



## FACULTY OF SCIENCE

### ACADEMY OF COMPUTER SCIENCE AND SOFTWARE ENGINEERING

**MODULE** IT00247 & IT28X47  
ETHICAL & LEGAL ASPECTS OF IT

**CAMPUS** APK

**EXAM** NOVEMBER 2016

<b>DATE</b>	2016-11-16	<b>TIME</b>	08:30 - 10:30
<b>ASSESSOR</b>	DR WS LEUNG		
<b>EXTERNAL MODERATOR</b>	PROF M GERBER (NMMU)		
<b>DURATION</b>	2 Hours	<b>MARKS</b>	100

### INSTRUCTIONS

- 👁 This question paper comprises 3 (three) pages (including this cover page)
- 👁 Answer ALL questions
- 👁 Mark each answer correctly and answer entire questions contiguously – if this is not possible, clearly indicate that your answer continues later in the assessment script
- 👁 Write clearly and legibly – marks will not be awarded if the lecturer is unable to make sense of what has been written
- 👁 Keep answers relevant to the course content – note that most questions require that you support your answer with background knowledge (*use the mark allocation to determine whether you will need to support your answers*)
- 👁 Take note of the marks allocated for each question – it is highly advised that a minimum of x facts is provided if the question is out of x marks.

**DO NOT TURN OVER THIS QUESTION PAPER UNTIL YOU  
HAVE BEEN GIVEN INSTRUCTION TO**

## **Question 1: Essay (Ethical and Legal)**

In what is believed to be an attempt to suppress the leak of 17GB of sensitive emails belonging to the Minister of Energy and Natural Resources, the Turkish government reportedly put measures in place to block a range of cloud storage services (that include Google Drive, Dropbox, Github, and OneDrive) in October 2016. Censorship monitoring groups allege that the move is an attempt to prevent people from hosting the e-mail dumps and thus making it more widely available.

In the form of an essay, discuss both the ethical and legal aspects relating to the above case study. Structure your essay carefully so that it presents a logical discussion that covers the following themes:

- a) For each of the three Eurocentric ethical theories covered during the module: (18)
  - ◆ Name the ethical theory (1)
  - ◆ Discuss what the ethical theory espouses (2)
  - ◆ What would an individual who strictly follows such an ethical theory do with regards to the censorship? Motivate your answer (3)
- b) How is the Internet regulated? With reference to the above case study, discuss the challenges (or ease) with which the different components of the Internet may be regulated (2 x 9 marks each) (18)

A final four (4) marks are allocated to having answered the essay's overall question in the introduction and/or conclusion.

**[40]**

## **Question 2: Ethics**

*keep legal matters out of your answers in this section*

- a) Name and discuss the two main forms of ethical codes. (4)
- b) Disappointed with the NSA's surveillance programme, Edward Snowden decided to whistle-blow, revealing to the world how the intelligence agency was spying on normal citizens. According to de George, what conditions must exist for Snowden to be justified in his whistle-blowing? Should he have whistle-blown? (6)
- c) From an ethical perspective, why should Intellectual Property be protected? (10)
- d) What does the digital divide refer to and why is it considered to be an ethical issue? (10)

**[30]**

**Question 3: Legal**

*keep ethical matters out of your answers in this section*

- a) When it comes to the protection of intellectual property, what is the major difference between the Berne and Paris conventions? (2)
- b) The fight for animal rights continue! In January 2016, to People for the Ethical Treatment of Animals (PETA)'s dismay, US District Judge William Orrick ruled that the subject of the infamous monkey selfie could not hold copyright. Do you agree with Judge Orrick's ruling? Motivate your answer by:
- ◆ Explaining what copyright is (2)
  - ◆ Listing the requirements for copyright to be held (4)
  - ◆ Indicating whether the requirements hold or not (2)
- c) In January 2016, the Johannesburg High Court ruled in favour of Gareth Cliff in his Idols contract dispute with M-Net. Explain the rationale of the ruling first by discussing the legal requirements of contracts and relate how it applied to the Cliff/M-Net case study. (10)
- d) The following image parodies the Margaret van Wyk incident in which the town of Schweizer-Reneke made the local news after a particular message was sent on WhatsApp. Discuss the incident by drawing on what was covered in legal lectures concerning privacy and freedom of expression. In addition, identify the three parties that could stand to face legal liabilities for their actions. For each party, briefly discuss what legal implications they face, motivating each implication identified. (10)



(Translation: Oops sorry wrong group@)

Source: MyBroadband Forums

Disclaimer: NOT the original Margaret van Wyk picture (for obvious reasons, of course)

**The End!**

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