

13.6 Legislation WS Mark Scheme

1. All commercial companies that employ staff and hold personal data in information systems should comply with current legislation.

(a) State **four** principles of the current Data Protection Act.

(b) Describe **three** methods that companies may use to ensure that their staff comply with data protection legislation.

(a) any 4 . Data must be...

- fairly and lawfully processed;
- processed for limited purposes;
- adequate, relevant and not excessive;
- accurate;
- not kept longer than necessary;
- processed in accordance with the data subject's rights/data is not passed on without permission;
- secure;
- not transferred to countries without adequate protection.

(Up-to-date on its own is not enough, not in current legislation)

(b) 1 for method (m), 1 for description/expansion/example (e) to 3 x (2,1,0) *(these expansions are example, others are equally valid; If no clear-cut method mark, look for implication in description and give the e mark)*

- Have a departmental data protection officer (m), to oversee the implementation of protective procedures (e)
 - Detailed job descriptions/signed contract/agreement (m), so that each staff member is aware of their responsibilities under the legislation (e)
 - Procedures to follow up anomalies (m), so that there is no risk to personal data of accidental disclosure (e)
 - Security around machines, password/physical/logins etc (m) so that only authorised staff have access to personal data (e)
 - Strict code of practice/company policy (m) so that all staff are aware of the procedures to use around personal data and their responsibilities towards it (e)
 - Education of staff (m), to make them aware of any changes to legislation and to ensure they are reminded of duties and legal obligations (e)
 - Network activity logging (m) to track and trap unauthorised access to personal data or any attempts (e)
 - Use of access levels (m), to allow different people appropriate access to personal data (e)
 - Disciplinary procedures (m) that spell out the consequences of misusing the data (e)
- (4 marks) (6 marks) Total (10 marks)*

2. Organisations that operate ICT systems have to comply with the relevant legislation. Most have procedures to ensure that this happens.

(a) Describe three methods of enforcing and controlling software misuse legislation within an organisation.

(b) Describe three methods of enforcing and controlling health and safety legislation within an organisation.

(6 marks) (6 marks)

1 for method (M), then 1 for description(D). Any 3 x 3 x (2,1,0)

(a) Software misuse –

- Not allowed to install unauthorised/unlicensed software
- Not allowed to copy software for home/unlicensed use
- Have a Corporate hardware/software policy
- Virusscanning (M) of any externally used disk (D)
- Detailed job descriptions (if not used in (a))
- Separation of duties (M) where no one does the complete job (D)
- Regular audits (M) of software on all computers/network (D)

This point is 2 or 0 – do not give a mark for ‘audit’ or ‘audit trail’ unless it also mentions ‘software’ or ‘licence’

- Central control of licensing (either a person or by software monitoring)
- Monitoring of internet usage/downloading
- Disciplinary Procedures (if not already given)

(b) Health & safety –

- Have a Health and Safety officer
- Regular inspections of work stations against Health and Safety criteria (electrical equipment, VDU emissions etc)
- Regular inspections of work stations against ergonomic criteria (seat positioning, wrist supports, sight levels etc)
- Staff training re H&S legislation when working with computers and especially VDUs.
- Inappropriately designed software/thorough testing of software
- Procedures for ensuring faulty equipment replaced in a timely manner.
- Written procedures/memos/posters advising good Health and Safety practice
- Disciplinary Procedures (if not already given)

NOT free eye tests (not an ICT response)

(6 marks) (6 marks)

3. A college has purchased a multi-media package with a licence agreement that allows up to 40 users at any one time. The college network has over 200 machines for student use.

(a) Describe one way of installing this package to ensure that the college does not break this licence agreement. (2)

(b) Describe two other actions that the college could take to control the installation of unauthorised software on the college network. (4)

(a) Either of these -

- Installing the software directly onto 40 computers (1), so that no more copies are available (1)
- Installing the software onto a network server (1) and using software controls to limit the usage (1)

(b) 1 for Action (a), 1 for description/example/expansion (e) to any 2 x (2,1,0)

- Regular audits/monitoring (a) of software on all computers/network (e)
- Establish levels of access (a) so only authorised people can install software (e)
- Appoint a software/network manager (a) who is responsible for all software licensing matters (e)
- Monitoring of internet usage (a) checking for illegal downloading (e)
- Code of practice for college network users (a) then any 1 of:
 - o Not allowed to install unauthorised/unlicensed software
 - o Not allowed to copy software for home/unlicensed use
 - o Disciplinary Procedures (e)
 - Virus scanning (a) of any externally used disk (e)/Disabling floppy/CD/USB drives (a) so users cannot load unauthorised software (e)

- Reinstall all software when each computer is rebooted (a) so that any illegally installed software is erased. (e)

13.6 Legislation – essay question

Organisations that make use of Information Technology, and use ICT systems, have to ensure that they comply with the relevant legislation currently in place. Discuss the implications of complying with such legislation on the operation of an organisation, showing how these may impact on the procedures used by the organisation.

Your discussion should cover:

- data protection legislation;
- software copyright and licensing legislation;
- computer misuse legislation;
- health and safety legislation.

The quality of written communication will be assessed in your answer. MAXIMUM 16 marks for content (20 available) and 4 for Quality of Written Communication

Code -

- general as G, □ dpa as D, □ software copyright as S, □ computer misuse as C
- health and safety as H

(G) Max 4 marks – 2 for introduction and 2 for conclusion only. Allow up to two marks for a good general introduction that acknowledges that having to conform to legislation poses restrictions on an organisation. (Beware: no marks for regurgitation of question as stated.) Likewise, a good conclusion that makes a valid (non-repetitive) point can gain up to two marks.

(D, S, C, H) Under each of the four headings, allow up to 4 marks. Points made are worth 1, plus an expansion or example mark, if deserved, for:

- Description of the legislation (e.g. what it covers); expansion mark here must have 1 or more of the 'contents' e.g. "DPA is about protection of personal data (1), there are eight principles – for instance Personal Data must be gathered fairly and lawfully (1)"

- Reasoned implication (e.g. extra security); only accept cost implications if explained properly

- Impact on procedures (e.g. having a code of practice to set out rules, appointing a health and safety officer, installing monitoring software) The candidate has expressed complex ideas clearly and fluently. Sentences and paragraphs follow on from one another smoothly and logically. Arguments will be consistently relevant and well structured. There will be few, if any, errors of grammar, punctuation and spelling. (4 marks)

The candidate has expressed moderately complex ideas clearly and reasonably fluently through well-linked sentences and paragraphs. Arguments will be generally relevant and well structured. There may be occasional errors of grammar, punctuation and spelling. (3 marks)

The candidate has expressed straightforward ideas clearly, if not always fluently.

Sentences and paragraphs may not always be well-connected. Arguments may sometimes stray from the point or be weakly presented. There may be some errors of grammar, punctuation and spelling, but not such as to suggest a weakness in these areas. (2 marks)

The candidate has expressed simple ideas clearly, but may be imprecise and awkward in dealing with complex or subtle concepts. Arguments may be of doubtful relevance or obscurely presented. Errors in grammar, punctuation and spelling may be noticeable and intrusive, suggesting weaknesses in these areas (1 mark)