

MULTIPLE CHOICE. Choose the one alternative that best completes the statement or answers the question.

- 1) Which of the following statements about privacy laws is not true?
- A) A business that collects personal information on 'bad tenants' and makes it available to landlords is probably complying with privacy laws.
 - B) There are severe remedies and penalties for breaches of privacy laws in Australia.
 - C) Individuals have strong rights to privacy in Australia under common law and legislation.
 - D) All of the above - none of them are true.

Answer: D

- 2) Organisations that hold personal information on individuals must ensure that this information:
- A) is only available for credit reference purposes.
 - B) does not include sensitive information such as an individual's age or address.
 - C) can be checked and corrected by individuals.
 - D) complies with all of the above.
 - E) complies with A and B above.

Answer: C

- 3) Organisations that hold personal information on individuals must conform with:
- A) the National Privacy Principles.
 - B) the federal *Privacy Act 1988*.
 - C) The Information Privacy Principles.
 - D) all of the above.
 - E) A and B above only.

Answer: D

- 4) Which of the following powers are given to the Federal Privacy Commissioner?
- A) To conciliate (assist parties to resolve) complaints by individuals.
 - B) To investigate complaints by individuals.
 - C) To ask the Federal Court for injunctions and fines of up to \$350 000.
 - D) All of the above.
 - E) A and B only.

Answer: D

- 5) A credit provider or credit reporting agency must comply with:
- A) The federal *Privacy Act 1988*.
 - B) The Privacy Commissioner's Credit Reporting Code of Conduct.
 - C) The federal *Privacy Big Brother Act 1984*.
 - D) all of the above.
 - E) A and B only.

Answer: E

6) Credit providers can obtain information on a client's bad debt history from Veda Advantage Ltd (Veda) provided:

- A) it is not accessing the information to assist with a legal action against the client.
- B) the provider is registered with Veda.
- C) it has a signed permission from the client.
- D) all of the above requirements are satisfied.

Answer: B

7) Veda Advantage Ltd holds records on credit infringements for specific periods of time. Which of the following infringements and time periods is not correct?

- A) A belief that a serious credit infringement has been committed - for up to seven years.
- B) A bankruptcy order - for up to five years.
- C) A dishonoured cheque - for up to seven years.
- D) A court judgement for debt - for up to seven years.

Answer: C

8) A small business is not required to comply with the obligations of the federal *Privacy Act 1988* if:

- A) it holds information in relation to an individual's health records.
- B) it has a turnover of less than \$3 million.
- C) it holds information in relation to an individual's credit record.
- D) it can satisfy all of the above.

Answer: B

9) Bob Bokowski, a building contractor, has been given the records of a rival builder that show the rival is facing serious financial problems. The documents are marked 'Confidential'. Bob wants to release these documents to the media but he is worried about breaching privacy legislation. Which of the following statements is correct?

- A) He will breach privacy laws because small businesses enjoy specific privacy protection under federal and state legislation.
- B) He will not breach privacy legislation because the documents were only marked 'Very Confidential'. They should have been marked 'Highly Confidential'.
- C) He is acting illegally because holding confidential commercial documents breaches federal privacy laws.
- D) He will not breach privacy laws because small businesses do not have specific privacy rights under the federal legislation.

Answer: D

10) Which of the following statements about surveillance in the workplace is not true?

- A) Employees who are disciplined for misusing electronic communications in their workplace because they have breached their workplace code of conduct probably have rights under contract or industrial law, even if the codes were clear and well publicised.
- B) New South Wales and Victoria are the only states that have passed specific legislation to regulate surveillance in the workplace.
- C) Unauthorised recording and publishing of telephone conversations are prohibited by federal and state legislation.
- D) Employers have a defence against carrying out secret surveillance of their employees if it is carried out to protect their intellectual property or confidential information.

Answer: D

- 11) Which of the following statements is not true in relation to the New South Wales *Workplace Surveillance Act 2005*?
- A) Employers must notify employees if they intend to conduct surveillance of the employees' computer files.
 - B) Employers can only conduct covert (secret) surveillance of their employees if they obtain authorisation from a magistrate.
 - C) Employers have the right to block emails that they believe contain viruses or offensive or harassing material.
 - D) Employers have the right to block incoming or outgoing emails by employees if the emails are encouraging serious industrial action against the employer.

Answer: D

- 12) Which of the following statements is true in relation to the Victorian *Surveillance Devices (Workplace Privacy) Act 2006*?
- A) The restrictions under the Act apply to private as well as public employers.
 - B) Employers have the right to conduct surveillance of the emails and other material that is stored on workplace computers.
 - C) Employers have the right to conduct surveillance of the emails and other material that is stored on workplace computers.
 - D) Employers have the right to conduct surveillance of public work areas, such as car parks.

Answer: A

- 13) The federal *Electronic Transactions Act 1999* recognises that electronic communication may satisfy existing legal requirements for:
- A) signatures.
 - B) lodgement of information through application forms.
 - C) records of physical documents.
 - D) all of the above.

Answer: D

- 14) Which of the following statements is/are correct in relation to changes brought about by the federal *Electronic Transactions Act 1999* and identical state legislation?
- A) Electronic contracts for real estate agreements may be substituted for the usual 'paper' documents.
 - B) Electronic documents may be substituted for paper documents that are used to confirm identities, such as documents that are used for migration purposes.
 - C) Electronic signatures, such as PINs, may be substituted for handwritten signatures.
 - D) All of the above.

Answer: C

- 15) Section 14(4) of the federal *Electronic Transactions Act 1999* provides that if parties have not agreed to communicate by an electronic system, an electronic communication is deemed to be received when:
- A) it comes to the attention of the receiver.
 - B) it is read by a senior member of the receiver's business organisation.
 - C) it is printed out by the receiver.
 - D) it enters the information system of the receiver.

Answer: D

16) If a contract is negotiated and formed through the Internet an offer is probably accepted when:

- A) the buyer's email enters the seller's information system.
- B) the buyer negotiates directly with the seller.
- C) the seller places an advertisement on its website.
- D) the seller confirms by e-mail that an order can be filled.

Answer: A

17) Falcone is the owner of an Australian commercial website which includes advertisements that are misleading or deceptive. Which of the following statements is/are true in relation to his liability?

- A) He could be liable for a breach of s 18 of the *Australian Consumer Law* if the advertisements are also false.
- B) He could be liable for a breach of s 18 of the *Australian Consumer Law* even if he never had any intention of acting unlawfully.
- C) He could be liable for a breach of s 18 of the *Australian Consumer Law* provided at least one buyer suffered a financial loss.
- D) All of the above.

Answer: B

18) Your employer has told you that she could be sued for defamation if one of her employees posts a defamatory notice about someone on the work website. This statement is:

- A) false because employers cannot be legally responsible for the private statements of their employees.
- B) false provided the employer can prove she was not aware of the defamatory statement and she ordered that it taken down as soon as she knew about it.
- C) true.
- D) true if the party who was defamed can prove the employee acted with malice and the employer did not enforce an ethical e-mail policy.

Answer: C

19) Little Fish is an Internet Services Provider (ISP). Fran has created a website on Little Fish which offers a very popular chat room on stocks and shares. A regular visitor to her chat room posted a very defamatory message about the director of a new company that has just issued a prospectus. Fran saw the message but left it on because she believes in free speech. The ISP negotiated for three weeks with Fran before she removed the message. The director wants to sue both Fran and Little Fish for defamation. Which of the following statement best sums up their legal position?

- A) Neither of them can be sued. The director can only take action against the person who posted the message.
- B) Little Fish could be sued but Fran is protected by her constitutional right to free speech.
- C) Fran could be sued but Little Fish is protected by its constitutional right to free speech.
- D) Both Fran and Little Fish could be sued for defamation.

Answer: D

20) Which of the following uses of copyright material on a website could infringe the rights of the copyright holder?

- A) Forwarding a business email that is marked confidential and private to an unauthorised third party. You did not read the contents of the email or gain any commercial advantage from forwarding it.
- B) Scanning a photograph from a magazine and posting it on your Facebook page which can only be accessed by a small number of your Facebook friends. friends.
- C) Downloading an original song and storing it on a CD.
- D) All of the above

Answer: D

- 21) A company can usually not register a domain name unless the name is:
- A) identical or similar to the company's registered company name or business name.
 - B) identical or similar to its trademark.
 - C) created and approved by a major Internet Service Provider (ISP).
 - D) created and approved the federal Department of Communications.

Answer: A

- 22) 'Domain piracy' or 'cyber squatting' occurs when someone:
- A) registers the name of a well-known business or personality and tries to sell it back to them.
 - B) sends out large quantities of spam or junk mail that take over the receiver's email data.
 - C) sends a virus, such as 'black patch', to a domain and steals confidential information
 - D) registers the name of a well known business or personality and tries to steal its customers.

Answer: A

- 23) The difference between a domain name and a trademark is that:
- A) A trademark can only be used in connection with specific goods or services. A domain name can be used in connection with a wide range of goods or services.
 - B) A domain name can only be used in connection with specific goods or services. A trademark can be used in connection with a wide range of goods or services
 - C) A registered domain name is represented by the symbol DM. A registered trademark is represented by the symbol TM.
 - D) A registered domain name must be approved by the ACCC. A registered trademark must be approved by the INA.

Answer: A

- 24) Which of the following statements is not true in relation to the liability of Internet Service Providers (ISPs)?
- A) ISPS have a statutory defence against copyright infringements by users of their sites if they can prove they have complied with industry codes for monitoring copyright material.
 - B) In the *eBay Warplane Case*, eBay took no responsibility for the seller's refusal to deliver the aeroplane although the seller had received a successful bid in accordance with eBay rules.
 - C) ISPs will probably be liable for copyright infringements by users on their sites even if they can prove that they implemented technical measures to protect and identify copyright material.
 - D) All of the above - none of them are true.

Answer: C

- 25) The practice of hiding references in the source code of a website so that Internet searchers will be taken to that site is known as:

A) meta stuffing. B) web caming. C) e-cramming. D) source stuffing.

Answer: A

- 26) Which penalties may apply to people who carry out 'spamming' in Australia?
- A) Penalty notices issued by the Australian Communications and Media Authority.
 - B) Fines that range from \$220 (individuals) to \$ 1.1 million (companies).
 - C) Fines that are up to 10 times greater than the amount of a penalty notice.
 - D) All of the above.
 - E) A and B only.

Answer: D