

# Examining Work Practices in the ICT Sector: Reinforcing Frameworks for Intellectual Property, Ethics and Privacy

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**Abstract:- The safety of people's data is crucial given the rise in the use of digital gadgets. The paper examines a business case study that mostly provides information and communication technology services to Australian enterprises. By examining Australian laws and norms pertaining to intellectual property, ethics, and privacy in the ICT sector, the analysis aims to find any gaps in the work practices. Relevant questions are formulated to identify particular problems with current work practices in order to facilitate the study. This will enable the ICT industry to identify any weaknesses and help improve the laws and policies relating to privacy, ethics, and intellectual property.**

**Keywords:-** IP, Legislations, Standards, ICT, Ethics.

## I. INTRODUCTION

Organizational dynamics have fundamentally transformed as a result of the growing usage of information and communication technology (ICT) in the contemporary digital era. Due to the rapid interchange of data and our growing reliance on digital gadgets, protecting personal information has never been more important. The ICT industry must give significant consideration to matters of intellectual property (IP), ethics, and privacy. To ensure the appropriate and ethical use of technology, organizations must identify any gaps in their work processes and align them with applicable laws and regulations. In order to support businesses, facilitate communication, and manage massive volumes of data, the ICT sector is indispensable. But with the digitization of information comes the exponentially increased risk of intellectual property infringement, unethical behavior, and privacy breaches. As a result, it is critical to evaluate the industry's current operating practices and identify any potential weaknesses.

For our analysis, a business case study on Australian ICT service providers is taken into account. This organization provides businesses across numerous industries with a broad range of technology solutions. We can gain insight into the larger issues and possible shortcomings faced by the ICT industry overall by analyzing this specific instance. The study's main goal is to provide pertinent questions that touch on various facets of privacy concerns, ethical behavior, and intellectual property protection.

This will serve as a basis for evaluating the organization's operational protocols in light of pertinent Australian laws and standards. There will be two effects from this study's findings. In order for the ICT sector to take proactive steps to close any gaps in their current working methods, the research will first assist in identifying any defects in those procedures. Second, by identifying particular problems that require attention, this research will support the creation of policies and guidelines that adhere to moral and legal requirements.

## II. LITERATURE SURVEY

In the framework of a study designed to investigate ethical attitudes among professionals in Australia's information and communication technology (ICT) business, Lucas and Mason [8] have offered a preliminary analysis of age and gender. Many questions about ethics and regulations were included in the poll, but the demographic elements of age and gender are the main focus of this analysis. The results of this preliminary study can be used as a basis for more investigation and comprehension of the dynamics of moral attitudes in the ICT sector.

When it comes to the use and administration of intellectual property rights (IPRs), Derek Bosworth [5] raises a number of important points. It starts by summarizing US policy changes that have an impact on intellectual property rights. The use and strategy of IPRs in the US, Canada, EU, Japan, Australia, and other regions are then looked at.

The characteristics of innovation markets and their vulnerability to market failure as a result of high fixed costs and the non-excludability of intellectual capital are examined by Paul H. Jensen [7]. It implies that by providing legal protection against rival imitation, intellectual property (IP) rights can assist address this problem. The cost of obtaining and protecting intellectual property rights, however, raises questions about how well small and medium-sized businesses (SMEs) will be able to use these rights. The paper's results, which defy expectations, show that, after industry-specific factors are taken into consideration, SMEs have higher rates of patent, trade mark, and design utilization than bigger enterprises. This disproves the widespread belief that SMEs experience obstacles and indicates that they are not intrinsically less able to utilize intellectual property rights.

David Watts [4] has examined the legislation and regulations that control this area of privacy regulation in Australia. His goal is to create a plan for simulating the legal requirements in a complicated and uncertain scenario as part of the CRC D2D initiative. They specifically address the difficulties law enforcement organizations encounter when trying to manage and make use of massive amounts of data. In order to address this problem, he has put forth a linked data regulatory model that will organize and set up the rules pertaining to law and policy that are required in order to protect privacy in the setting of unstructured data. through offering insightful advice and practical instructions for handling privacy issues when handling the collection, archiving, evaluation, and use of data in the context of law enforcement.

The purpose of this study is to examine and identify inadequacies in the work practices of the Australian ICT sector with respect to intellectual property, ethics, and privacy. The research will assist organizations in identifying areas for improvement and help build policies and processes that close these gaps by using a business case study approach. By aligning work practices with relevant laws and standards, the ICT industry may deepen its commitment to the ethical and responsible use of technology, ensuring the protection of intellectual property and privacy for individuals and businesses alike.

### III. RESEARCH METHODOLOGY

Among the intellectual property standards used in the ICT industry is the Australian IP management standard. This standard provides guidelines for managing intellectual property (IP) inside businesses, along with the best ways to find, protect, and profit from IP assets. For ICT companies and organizations who are developing new products and technologies, this standard is crucial.

The main piece of law controlling copyright in Australia is the Copyright Act 1968. This law lays out the guidelines and responsibilities for users, copyright holders, and other stakeholders in Australia's intellectual property protection system. Aesthetic, dramatic, musical, literary, and sound recordings are all covered in the act's list of works protected by copyright. In order to stay abreast of technological, economic, and societal advancements, the government periodically examines and modifies this legislation.

The principal privacy-affecting legislation in Australia is the Privacy Amendment (Notifiable Data Breach) Act of 2017. The legislation mandates that companies report any eligible data breaches to the Australian Information Commissioner and to individuals. Eligible data breaches are those that involve the unauthorized access or disclosure of personal data or data that presents a serious risk of harm to the individual whose data was accessed or disclosed. The act intends to protect individuals from possible harm caused by data breaches and to hold businesses accountable for maintaining the security of the personal information they store.

A code of conduct with a focus on information security for those working in Australia's ICT industry is the Australian Information Security Management Forum (AISMF) Code of Ethics. The primary objective of this code is to ensure that AISMF members uphold the highest levels of professionalism and integrity when handling sensitive material, as well as to urge them to act responsibly and ethically. It covers subjects including secrecy, ethics, and professionalism.

### IV. FINDINGS/ OUTCOME OF THE STUDY

The staff code of conduct, copyright policies and procedures, and privacy policies and processes are among the documents that were examined for the business case study. It was noted that the business was abiding by the following policies in accordance with Australian laws.

Statement of business principles, legal responsibilities, copyright license, copyright officer, and copyright violations were all listed under copyright policies and procedures.

The scope, information gathering, anonymity, use, and disclosure of personal data, marketing collateral, personal data storage, and security features were all covered under privacy rules and procedures.

The goal, overview, code, honesty, conflict of interest, diligence, economy, and efficiency are all outlined in the staff code of conduct.

The analysis revealed a few concerns that needed to be resolved for the business case study that was taken into consideration for this study:

#### A. Significant Findings for Copyright Policy and Procedures

The Copyright Act of 1968 is a standard and legislation pertaining to copyright that the corporation may utilize. The following adjustments are suggested for the section on adhering to laws:

- *Copyright Licence*
- *Copyright Infringement*
- *Stealing Content from Internet Sources*

The Australian Copyright Act of 1968 is the legal document that grants copyright. The majority of copyright in Australia is automatically granted, which can help to guarantee that third parties are reminded of your copyright as well as internal clarity that you actually created the intellectual property. When automatic copyright is insufficient, other IP protection mechanisms like patents and trademarks are applicable.

A certain amount of use of copyrighted works is permitted by the 1968 Copyright Act, but only provided that proper acknowledgment is given to the work's original creator.

No one is permitted to download, print, or copy content from public domain websites for free. Whether the website's content alone falls within one of the types of works that are protected by copyright laws. If there are no terms and conditions, the copy must provide a thorough citation to the websites.

#### B. Significant Findings for Privacy Policy and Procedures

The organization's privacy policy manages and safeguards personal data.

Australian privacy principles (APPs) are a set of guidelines that follow the Privacy Act of 1968's Australian privacy principles. If a person can be identified or deduced from data, then such data is only considered personal. Confidentiality and sensitive data are approached for data.

The Privacy Act places extra restrictions on the collection, use, and disclosure of sensitive information. Information on membership in trade or professional organizations, as well as one's identity as an indigenous person or a Torres Strait Islander, are examples of sensitive data that may be collected.

Confidentiality, which is related to the connection of confidence, ensures that information is protected throughout its lifecycle and that only those permitted to access it can access it.

The following laws pertain to privacy policies and procedures:

- *Privacy act 1988*
- *The Australian Privacy Principles*
- *Freedom of Information Act 1982*
- *Disability Discrimination Act 1992*
- *The Racial Discrimination Act 1975*
- *Sex Discrimination Act 1984*

#### C. Significant Findings for Staff Code of Conduct

The Australian Computer Society Code of Professional Conduct and Code of Ethics are reflected in and adhered to by this code of conduct.

The purpose of a code breach is to encourage and improve staff members' ethical behavior. Any employee who is discovered to have violated this code may face disciplinary action. Discipline for pain or major wrongdoing may fall under this category. Any such behavior could lead to penalties, which could range from fines to termination of employment.

It is crucial that you go through the additional protocols in our grievance and ethical breaches assessment procedures for ethical breaches.

#### D. Questionnaire Proposal to Resolve the Issues

- How can one ascertain whether a piece of art is shielded by copyright laws?
- Which fundamental principles guide how personal data is handled in accordance with privacy laws?
- Could you give an instance when a business might be breaking privacy laws?
- When managing sensitive personal data, how can an organization make sure privacy regulations are followed?
- How would you respond to a client's request to use copyrighted content without getting the required authorization or license?
- What typical ethical challenges can come up while handling personal data?
- Could you give an example of a scenario in which a business managing personal data might be in violation of ethical standards?
- How does the idea of informed consent relate to the gathering and application of private information?
- What actions can a business take to guard against data breaches and safeguard the personal information under its ownership?

## V. CONCLUSION

In conclusion, this research paper has highlighted the need to address gaps in work practices related to intellectual property, ethics, and privacy within the ICT industry in Australia. By identifying these gaps and aligning practices with relevant legislations and standards, organisations can enhance IP protection, ethical conduct, and privacy safeguards. The findings contribute to the ongoing discourse on responsible technology use and provide recommendations for policymakers and industry stakeholders to develop robust policies and procedures. It is essential for the ICT industry to proactively address these gaps, fostering an environment that values data protection, ethical behaviour, and privacy in order to build trust and ensure a sustainable digital future.

## REFERENCES

- [1]. P. Serafin, Ann Kathrin Wissemann, H. Gebhardt, Christoph Mühlemeyer, A. Schäfer, and K. Lang, "Considering Ethics and Privacy Issues in Modern ICT-Tools," pp. 534–545, Jan. 2022, doi: [https://doi.org/10.1007/978-3-031-17902-0\\_38](https://doi.org/10.1007/978-3-031-17902-0_38).
- [2]. L. Kisselburgh and J. Beever, "The Ethics of Privacy in Research and Design: Principles, Practices, and Potential," *Modern Socio-Technical Perspectives on Privacy*, pp. 395–426, 2022, doi: [https://doi.org/10.1007/978-3-030-82786-1\\_17](https://doi.org/10.1007/978-3-030-82786-1_17).
- [3]. K. Rath and A. Kumar, "Information privacy concern at individual, group, organization and societal level - a literature review," *Vilakshan - XIMB Journal of Management*, vol. 18, no. 2, Jan. 2021, doi: <https://doi.org/10.1108/xjm-08-2020-0096>.

- [4]. Watts and P. Casanovas, "Privacy and Data Protection in Australia: a Critical overview (extended abstract)." Available: <https://www.w3.org/2018/vocabws/papers/watts-casanovas.pdf>
- [5]. D. Bosworth and M. Rogers, "Market Value, R&D and Intellectual Property: An Empirical Analysis of Large Australian Firms," *Economic Record*, vol. 77, no. 239, pp. 323–337, Dec. 2001, doi: <https://doi.org/10.1111/1475-4932.t01-1-00026>.
- [6]. P. Hanel, "Intellectual property rights business management practices: A survey of the literature," *Technovation*, vol. 26, no. 8, pp. 895–931, Aug. 2006, doi: <https://doi.org/10.1016/j.technovation.2005.12.001>.
- [7]. P. H. JENSEN and E. WEBSTER, "Firm Size and the Use of Intellectual Property Rights\*," *Economic Record*, vol. 82, no. 256, pp. 44–55, Mar. 2006, doi: <https://doi.org/10.1111/j.1475-4932.2006.00292.x>.
- [8]. R. Lucas and N. Mason, "A survey of ethics and regulation within the ICT industry in Australia: ethics education," *Journal of Information, Communication and Ethics in Society*, vol. 6, no. 4, pp. 349–363, Nov. 2008, doi: <https://doi.org/10.1108/14779960810921141>.
- [9]. C. D. Raab, "Information privacy, impact assessment, and the place of ethics," *Computer Law & Security Review*, vol. 37, p. 105404, Mar. 2020, doi: <https://doi.org/10.1016/j.clsr.2020.105404>.
- [10]. Jorge, *Ethical Issues and Social Dilemmas in Knowledge Management: Organizational Innovation*. IGI Global, 2010.
- [11]. M. A. Pierce and J. W. Henry, "Judgements about Computer Ethics: Do Individual, Co-worker, and Company Judgements Differ? Do Company Codes Make a Difference," *Journal of Business Ethics*, vol. 28, no. 4, pp. 307–322, 2000, doi: <https://doi.org/10.1023/a:1006324404561>.
- [12]. Walther, "Ethics in Neuroscience Curricula: A Survey of Australia, Canada, Germany, the UK, and the US," *Neuroethics*, vol. 6, no. 2, pp. 343–351, Oct. 2012, doi: <https://doi.org/10.1007/s12152-012-9168-2>.