Legislation

OVERVIEW

Legislative and regulatory activity affecting the computer industry is on the increase. A recent computer search of legislation pending before the Congress retrieved 328 bills involving computers and/or communications. These bills and others pending before the fifty state legislatures supplement the numbers of existing laws that already affect the industry. Recent legislative and related regulatory activity has been in five general areas: communications including transborder data flow, privacy, protection of proprietary rights in software, personnel and security. (One specific computer application, electronic funds transfer, which is the subject of a related area, includes aspects of each of the above.) Lawyers and computer specialists will describe and analyze this activity and its impact on computing in the following sessions:

The session on communications entitled “Federal Policy And The Future Of Computer Communications Services” will focus on the present status of federal policy, regulation and legislation impinging on computer communications, as well as relevant anticipated developments and their impact on the data processing field. Discussion will include activity in the executive branch concerning international communications and the office of the Assistant Secretary of Commerce for Communications and Information. Considerations of the Federal Communications Commission in the ongoing FCC “Computer Inquiry” (Docket No. 20828) will be discussed and Congressional issues, particularly the possible revision of the Communications Act of 1934 and related legislation will be reviewed.

In a session entitled “Privacy: Practical Implications For Your Organization,” a leader in the Federal Executive Branch Privacy Task Force will report on questions raised by that group’s recent review of the privacy issues, an analysis of the technological implications of privacy laws, regulations and recommendations for organizations and projections of future development. Panelists will discuss the report from the viewpoints of technologists, individuals and business organizations.
The legal aspects of software protection will be discussed in a panel session in which the current status of patent, trademarck and copyright law will be described by experts in the area—one of whom is also a Commissioner of the Federal Commission On New Technological Uses Of Copyrighted Works (CONTU). An industry executive will then comment on the kind of protection the software industry needs and inquire of the other panelists how current or proposed law responds to these needs.

Personnel issues in computing involve a variety of concerns.

Computer Crime: Sources, case studies and prevention will be the topic of the session in which three papers will be presented that describe and defend teaching EDP to prison inmates, detail a recent computer crime prosecution and suggest a new prevention strategy based on the differences between accidental and intentionally caused losses.