**CHAPTER 27-CYBERLAW**

**TRUE/FALSE**

1. The Fourth Amendment to the Constitution of the United States prohibiting unreasonable searches and seizures does not apply to the Internet.

2. Spam is illegal *per se.*

3. Jorgeson Co., on its website, promised the company would not give PII to third parties without the customer’s consent, but then gave out such information. This practice violates Section 5 of the FTC Act.

4. The federal government has preempted the field of online privacy, so states may not pass their own online privacy statutes.

5. When you surf the Internet, information, much of which is anonymous, is collected about you.

6. Rachel works for the Internal Revenue Service, but keeps some personal information on her computer at work. The Fourth Amendment to the Constitution, prohibiting unreasonable searches and seizures, does not apply to the government's right to obtain personal information on her computer.

7. If a program is on your computer monitors your activities without your permission, you may be able to get protection through state legislation which makes spyware illegal.

8. Consumers have been active in requesting government regulation of web data collection to protect their privacy.

9. Under current law Internet service providers are not liable for information that is provided by someone else.

10. The Electronic Communications Privacy Act is a federal statute regulating e-mail.

11. If you can guess someone’s password you can legally enter that party’s email account.

12. *U.S.A. v Warshak* held that the 4th Amendment applied to Internet communications.

13. Under the ECPA any intended recipient has the right to disclose the content of an email

14. The *United States of America v. Angevine* case held that the professor had no reasonable expectation of privacy in his office computer.

**MULTIPLE CHOICE**

1. Burns Medicine Shop developed a website where customers could ask the pharmacists questions and could refill prescriptions online. What statute requires Burns to have and disclose a privacy policy to anyone using the website?

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| a. | The FTC Act. |
| b. | The Electronic Communications Privacy Act. |
| c. | The Gramm-Leach-Bliley Privacy Act. |
| d. | No statutes presently require Web sites to have or disclose a privacy policy. |

2. You make an online purchase of a hooded sweatshirt with the logo of the Dallas Cowboys. The next time you log on, your screen has a banner ad for Dallas Cowboy hats and shirts. This banner ad is most likely the result of:

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| a. | Tracking software |
| b. | A coincidence. |
| c. | The Internet crime of theft of private information. |
| d. | Encryption software. |

3. Can-Spam is a federal statute that:

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| a. | Prohibit’s spam |
| b. | Regulated that all commercial email must have an opt out system |
| c. | Requires that all email must have a P.O.Box or physical address of the company. |
| d. | None of these answers are correct |

4. The Computer Fraud and Abuse Act prohibits all but which of the following?

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| a. | Computer trespass. |
| b. | Sending spam. |
| c. | Negligent damage to a computer attached to the Internet. |
| d. | Trafficking in computer passwords. |

5. The case of *Carafano v. Metrosplash.com, Inc.* held*:*

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| a. | The Fourth Amendment applies to computers. |
| b. | Congress, in enacting the Communications Decency Act, intended that ISPs should not be held liable for information provided by someone else. |
| c. | Congress had weighed free speech interests with protection of the public from offensive or obscene materials and determined that protection of the public was more important in the Internet setting. |
| d. | Matchmaker, because it had provided the questionnaires for collecting information from its users, must be considered an “information content provider” under the Communications Decency Act, and it is therefore liable under the Act. |

6. The CAN-SPAM Act:

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| a. | Applies to virtually all promotional e-mails, whether or not the sender has a pre-existing relationship with the recipient. |
| b. | Provides unavoidable requirements for senders of promotional e-mails. |
| c. | Requires recipients of unsolicited, pornographic e-mails to notify the Justice Department. |
| d. | Requires senders of promotional e-mails to provide a valid return address, which may be a post office box or a specific physical location. |

7. The Children's Online Privacy Protection Act prohibits Internet operators from collecting information from children under what age without parental permission?

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| a. | 18. |
| b. | 16. |
| c. | 13. |
| d. | 10. |

8. Sherry, a 12-year-old, visited a website that wanted to know her family size, her parents' educational level, and her weekly allowance. The site also asked Sherry's name, mailing and e-mail addresses, and age.

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| a. | Under COPPA, the website must disclose how it will use the information it acquires from Sherry. |
| b. | COPPA prohibits the Internet operator from collecting such information without her parents’ permission. |
| c. | COPPA does not apply to Sherry's situation since she is over the age limit for those protected by the statute. |
| d. | Both a and b. |

9. The Children's Online Privacy Protection Act:

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| a. | Deals only with the collection of data that will be disclosed to children. |
| b. | Deals only with collecting, from children, information that will be disclosed publicly. |
| c. | Regulates the activities of Internet operators. |
| d. | Both b and c. |

10. Tom receives an e-mail from someone alleging to be a Nigerian government official who has stolen money from the government. He needs some place safe to keep the money for a short time. The official promises that, if Tom lets his bank account be used for this purpose, Tom will be allowed to keep a percentage of the stolen money. Tom gives in to the temptation and provides his account information. Instead of receiving money, Tom loses everything he had in the account to the scammer. In this situation:

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| a. | prosecution can be under state law. |
| b. | prosecution can be under the Computer Fraud and Abuse Act. |
| c. | a civil action can be brought under Section 5 of the FTC Act. |
| d. | All of the above. |

11. The employer has the right to monitor a workers electronic communication:

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| a. | in the ordinary course of business.never |
| b. | The communication is made during business hours. |
| c. | except if it does not relate to work |
| d. | If the employer provided the computer where the communication is stored. |

12. Rob works for a federal governmental agency. No policy statements have been reported to the employees regarding their privacy rights or regarding their use of workplace computers for personal business. Rob's supervisor has reason to suspect that Rob has used his workplace computer to order an illegal substance. Which of the following is true?

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| a. | Rob's employer may search Rob's computer at any time since it was provided by the employer. |
| b. | Even if Rob's employer tries to search Rob's computer, if Rob has deleted any incriminating information, the employer will be able to find nothing on his computer to prove Rob was engaged in illegal activity. |
| c. | The Fourth Amendment prohibits unreasonable searches and seizures by the government, but this amendment does not apply to computers. |
| d. | Because there was no policy statement by the employer, if Rob has a legitimate expectation of privacy in the information on his computer, his employer would have to obtain a search warrant in order to conduct a search of the computer. |

13. Which of the following protects e-mail messages from unauthorized interception?

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| a. | The First Amendment. |
| b. | The GLB Privacy Act of 1999. |
| c. | The Electronic Communications Privacy Act. |
| d. | COPPA. |

14. The privacy of e-mail is regulated by:

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| a. | the federal ECPA. |
| b. | spyware. |
| c. | both a and b. |
| d. | neither a nor b. There is currently no regulation of e-mail privacy. |

15. The Electronic Communications Privacy Act covers:

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| a. | e-mail communications. |
| b. | transmissions from cellular phones. |
| c. | transmissions from pagers. |
| d. | All of the above. |

16. Under the Electronic Communications Privacy Act:

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| a. | violators are subject to both criminal and civil penalties. |
| b. | violators may be subject to civil, but not criminal, penalties. |
| c. | only the unauthorized disclosure of e-mail messages constitutes a violation. |
| d. | only the unauthorized interception of e-mail messages by the government or an ISP constitutes a violation. |

17. Which of the following is NOT true under the Electronic Communications Privacy Act?

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| a. | An intended recipient of an e-mail has the right to disclose it to third persons. |
| b. | ISPs are prohibited from disclosing the content of electronic messages to anyone other than the addressee, even if the disclosure is necessary for the performance of the ISP's service. |
| c. | An employer has the right to monitor workers' e-mail if the monitoring occurs in the ordinary course of business or the employer provides the e-mail system. |
| d. | To access e-mail messages that have been stored for 180 days or less, the government must first obtain a search warrant. |

18. What statute prohibits accessing a computer without authorization and obtaining information from it.?

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| a. | Computer Fraud and Abuse Act |
| b. | Communication Decency Act |
| c. | Electronic Communications Privacy Act. |
| d. | Children‘s Online Privacy Protection Act |

19. "Hacking" is:

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| a. | gaining unauthorized access to a computer system. |
| b. | a major crime. |
| c. | illegal under the federal Computer Fraud and Abuse Act, which applies to any computer attached to the Internet. |
| d. | All of the above are correct. |

20. MajorLine offered travel packages, including airfare and hotel accommodations, at a discounted price on their website. However, after Jason charged MajorLine's fees to his credit card, he did not receive the promised airline tickets or the coupons for a reduced hotel rate. He found that other customers had been similarly defrauded. MajorLine:

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| a. | can be prosecuted under state law. |
| b. | can be prosecuted under the Computer Fraud and Abuse Act. |
| c. | Both a and b. |
| d. | cannot be prosecuted because fraud over the Internet is not yet defined as a crime in any statutes. |

21. *Carfano v. Metrosplash.com, Inc.* held Matchmaker.com was not liable because:

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| a. | Matchmaker.com had immunity |
| b. | Matchmaker.com did not create develop or post the relevant information |
| c. | Matchmaker.com only had liability for photos which were posted |
| d. | None of these answers are correct |

22. After Ashley was denied credit for a new car, she checked her credit report with Equifax. The report showed that several credit cards had been issued to her recently, and they had large, unpaid balances. Ashley had not applied for or received these cards. She found out that someone had stolen personal information she had entered onto her computer and used the information to fraudulently obtain the credit cards. Ashley:

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| a. | is a victim of identity theft. |
| b. | is protected under the Identity Theft and Assumption Deterrence Act. |
| c. | can seek restitution in court. |
| d. | All of the above. |

23. Unsolicited commercial e-mail (UCE) or unsolicited bulk e-mail (UBE) messages:

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| a. | are commonly known as "cookies." |
| b. | constitute about 80 percent of all e-mail. |
| c. | are estimated to be fraudulent either in content or packaging in approximately one-fourth of all cases. |
| d. | although annoying, do lower the cost of connecting to the Internet. |

24. Identity theft:

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| a. | is a relatively new crime that was created through use of the Internet. |
| b. | affects about 8 million American victims each year. |
| c. | has slight impact on the victim since consumer law protects owners of credit cards and limits their loss to $50 if they promptly report the loss of their card. |
| d. | is now addressed by only state statutes. |

25. Lois receives an e-mail asking her to update her personal information on a website that is an illegal imitation of a legitimate site. This practice:

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| a. | is a crime called phishing. |
| b. | is a tort called information theft. |
| c. | is a breach of contract action known as shilling. |
| d. | may be prosecuted under the GLB Privacy Act. |

**ESSAY**

1. Stuart is vying for a promotion, but faces competition from a co-worker, Brenda. Without authorization, Stuart accesses stored company records and discovers an unfavorable e-mail message Brenda had written about the company. Stuart sends the message to his supervisor in hopes of keeping Brenda from getting the promotion. Discuss whether Stuart has violated any statute and, if so, what sanctions he may face.

2. Daniel went onto an Internet message board and found that his ex-wife, Faye, had posted a message calling him a fat, insensitive jerk who only cared about watching sports on TV. Does Daniel have any protection against Faye’s making such statements to a potentially large number of readers, some of whom may know Daniel and some of whom may not?

3. Maria, who lives in the United States, gains unauthorized access to a bank's computer system and steals financial information about customers. Of what is Maria guilty, and under what statute(s) could she be prosecuted?

4. Explain the difference between an ISP and a Web host, and discuss whether they are treated alike under the Communications Decency Act (CDA).