

## 5. Dublin Institute of Technology

<b>Pre-Requisite Modules code(s)</b>	<b>Co-Requisite Modules code(s)</b>	<b>ECTS  Credits</b>	<b>Module Code</b>	<b>Module Title</b>
None	None	5		Legal & Professional Issues

### 1.1.10. Legal & Professional Issues

**Module author:** Paul Bourke.

#### **Module Description:**

This module introduces students to the legal framework and business related areas of law, including contract, negligence, IT and employment law. The module provides a general overview of the law in the business area and is suitable for students who wish to gain some knowledge of basic legal principles. It will also introduce the students to the ethical issues that may arise in business and IT projects.

#### **Module aim**

The aim of this module is to:

- develop an understanding of the place and function of law in IT business organisations.
- to give the student knowledge of the legal institutions that affect businesses and the legal processes involved.
- to develop skills which enable the students to deal with legal problems in a business context and to develop analytical approach to such problems.
- to encourage an interest in legal issues through topical discussion.
- To explores ethical issues on the interface between information technology and society
- to develop a comprehensive and critical understanding of major concepts, theoretical models and management tools used to understand, explain and deal with business ethics problems.

#### **Learning Outcomes:**

On completion of this module, the learner will be able to:

- demonstrate a broad knowledge and integrated understanding of the structure, sources and substantive law governing contract, intellectual property, employment and information technology.
- demonstrate an understanding of the ongoing development of intellectual property and information technology law, as they respond to developments in science, the creative arts and business practices and identify deficiencies in current law where appropriate.
- apply the substantive law to a range of complex practical problems in business based on real case studies.
- analyse legal problems, classifying issues in terms of relevance and importance, and propose solutions.
- analyse and present a response to business ethics cases and problems.

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- analyse the ethical issues that may arise with the implementation of an IT solution

### Learning and Teaching Methods:

Lectures are used to provide a basic framework to the topic and key references. Tutorials make use of a mix of problem type questions, open-ended questions for discussion, and questions focusing on key issues in the topic. This approach enables students to think about how the law adapts to changing circumstances, making use of current legal and ethical issues that are reported in newspapers where appropriate to achieve the module learning outcomes.

### Module content:

Sources of Irish Law: Bunreacht na hEireann - separation of powers, fundamental rights, organs of state. Legislation –superior and delegated. Common Law – doctrine of precedent. E.U. Law – Community law and national law, Directives, Regulation, actions in the Court of Justice.

Principles of Contract Law: Defining a contract, formation of a contract, written/oral. Essential elements – capacity, agreement, consent, consideration, intention, legality. Remedies for breach of contract – damages, rescission, injunction. Sale of Goods Act 1982, EC Directive on Unfair Terms.

Law of Tort: Nature of a tort – liability issues. Defences to an action in tort – inevitable accident, assumption of risk, necessity, statutory authority, limitation of actions. Liability of employers, occupiers, possessor of skills. Remedies: damages, injunction.

Employment Law: Contracts of employment, legislation on dismissal, equality, working time and safety, E.E. Social Policy.

Information Technology Law: Ownership issues – data protection, copyright protection of computer programs and databases, patents. Data Protection Act 1988, Data protection Directive, the Europol Convention. Copyright Act 1963, 1993 Regulations, 1996 Pirated Goods Regulation, Database Directive 1996, Patents Act 1992 and European Patent Convention. Liability issues – contractual and tortious. Liability for defective products and services, breaches of security, breach of privacy, professional negligence.

Criminal Law Issues: computer misuse, hacking, viruses, fraud, Criminal Damage Act 1991.

Internet Law: Control of content, pornography, defamation, privacy and electronic commerce.

Disability: Legislation National and International, Definitions of Disability, International Classifications, Legislative Impact on IT industry.

Business ethics: covers the main ethical theories and perspectives that can be used to examine business ethics dilemmas, such as theories of justice and rights. By examining the complexity, controversy and globalised nature of many ethics issues such as global warming and labour conditions in developing countries, this theme also addresses the question of whether and how

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business ethics problems can be successfully addressed in a way that satisfies a diverse range of stakeholders across the globe.

Business in Society: the role and responsibilities of business in society. Corporate social responsibility and stakeholder theory. The role of ethics in consumer purchase decisions and corporate reputation.

Ethics in the Workplace: Addresses the decision processes and organizational influences which cause people to make ethical and unethical decisions at work. Ethical issues pertaining to employees, such as discrimination, workplace surveillance and whistle blowing.

IT Ethics: Topics include ethical theory, privacy and security, spam, electronic commerce, the digital divide, open source software, medical informatics, bioinformatics and some neo-classical economics.

Code of conduct of Professional bodies:

### Module Assessment

Continuous Assessments - 100%

These assessments are made up of a combination of in-class tests, group project, and presentation.

### Essential Reading:

Brian Doolan, 2003, Principles of Irish Law 6th Ed., Gill and Macmillan

Kelleher & Murray, 2008, Information Technology Law in Ireland, Tottel

### Supplemental Reading:

Fell et Al, 2007, IT Law, BCS.

Aine Keenan, 2002, Essentials of Irish Business Law, 3rd Ed., Gill and Macmillan

Ian Lloyd, 2004, Information Technology Law, OUP

Deborah G. Johnson, 1994, Computer Ethics, Prentice Hall.

### Web references, journals and other:

Computers and Law Journal

National Disability Authority [WWW.NDA.IE](http://WWW.NDA.IE)

Trace Center Wisconsin <http://trace.wisc.edu>

### Further Details:

Duration: 1 semester. Contact hours: 3 hours (Lecture: 2; Lecture/Tutorial: 1) Max size: 30

**Date of Academic Council approval .....**