal relations,
* Consideration,

(12 Marks)

* Damages,
* Injunction
* An order for specific performance.

(8 Marks)

[20 Marks]

Q3 This is an issue dealt with under the Professional / Business Ethics banner. The student has discussed similar scenarios. There is no prescriptive answer. I am looking for a balanced approach, persuasive argument and an ability to think beyond the obvious.

1. The stakeholders are:

Yolanda and her family. Clearly her career success is dependent on an early win. If she sets aside the ethical concern, a successful result on this project will set her on her way.

Her employer and it’s shareholders. The company clearly have a background in this technology space. As stated in the case, the technology can be used for good or ill, depending on who is using it….. like most technology. The shareholders have staked their money on this company being successful.

Her fellow employees. Just like Yolanda herself, these technical and non-technical employees have a stake in the project and the company being a success.

The oppressive regimes. Clearly from their perspective, their interests are served by getting their hands on this software and using it in order to cling on to power. All regimes will use technology to cling on to power.

The citizens of these oppressive regimes. It is implied in the case that the citizenry of these oppressive regimes will have their privacy breached by Yolanda’s project. They will suffer torture and imprisonment if they are caught by Yolanda’s software. 10 marks

(b) The list of options, are as follows: This is not an exhaustive list.

1. Get on with it. She’s not the one doing the torturing. Her product can be used for good or ill, like most products. If one follows her logic, then no one would design or manufacture guns. Besides it’s good for her career to be compliant. It may damage her future prospects if she is seen as an awkward employee.
2. If she is not happy to proceed, then she should raise her concerns with her supervisor. Her professional code of ethics is probably his/her supervisor’s professional code of ethics. The supervisor may not have considered the ethical implications, and may thank her for elevating her concerns.
3. If her supervisor does not share her concern, then she may choose to elevate beyond her supervisor. The same process applies here. Either she will be thanked for sharing her concerns or she will be instructed to get on with it. Either way she has ruptured her relationship with her supervisor.
4. At this point, if the task is repugnant to her, she may leave the company. This may have serious career implications.
5. She may become a whistleblower, either from within or outside the organisation. This requires huge energy and commitment, as well as a preparedness to be shunned, threatened or intimidated by her co-workers.

The student is required to outline these options, along with the implications and then to select a preferred approach and justify. 10 marks

Q4 (a) This question is based on three articles discussed on the course. The pace of change in the software industry means that skills quickly become obsolete. So fresh young graduates are cheaper than experienced engineers, and just as useful…. Maybe. The implications are that engineers must either try to stay ahead of the curve or migrate into a management role, or find a new career path. 10 marks

(b) LLL is more significant in the rapidly evolving software engineering industry than just about any other sector. The responsibility lies squarely with the individual. Even though employer initiatives such as continuing professional development (CPD) can help, it is ultimately up to the individual to take charge of his/her own career development. Wadhra’s article paints a depressing picture which suggests that software, and technology in general is for the young. He suggests that an exit strategy is advisable.

10 marks