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# Legal Issues in Information Technology

# Obligatory Disclaimer

- ◇ I am not a lawyer
- ◇ This is not legal advice

# Four areas of caution

- ◇ Unauthorized access
- ◇ Intellectual property
- ◇ Trouble/failed IT projects
- ◇ Preservation and discovery of files

# Unauthorized access

- ◇ Computer Fraud and Abuse Act (CFAA)
  - ◇ Repeatedly modified since passing in 1986
  - ◇ Expanded scope, abolished statutory limits
  - ◇ Very broad, very vague: does not define “without authorization”
  - ◇ Offers harsh penalties (cf. Aaron Swartz)
- ◇ Be careful where you go and what you do

# Intellectual Property

## ◆ Four key areas:

- ◆ Licensing
- ◆ Copyright
- ◆ Trade secret
- ◆ Patent

## ◆ Trillions of dollars at stake

## ◆ Companies and industry associations love to litigate and to seek major damages

## ◆ Be careful what you copy and how

# Trouble/failed IT projects

- ◇ High rate of failure proportional to size
- ◇ Many reasons why
  - ◇ Unrealistic/mismatched expectations
  - ◇ High-risk approach to project
  - ◇ Diverging or conflicting goals
  - ◇ Course changes (“inflection points”)
  - ◇ Problems with communications
  - ◇ Poor performance by one or both sides
  - ◇ Changes in key personnel
  - ◇ “In architecting a new program [or system], all the serious mistakes are made in the first day.” – Spinrad, 1988
- ◇ Raise issues early and often

# Preservation/discovery of files

- ◆ Preservation of relevant files is mandated once just the *possibility* of litigation arises
- ◆ Discovery allows opposing side to request production of relevant files
- ◆ Failure to preserve and produce relevant files can result in civil and even criminal sanctions
- ◆ Make sure employer has retention policies
- ◆ Be careful in face of litigation/investigation

# Summary

- ◊ Working in IT, you will deal with pervasive and often cutting-edge legal issues and complications
- ◊ Ongoing technology development will continue to blur lines and create new concerns
- ◊ Be wise and cautious when you find yourself dealing with these issues