



## FACULTY OF SCIENCE

### ACADEMY OF COMPUTER SCIENCE AND SOFTWARE ENGINEERING

<b>MODULE</b>	IT00247/IT28X47 ETHICAL & LEGAL ASPECTS OF IT
<b>CAMPUS</b>	APK
<b>EXAM</b>	DECEMBER SSA 2014

**DATE:** December 2014

**TIME:** 08:30 – 10:00

**ASSESSORS**

Prof MM Grobler  
Miss Y Coetser

**EXTERNAL MODERATOR**

Dr M Gerber (NMMU)

**DURATION:** 2 HOURS

**MARKS:** 100

### INSTRUCTIONS

1. Any reference material brought into the examination room must be handed to the invigilator before the start of the examination
2. Write your name and student number on the first page of the answer sheet.
3. Write eligibly and in pen.
4. Read the questions and answer them comprehensively.
5. Candidates must attempt all questions.
6. Ensure that all questions are clearly marked on the answer sheet.
7. When the question states “discuss” or “explain” it means exactly that. Merely listing items will not be enough to obtain the maximum number of marks for that question.
8. Please answer **SECTION A** and **SECTION B** in separate exam books.

## Section A: Legal

### TRUE/FALSE

Indicate whether the statement is true or false.

1. (1 point) Unlawful reproduction, public performance, broadcasting and diffusion of the music over the internet could constitute copyright infringement.
2. (1 point) The Council of Europe Convention on Cybercrime is currently the only international treaty on cybercrime.
3. (1 point) Any person may sell or supply any type of electronic communications equipment of facility, but only licensed individuals may use these equipment.
4. (1 point) An online supplier may be liable for any damage suffered by an online consumer resulting from a failure by the supplier to comply with security measures.
5. (1 point) ISPs can be held liable for a wrongful website take-down based on a public notification.

### MATCHING

Match the South African legislation/policy with the year in which it was originally published.

- |         |         |
|---------|---------|
| a. 1978 | f. 2002 |
| b. 1994 | g. 2005 |
| c. 1996 | h. 2008 |
| d. 1998 | i. 2009 |
| e. 2000 | j. 2012 |
- 
6. (1 point) Copyright Act
  7. (1 point) RIC Act
  8. (1 point) Consumer Protection Act
  9. (1 point) National Cyber Security Policy Framework for South Africa
  10. (1 point) Electronic Communications Act

Match the South African legislation with its objectives.

- |                  |                           |
|------------------|---------------------------|
| a. PAI Act       | f. POPI Bill              |
| b. ECT Act       | g. EC Act                 |
| c. Copyright Act | h. Telecommunications Act |
| d. RIC Act       | i. Competition Act        |
| e. CP Act        | j. ECT Amendment Bill     |
- 
11. (1 point) To provide a wide range of services in the interest of economic growth
  12. (1 point) To promote a consistent legislative and enforcement framework relating to consumer transactions and agreements
  13. (1 point) To provide for the facilitation and regulation of electronic communications and transactions
  14. (1 point) To secure the efficient management, issue and protection of South African domain names
  15. (1 point) To investigate anti-competitive practices, abuses of dominant positions and mergers

## DEFINITIONS

16. (1 point) What is the definition of a patent?
17. (1 point) Give the definition of cybercrime.
18. (1 point) Give the definition of ECNS.
19. (1 point) Give the definition of an electronic signature.
20. (1 point) Give the definition of privacy.

## PROBLEMS

21. (5 points) Name the exceptions related to the use of copyrighted work, according to Sections 12 and 15 of the Copyright Act of 1978.
22. (2 points) Name the four ways in which cyber crime differs from crimes committed in the real world.
23. (1 point) Briefly explain the role of the computer as incidental to an offence.
24. (1 point) Briefly explain what can be understood under dissemination of obscene material, with reference to cyber crime.
25. (1 point) Briefly explain what is web jacking, with reference to cyber crime.
26. (1 point) Briefly explain what is phishing.
27. (2 points) Briefly discuss the two main categories of cybercrime and give an example of each.
28. (1 point) What is the relationship between electronic communications and eCommerce?
29. (3 points) Briefly discuss ECNS according to individual licenses, class licenses and exemptions.
30. (1 point) What is the purpose of the National radio-frequency plan developed by ICASA?
31. (1 point) Briefly explain what on-net and off-net refers to.
32. (1 point) Briefly explain what an Internet hate site is.
33. (1 point) By proving that a defamatory publication refers to him/her, the plaintiff creates two assumptions. Name these two assumptions.
34. (1 point) Briefly discuss two components of the data subject participation condition for lawful processing of personal information as laid out in POPI.
35. (2 points) Briefly explain the proposed punishment of non-compliance to the ECT Act.
36. (5 points) Name any five pieces of information that suppliers are legally obliged to disclose to online consumers.
37. (1 point) What is South Africa's ranking according to the latest statistics available for the African top Internet countries?

**Total: 50**

----- End of Section A -----

**Section B: Ethics**Question 1: Short questions

- 1.1. Do IT companies have social responsibility? Briefly define and discuss social responsibility whilst answering the question. [5]
- 1.2. What is Intellectual Property? Why is it an ethical issue for IT professionals? [5]
- 1.3. Briefly summarise Immanuel Kant's theory, referring to at least deontology and the Categorical Imperative. [5]
- 1.4. What are the differences and similarities between Rule and Act utilitarianism? [5]
- 1.5. What is virtue theory? Explain Aristotle's version of it. [5]

**Total [25]**Question 2: Essay Question (Choose one, and **clearly** indicate your choice on your answer sheet)**OPTION A**

Write an argumentative, academic essay in which you define and discuss the 'Technological Singularity'. Do you think there is an ethical reason to promote/avoid technological progress that could potentially be harmful?

**Total [25]****OR****OPTION B**

With the increase in technology, there has been an increase in a new kind of waste, i.e. e-waste. Write an argumentative, academic essay in which you discuss whether IT professionals, as well as IT companies, have a moral responsibility to be 'green'. In this essay, you will need to discuss what 'Green IT' is, as well as the different perspectives thereof (focussing on the article by San Murugesan).

**Total [25]****Grand total: 50**

----- End of Section B -----