
Professional Issues: Internet Issues and Computer Misuse

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Overview

- the reasons why misuse of the Internet gives cause of concern
- the scope and limitations of the legislation that governs the use of Internet
- why is difficult to enact legislation that will effectively regulate the use of the Internet
- the Computer Misuse Act and how it applies to common offences
- the way in which computer fraud is handled

Internet Service Providers

How far can Internet Service Providers (ISPs) be held responsible for the material generated by their customers?

Internet Service Providers

ISPs acting in the **caching role** are not liable for damages or for any criminal sanctions as result of transmissions, provided that they:

- do not modify the information
- comply with conditions on access to the information
- comply with any rules regarding the updating of the information, specified in a manner widely recognised and used by industry
- do not interfere with the lawful use of technology, widely recognised and used by industry, to obtain data on the use of the information
- act expeditiously to remove or to disable access to the information that has been stored upon obtaining actual knowledge that the information at the initial source of the transmission has been removed from the network, or access to it has been disabled, or that a court or an administrative authority has ordered such removal or disablement

Internet Service Providers

ISPs acting in the **hosting role** are not liable for damages or for any criminal sanctions provided that they:

- did not know that anything unlawful was going on
- did not know that anything that should have led it to think that something unlawful might be going on, when a claim for damages is made
- acted expeditiously to remove the information or to prevent access to it, when it found out that something unlawful was going on
- the customer was not acting under the authority or the control of the service provider

Note that in general there are differences across countries (e.g. different law regulating ISPs in USA and Europe).

Law Across National Boundaries

- Criminal law
- The International Convention on Cybercrime
- Civil law

Defamation

The Defamation Act 1996 states that a person has a defence if they can prove that:

- was not the author, editor or publisher of the statement complained of
- took reasonable care in relation to its publication
- did not know, and had no reason to believe, that what it was done caused or contributed to the publication of a defamatory statement.

Indecent and Unlawful Material

- Most countries have laws concerned with pornography (e.g. in England and Wales, the law relating to pornography is based on the Obscene Publication Act 1959)
- The classification of material varies widely from country to country
- The Internet Content Rating Association (ICRA) — In UK, the Internet Watch Foundation (IWF) is the UK hotline for reporting criminal online content

SPAM

- SPAM is best defined as *“unsolicited email sent without the consent of the addressee and without attempt at targeting recipients who are likely to be interested in its contents”*
- Different law across countries (what does it make an email to be SPAM?)
- There are some technical means of dealing with SPAM (e.g. closing loopholes, using machine learning and other techniques, using virus detection software, keeping ‘stop lists’)

The Computer Misuse Act

The Computer Misuse Act 1990 creates three new offences:

- unauthorised access to a computer
- unauthorised access to a computer with intention to commit a serious crime
- unauthorised modification of the contents of a computer

The 2004 Review of the Computer Misuse Act resulted in a recommendation to include an additional offence of *'impairing access to data'*.

Specific Offences

- **Denial of Service Attack:** *“is an attack on a website in which it is flooded with so many requests for service that either the links to the site or the site itself are no longer able to respond to legitimate requests.”*
- **Computer Fraud:** *“involves manipulating a computer dishonestly in order to obtain money, property, or services, or to cause loss.”*

Required Readings

- Textbook (Bott)
 - Chapter 15 on Internet Issues
 - Chapter 16 on Computer Misuse