# Legislation

Computer systems (Paper 1) · revision notes

The laws that apply to computing: the Data Protection Act 2018, the Computer Misuse Act 1990 and the Copyright, Designs and Patents Act 1988, together with software licences. Questions ask what each law covers, which law a situation breaks, and how a law affects an organisation.

## Key facts

- Data Protection Act 2018: protects personal data; enforced by the ICO
- DPA rights: be informed, see your data, have it corrected (and sometimes deleted)
- Copyright, Designs and Patents Act 1988: protects original work (software, music, films, images); automatic
- DPA principles: fair, lawful and transparent; specified purposes; only what is needed; accurate; not kept too long; secure
- Computer Misuse Act 1990: unauthorised access; with intent to commit further offences; unauthorised acts to impair a computer
- Software licence: legal agreement on how software may be used

## Notes

### Data Protection Act 2018

- Controls how organisations collect, store and use **personal data** (data about a living person who can be identified from it).
- Personal data must be: used fairly, lawfully and transparently; used only for specified purposes; adequate, relevant and limited to what is needed; accurate and kept up to date; kept no longer than necessary; and kept secure.
- People have rights over their data, including the right to be told how it is used, to see the data held about them, and to have wrong data corrected. In some cases they can ask for it to be deleted.
- The **Information Commissioner's Office (ICO)** enforces the Act and can fine organisations that break it.

### Computer Misuse Act 1990

- Offence 1: **unauthorised access** to computer material, e.g. logging in with someone else's password.
- Offence 2: unauthorised access **with intent to commit or help commit further offences**, e.g. accessing a bank's system to steal money.
- Offence 3: **unauthorised acts with intent to impair** the operation of a computer, e.g. spreading malware, deleting or changing data, or a denial of service attack.
- Weak security is no excuse: accessing a system without permission is an offence even if it was easy to do.

## Copyright, Designs and Patents Act 1988

- Protects **original work**, such as software, music, films, books and images, from being copied, shared, changed or sold without the owner's permission.
- Copyright applies **automatically**: the creator does not have to register it.
- Software piracy and illegally downloading or sharing films and music break this Act.

## Software licences

- A **software licence** is a legal agreement that sets out how software may be used, e.g. how many devices it can be installed on and whether it can be changed or shared.
- Installing software on more computers than the licence allows breaks copyright law. Open source and proprietary licences are covered in 1.6.1.3.

## How to answer each type of question

**Identify the law broken and explain why** | 1 to 2 marks per situation | **Grade 5**

1. Personal data misused, kept too long or not kept secure → Data Protection Act 2018.
2. Accessing or damaging a computer system without permission → Computer Misuse Act 1990.
3. Copying or sharing someone's work or software → Copyright, Designs and Patents Act 1988.
4. If asked to explain, say which rule or offence has been broken.

**Example.** Identify the law most likely to have been broken in each situation, and explain why.
(a) A student guesses a teacher's password and changes their own marks. [2]
(b) A shop sells its customers' email addresses to another company without telling them. [2]

**Model answer.**

(a) Computer Misuse Act 1990 (1): the student accessed the system without permission and changed data (1).
(b) Data Protection Act 2018 (1): the customers' personal data has been used for a purpose they were not told about (1).

**Describe the offences or principles of a law** | 3 to 4 marks | **Grade 6**

1. Give each offence or principle as a separate point.
2. Use the correct wording, e.g. 'unauthorised access'.
3. Add a short example if it helps to make the meaning clear.

**Example.** Describe the **three** main offences under the Computer Misuse Act 1990. [3]

**Model answer.** Gaining unauthorised access to computer material (1). Gaining unauthorised access with intent to commit or help commit further offences (1). Carrying out unauthorised acts with intent to impair the operation of a computer, e.g. spreading malware (1).

**Explain how a law affects an organisation**

4 to 6 marks | Grade 7

1. Choose the relevant principles or rules.
2. Apply each one to the organisation's data or actions, e.g. 'the gym must…'.
3. Principles that are only listed, without being applied, usually earn fewer marks.

**Example.** A gym stores its members' names, addresses, bank details and health information. Explain how the Data Protection Act 2018 affects the way the gym handles this data. [4]

**Model answer.** The gym must only collect the data it needs and tell members what it will be used for (1). It must keep the data secure, e.g. using passwords, access levels and encryption, especially for the health and bank details (1). The data must be kept accurate, e.g. by letting members update their details, and deleted when it is no longer needed, such as some time after a member leaves (1). Members have the right to see the data the gym holds about them and to have mistakes corrected (1).

## Don't lose marks

- Getting the names or years wrong, e.g. 'Computer Misuse Act 1998' (it is 1990) or 'Data Protection Act 1998' (the current Act is from 2018).
- Saying the Data Protection Act protects all data. It covers personal data about living people.
- Saying copyright has to be registered. It is automatic.
- Naming the right law but not explaining which part of it has been broken.

## More tips

### Memory tricks

- Match the law to the harm: people's data → DPA; breaking in or causing damage → CMA; copying someone's work → CDPA.
- In date order: CDPA 1988, CMA 1990, DPA 2018: 'Copy, Misuse, Protect'.
- The CMA offences get more serious: getting in → getting in to commit a crime → causing damage.

### Exam technique

- Write the full name and year of each Act.
- One situation can break more than one law: name the most relevant one and explain it.
- Apply principles to the organisation in the question rather than just listing them.

## What each grade needs

What you need to be able to do, from the first marks up to the top grade.

**Grade 3** — **Name the three main computing laws**
Data Protection Act 2018, Computer Misuse Act 1990, and Copyright, Designs and Patents Act 1988.

**Grade 4** — **State what each law protects**
Personal data (DPA), computer systems and data from unauthorised access (CMA), original work (CDPA).

**Grade 5** **Identify the law broken in a situation**

E.g. reading a colleague's emails using their password breaks the Computer Misuse Act 1990.

**Grade 5** **Describe the principles of the Data Protection Act**

Personal data must be used fairly and lawfully, for stated purposes, kept accurate, secure and no longer than needed.

**Grade 6** **Describe the three Computer Misuse Act offences**

Unauthorised access; unauthorised access with intent to commit further offences; unauthorised acts to impair a computer.

**Grade 7** **Explain how a law affects an organisation**

Apply the principles of the Data Protection Act to how a school or business handles personal data.

**Grade 8** **Discuss legal issues in an unfamiliar scenario**

Link each action to the relevant law and consider the responsibilities of everyone involved.

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