OCR Computer Science A Level

1.5.1 Computing related legislation
Advanced Notes

Specification:

1.5.1 a)

- The Data Protection Act 1998

1.5.1 b)

- The Computer Misuse Act 1990

1.5.1 c)

- The Copyright, Design and Patents Act 1988

1.5.1 d)

- The Regulation of Investigatory Powers Act 2000

The Data Protection Act 1998

This law applies to information stored both on computers and in organised paper filing systems. The law covers personal data, which is any data which can be used to identify a living person. Furthermore, data which can be used in combination with other data to identify a living person is also classified as personal data. Examples of personal data include a person's name and address.

An individual who can be identified by personal data is referred to as the data subject, with the law protecting them in eight specific ways as laid out by the Government:

1. Personal data shall be processed fairly and lawfully
2. Personal data shall be obtained only for one or more specified and lawful purpose
3. Personal data shall be adequate, relevant and not excessive for its purpose(s)
4. Personal data shall be accurate and where necessary kept up to date
5. Personal data shall not be kept for longer than is necessary for its purpose(s)
6. Personal data shall be processed in accordance with the rights of data subjects under this Act
7. Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data
8. Personal data shall not be transferred to a country or territory outside the European Economic Area, unless that country or territory ensures an adequate level of data protection

Note

You're not expected to learn all of these points, but it's good to have an idea of what each point is.

The Act also gives data subjects certain rights, such as the right to request a copy of the data held about them, the right to correct the data held about them and the right to prevent marketing using contact details provided by the data subject.

As of 2018, The Data Protection Act has been replaced by the General Data Protection Regulation (GDPR) and the Data Protection Act 2018.

The Computer Misuse Act 1990

Sometimes referred to as CMA, The Computer Misuse Act 1990 concerns the malicious use of computers. The Act was originally created to ensure that computer hacking was covered by law, but has since been frequently updated to ensure it remains relevant.

The Act outlines three primary offences:

1. *Unauthorised access to computer materials.*

   For example: Finding a teacher's password and opening their files.

2. *Unauthorised access with intent to commit further offences.*

   For example: Finding a teacher's password and opening their files with the intention of increasing your mark on their markbook.

3. *Unauthorised modification of computer material.*

   For example: Finding a teacher's password, opening their files and increasing your mark on their markbook.

The consequences of the second and third offences are generally worse than the first, with each offence being punishable with imprisonment.

The Copyright, Design and Patents Act 1988

This act was brought in to protect people's property online. It covers everything from logos to music recordings. If a work is original, copyright automatically applies and doesn't expire until 25-70 years after the death of the creator, depending on the type of work.

In 1992, the Act was extended to include computer programs as a type of literary work, meaning that copyright automatically applies to code.

If an individual believes that their work has been copied, it is their responsibility to take action under the Act.

The Regulation of Investigatory Powers Act 2000

Sometimes referred to as RIPA, the Regulation of Investigatory Powers Act covers investigation, surveillance and interception of communication by public bodies. For example, the Secret Service can legally wire-trap online conversations in the interests of national security provided that a warrant has been issued.

Furthermore, the act enforces internet service providers and mobile phone companies to give up information upon request from an authorised authority and to ensure that their networks have sufficient hardware installed to facilitate surveillance.

This Act is particularly controversial as its powers extend to small agencies like local councils. In addition, some people feel that the Act is an invasion of privacy, or that it is often improperly used.