Chapter 8 Economic, Legal, and Social Issues for Use of Information

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1. Licensing

Software, also called a computer program, is a series of instructions that tells the hardware of a computer what to do. It is a powerful tool to help users process their data into meaningful information.

When you purchase software, you do not own the software. Instead, you become of licensed user. You obtain a license agreement, or the right to use the software. The license agreement provides specific conditions for use of the software, which a user must accept before using the software.

The most common type of license included with software packages purchased by individual users is a single-user license agreement, also called an end-user license agreement (EULA). A single-user license agreement typically includes many of the following conditions that specify a user’s responsibility upon acceptance of the agreement.

Users are permitted to:
✓ Install the software on only one computer.
✓ Make one copy for backup.
✓ Give or sell the software to another individual, but only if they remove the software from their computers first.

Users are not permitted to:
× Install the software on a network, such a school computer lab.
× Give copies to friends and colleagues.
× Export the software.
× Rent or lease the software.

Hence, to help reduce the software costs for companies with large numbers of users, software vendors often offer them special discount pricing. The more copies of a program a company purchases, the greater the discount. A software site license gives the buyer the right to install the software on multiple companies at a single site. Site license fees usually cost significantly less than purchasing individual copies of software for each computer.

Many software packages also have network versions. A network site license allows network users to share a single copy of the software, which resides on the network server. Software companies typically price network software site licenses based
either on a fixed fee for an unlimited number of users, a maximum number of users, or per-user basis.

2. Software piracy

Software piracy is the unauthorized and illegal duplication of copyrighted software. To prevent users from copying its software illegally, Microsoft has incorporated an activation process into many of its consumer products. During the product activation, which is conducted either online or by telephone, users provide the software product’s 25-character identification number to receive an identification number unique to the computer on which the software is installed.

Unless other specified by a license agreement, you do not have the right to copy, loan, rent, or in any way distribute the software. Doing so is a violation of copyright law in Hong Kong.

As mentioned, software is a serious offense. For one, it introduces a number of risks into the software market. It increases the chance of spreading viruses, reduces your ability to receive technical support, and significantly drives up the price of software for all users.

To promote a better understanding of software piracy problems and, if necessary, to take legal actions, a number of major worldwide software companies formed the Business Software Alliance (BSA). BSA operates a website: http://www.bsa.org/hongkong/index.cfm and antipiracy hotlines in Hong Kong and more than 60 other countries.

3. Privacy and Security in All Media

Importance of Privacy
Privacy is the right of people not to reveal information about themselves (Williams & Sawyer, 2003). Data privacy means the right to keep personal information from being used for purposes other than it is intended.
Personal Data (Privacy) Ordinance

Objectives
The purpose of the Ordinance is to protect the privacy interests of living individuals in relation to personal data. It also contributes to Hong Kong's continued economic well being by safeguarding the free flow of personal data to Hong Kong from restrictions by countries that already have data protection laws.

Scope of Coverage
The Ordinance covers any data relating directly or indirectly to a living individual (data subject), from which it is practicable to ascertain the identity of the individual and which are in a form in which access or processing is practicable. It applies to any person (data user) that controls the collection, holding, processing or use of personal data.

Personal data covered by the Ordinance include paper files, card indexes, microfilm, audio tape and video tape, as well as computer files.

Offences and Compensation
There are a variety of offences, for example non-compliance with an enforcement notice served by the Privacy Commissioner carries a penalty of a fine at Level 5 (at present $25,001 to $50,000) and imprisonment for 2 years.
An individual who suffers damage, including injured feeling, be reason of a contravention of the Ordinance in relation to his or her personal data may seek compensation from the data user concerned.

4. Data Protection

According to the Ordinance, there are six data protection principles in guiding companies in protecting the data collected from their employees, customers and others.

♦ **Principle 1 -- Purpose and manner of collection**
  This provides for the lawful and fair collection of personal data and sets out the information a data user must give to a data subject when collecting personal data from that subject.

♦ **Principle 2 -- Accuracy and duration of retention**
  This provides that personal data should be accurate, up-to-date and kept no longer than necessary.
Principle 3 -- Use of personal data
This provides that unless the data subject gives consent otherwise personal data should be used for the purposes for which they were collected or a directly related purpose.

Principle 4 -- Security of personal data
This requires appropriate security measures to be applied to personal data (including data in a form in which access to or processing of the data is not practicable).

Principle 5 -- Information to be generally available
This provides for openness by data users about the kinds of personal data they hold and the main purposes for which personal data are used.

Principle 6 -- Access to personal data
This provides for data subjects to have rights of access to and correction of their personal data.

5. Authorship, Intellectual property, copyright, and fair use of copyrighted materials

Authorship

Authorship is an explicit way of assigning responsibility and giving credit for intellectual work. The two are linked. Authorship practices should be judged by how honestly they reflect actual contributions to the final product. Authorship is important to the reputation, academic promotion, and grant support of the individuals involved as well as to the strength and reputation of their institution.

Many institutions, including medical schools and peer-reviewed journals, have established standards for authorship. These standards are similar on basic issues but are changing over time, mainly to take into account the growing proportion of research that is done by teams whose members have highly specialized roles. Some basic guidelines could be followed:

1. Everyone who is listed as an author should have made a substantial, direct, intellectual contribution to the work. For example (in the case of a research report) they should have contributed to the conception, design, analysis and/or interpretation of data. Honorary or guest authorship is not acceptable. Acquisition of funding and provision of technical services, patients, or materials, while they may be essential to the work, are not in themselves sufficient contributions to justify authorship.

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2. Everyone who has made substantial intellectual contributions to the work should be an author. Everyone who has made other substantial contributions should be acknowledged.

3. When research is done by teams whose members are highly specialized, individual's contributions and responsibility may be limited to specific aspects of the work.

4. All authors should participate in writing the manuscript by reviewing drafts and approving the final version.

5. One author should take primary responsibility for the work as a whole even if he or she does not have an in-depth understanding of every part of the work.

6. This primary author should assure that all authors meet basic standards for authorship and should prepare a concise, written description of their contributions to the work, which has been approved by all authors. This record should remain with the sponsoring department.

Intellectual Property

Intellectual property (IP) refers to work created by inventors, authors, and artists. Intellectual property rights are rights to which creators are entitled for their inventions, writings, and works of art.

Copyright

Copyright is the exclusive rights of authors and artists to duplicate, publish, and sell their materials, protecting any tangible form of expression.

Copyright protects works such as poetry, movies, CD-ROMs, video games, videos, plays, paintings, sheet music, recorded music performances, novels, software code, sculptures, photographs, choreography and architectural designs.

General Information about Fair Use

We have to respect the rights of copyright holders. Copyright law protects certain exclusive rights of copyright holders for a set period of time, including the following rights: copying their works, making derivative works, distributing their works, and performing their works.

These rights exist from the moment a work is created, whether or not a copyright notice appears on the work. It is always best to assume that the provisions of
copyright law protect materials being used for instructional purposes, unless the materials are explicitly identified as belonging in the public domain. In using copyrighted materials for instructional purposes, even under "fair use" guidelines, it is always wise to acknowledge the copyright owner in a very clear way.

Copyright law does allow limited copying, distribution, and display of copyrighted works without the author's permission, under certain conditions known as "fair use."

Here are the four standards:

1. **The purpose and character of the use.**
   Duplicating and distributing selected portions of copyrighted materials for specific educational purposes falls within fair use guidelines, particularly if the copies are made spontaneously, for temporary use, and not as part of an anthology.

2. **The nature of the copyrighted work.**
   Fair use applies more readily to copying paragraphs from a primary source than to copying a chapter from a textbook. Fair use applies to multimedia materials in a manner similar if not identical to print media.

3. **The amount and substantiality of the portion used in relation to the copyrighted work as a whole**
   Copying extracts that are short relative to the whole work and distributing copyrighted segments that do not capture the "essence" of the work are generally considered fair use.

4. **The effect of use on the potential market for or value of the work.**
   If copying or distributing the work does not reduce sales of the work, then the use may be considered fair. Of the four standards, this is arguably the most important test for fair use.

6. **Understand what plagiarism is and its serious consequences**

   **Plagiarism and importance of plagiarism**
   In college courses, we are continually engaged with other people's ideas: we read them in texts, hear them in lecture, discuss them in class, and incorporate them into our own writing. As a result, it is very important that we give credit where it is due.
Plagiarism is using others' ideas and words without clearly acknowledging the source of that information.

**How Can You Avoid Plagiarism?**
To avoid plagiarism, you must give credit whenever you use:
♦ another person's idea, opinion, or theory;
♦ any facts, statistics, graphs, drawings--any pieces of information--that are not common knowledge;
♦ quotations of another person's actual spoken or written words; or
♦ paraphrase of another person's spoken or written words.

To help you recognize what plagiarism looks like and what strategies you can use to avoid it, select one of the following topic.

**How to Recognize Unacceptable and Acceptable Paraphrases?**

Here's the **ORIGINAL** text, from page 1 of *Lizzie Borden: A Case Book of Family and Crime in the 1890s* by Joyce Williams et al.:

> The rise of industry, the growth of cities, and the expansion of the population were the three great developments of late nineteenth century American history. As new, larger, steam-powered factories became a feature of the American landscape in the East, they transformed farm hands into industrial laborers, and provided jobs for a rising tide of immigrants. With industry came urbanization the growth of large cities (like Fall River, Massachusetts, where the Bordens lived) which became the centers of production as well as of commerce and trade.

Here's an **UNACCEPTABLE** paraphrase that is plagiarism:

> The increase of industry, the growth of cities, and the explosion of the population were three large factors of nineteenth century America. As steam-driven companies became more visible in the eastern part of the country, they changed farm hands into factory workers and provided jobs for the large wave of immigrants. With industry came the growth of large cities like Fall River where the Bordens lived which turned into centers of commerce and trade as well as production.

What makes this passage plagiarism?
The preceding passage is considered plagiarism for two reasons:
1. the writer has only changed around a few words and phrases, or changed the order of the original's sentences.

2. the writer has failed to cite a source for any of the ideas or facts.

If you do either or both of these things, you are plagiarizing.

Here's an ACCEPTABLE paraphrase:

*Fall River, where the Borden family lived, was typical of northeastern industrial cities of the nineteenth century. Steam-powered production had shifted labor from agriculture to manufacturing, and as immigrants arrived in the US, they found work in these new factories. As a result, populations grew, and large urban areas arose. Fall River was one of these manufacturing and commercial centers (Williams 1).*

Why is this passage acceptable?
This is acceptable paraphrasing because the writer:

1. accurately relays the information in the original

2. uses her own words.

3. lets her reader know the source of her information.

How can you avoid plagiarism?

The don'ts

- Don’t hide behind ignorance. A criminal offence is punishable, regardless of whether it was committed wittingly or unwittingly.
- Don't commit plagiarism intentionally (e.g. when you are pressed for time). It could spell the end of your academic career.
- Don't cut and paste information from electronic sources such as web pages.
- Don't use past assignments of other students, even with their permission.

The do’s

- Learn to think independently and critically. Read what others have said about a topic, acknowledge the source, and then formulate your own opinion.
- Budget enough time for thorough research, writing and revision of your paper.
- Make sure you understand the lecturer's expectations especially with regard to due dates, writing style, collaboration with other students, referencing/citing, sources and bibliographies.
♦ If in doubt, ASK! Your lecturer or tutor can give you advice.
♦ Take notes carefully.
♦ Compile a proper list of references right from the start of your reading according to the citing/referencing style for the subject.
♦ Learn to quote, paraphrase and summarize correctly
♦ Use the correct form of citing/referencing for your course meticulously. Check with your lecturer which style to use.

Consequences of plagiarism
Your institution or faculty will have a policy concerning this issue and the penalties may include the following:
♦ a failing grade for your assignment;
♦ a failing grade for the subject;
♦ probationary status;
♦ or even expulsion from the institution.

7. Institutional Policies on Access to Information Sources (Guidelines for photocopying printed works by not-for-profit establishments)

Copyright law gives certain exclusive rights to copyright owners of printed works. Such rights include the right to copy the work. That means someone who wants to copy a printed copyright work needs to obtain the owner’s permission first.

To balance the interests of copyright owners and users, the Copyright Ordinance provides certain limited allowances for copying of copyright works by educational establishments.

Followings are some guidelines for institutions on multiple copying for instructional purpose:
(1) Multiple copies of a work may be made by or on behalf of a teacher giving a course.
(2) Copies made under these Guidelines are for the purpose of distribution to students for teaching, discussion or classroom use. Students may retain the copies for subsequent reference.
(3) Copies of any work should only be made and used for one course in a not-for-profit educational establishment.
(4) The number of copies made should not exceed one copy per student in a course.

(5) There should not be more than 27 instances of copying made for one course in one academic year.

(6) Copies made should be brief and short.

(a) For one course in any one academic year, except for textbooks, the following limits on individual works apply:

i. Articles in newspapers or periodicals – a complete article of any length;

ii. Poems – not more than 250 words; stories or essays – not more than 2,500 words (both word limits may be extended to allow the completion of an unfinished line of a poem or of an unfinished paragraph of a story or essay);

iii. Artistic works (including illustrations) – a complete work; but if there is more than one artistic work printed on the same page – the whole page;

iv. Musical works – an excerpt not exceeding 10% of the number of pages of the work (rounded up to allow a complete page to be copied);

v. Other works – an excerpt not exceeding 2,500 words or 10% of the number of pages of the work (including illustrations), whichever is less (rounded up to allow a complete page to be copied).

(b) Copying of textbooks is subject to the following conditions:

i. Not more than 2% of the number of pages of a textbook (rounded up to allow a complete page to be copied) may be copied for one course in a calendar month;

ii. Not more than 5% of the number of pages of a textbook (rounded up to allow a complete page to be copied) may be copied in aggregate for one course in any one academic year;

iii. Notwithstanding (i) and (ii), not more than one chapter of a textbook may be copied for one course in any one academic year; and

iv. The copying must be made within the premises of an educational establishment.
8. Recognize ethical and legal Issues in information retrieval, dissemination, and use

Four Ethical Issues of the Information Age

Today in western societies more people are employed collecting, handling and distributing information than in any other occupation. Millions of computers inhabit the earth and many millions of miles of optical fiber, wire and air waves link people, their computers and the vast array of information handling devices together. Our society is truly an information society, our time an information age. The question before us now is whether the kind of society being created is the one we want. It is a question that should especially concern those of us in the MIS community for we are in the forefront of creating this new society.

There are many unique challenges we face in this age of information. They stem from the nature of information itself. Information is the means through which the minds expands and increases its capacity to achieve its goals, often as the result of an input from another mind. Thus, information forms the intellectual capital from which human beings craft their lives and secure dignity.

However, the building of intellectual capital is vulnerable in many ways. For example, people's intellectual capital is impaired whenever they lose their personal information without being compensated for it, when they are precluded access to information which is of value to them, when they have revealed information they hold intimate, or when they find out that the information upon which their living depends is in error. The social contract among people in the information age must deal with these threats to human dignity. The ethical issues involved are many and varied, however, it is helpful to focus on just four. These may be summarized by means of an acronym -- PAPA.

♦ Privacy: What information about one's self or one's associations must a person reveal to others, under what conditions and with what safeguards? What things can people keep to themselves and not be forced to reveal to others?
♦ Accuracy: Who is responsible for the authenticity, fidelity and accuracy of information? Similarly, who is to be held accountable for errors in information and how is the injured party to be made whole?
♦ Property: Who owns information? What are the just and fair prices for its exchange? Who owns the channels, especially the airways, through which


information is transmitted? How should access to this scarce resource be allocated?

♦ Accessibility: What information does a person or an organization have a right or a privilege to obtain, under what conditions and with what safeguards?

**Summary**

With the information becomes more and more important in today’s world, issues related to economic, legal, and social are more and more controversial. In this section, topics like plagiarism, privacy, security, intellectual property, copyright, fair use of information, institutional policies and etc. are discussed.

Students will be able to understand what plagiarism is and its serious consequences, describe the importance of privacy and security, explain the concepts of intellectual property, copyright, and fair use of information, help an organization to set up polices on access to information resources as well as recognize ethical and legal issues in information retrieval, dissemination, and use.
References: