

POINTS FOR FURTHER DISCUSSION TOWARDS DEVELOPING THE BCS RESPONSE TO THE CONSULTATION BY THE LAW COMMISSION (LC) ON THE LC'S REVIEW OF 'PROTECTION OF OFFICIAL DATA'

Debate at the BCS *Law Specialist Group* 8 March 2017 Open Forum Meeting identified three dimensions to consider, around which to structure discussion:

A. CONSIDERATION of and RESPONSES to the COMMISSION'S PRELIMINARY 6-page CONCLUSIONS AND QUESTIONS, including:

- Definitions technically correct and robust enough to apply to 'digital data' and technology evolution.
- Tools/Toolkit for interpreting and applying any new '(Digital) Espionage Act' in regard to offences arising (from both Prosecution, and Defence, points of view) – eg proof, evidence etc considerations given the reality of the technical impossibility of 'perfectly effective cybersecurity'.

B. SPECIFIC PROPOSED TOPICS and HEADINGS to be DEVELOPED to ADVISE the LAW COMMISSION, as the BCS RESPONSE to the LC CONSULTATION

C. A DIGITAL REPOSITORY as the BASIS for the NEW ACT – DIGITAL – Not PRINTED – LEARNING from PROTOTYPING

The list of points to be further debated under **B** above that need fleshing out, with the target of arriving at settled wording to go into the BCS Response to the Law Commission, are:

1. Where does the Criminal Intent lead to Proof and Evidence when software is self-writing and damaging and data is self-perpetuating?
2. What constitutes the 'Public Domain' with 'inferences' and 'conclusions' made by Data Analytics?
3. Who defines 'Public Interest'? [Chapter 7]
4. Where is the Intent of Artificial Intelligence and Neural Networks considered?
 - 4.1. How about cookies, viruses, malware, adware?
 - 4.2. Automated Vehicles
 - 4.3. Robots
5. Remoteness vs Location
 - 5.1. Intelligent Drones?
6. Online Reputation
 - 6.1. Cyberbullying [NB the topic of the next meeting of the BCS *LSG* on 8th May]
7. Freedom of Information vs 'Official Secrets'
 - 7.1. Data Protection Act [Chapter 4]
8. Children and Technology
9. The Classification of Data [official, public, private, secret]
10. Whistleblower vs 'Open Discussion' of Mistakes vs 'Official Leaks' and 'data leakages'
11. Pharmaceutical weapons, medical, environmental 'Open Data'
 - 11.1. Official Data: what about 'that which is *not* published, but ought to be'?
12. How does Data become Information, Intelligence, Insight?
 - 12.1. Artificial Intelligence and Data Analytics [again]
13. Ethics
14. European Convention on Human Rights