
Introduction to Legal Issues in Human-Computer Interaction

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ABSTRACT

The objective of this course is to provide an overview of legal issues in HCI. The course will focus on five different areas: accessibility, privacy, intellectual property, telecommunications, and requirements in using human participants in research.

CCS CONCEPTS

- **Computing and Business**-> Socio-technical systems
- **Computing/Technology Policy**-> Intellectual Property, Privacy Policy

KEYWORDS: Human-Computer Interaction; Accessibility; law; policy; research

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1 BENEFITS

This two-unit course provides an overview of legal issues within human-computer interaction. Practitioners and researchers within human-computer interaction are often faced with legal issues involving their HCI work. For instance, there are legal requirements for working with human participants in HCI research; for making web sites and technologies accessible for people with disabilities, and intellectual property issues related to both HCI research and practice. This course will provide a basic understanding of legal issues in five different areas of HCI: accessibility, privacy, intellectual property, telecommunications, and requirements in using human participants in research.

2 LEARNING OBJECTIVES

The objective of this course is to provide a basic understanding of the legal issues in HCI, in 5 key areas: accessibility, privacy, intellectual property, telecommunications, and requirements in using human participants in research. Note that the course will provide some key examples of legal requirements in specific countries, but the course will not be focused on legal requirements in a specific country (e.g. the USA, Canada, or the United Kingdom), but rather, will provide information on the overall legal issues.

3 CONTENT

The course material is divided into five sections: 1) accessibility, 2) privacy, 3) intellectual property, 4) telecommunications, and 5) requirements in using human participants in research. Note that for all of these topics, the core legal issues will be discussed, and examples given in a few key countries, but this will not be a course about legal requirements in a specific country. So, for instance, within the topic of accessibility, the course will briefly mention accessibility-related laws around the world (the Equality Act in the UK, the Americans with Disabilities Act in the US, The Rights of Persons with Disabilities Act in India, and the Disabilities Discrimination Act in Australia), but will then point attendees to the list of digital accessibility-related laws from the Web Accessibility Initiative (<https://www.w3.org/WAI/policies/>), rather than go in-depth into the laws of any specific country. This will be the common approach used throughout all of the topics: present the legal concepts of the topic, and then provide links and resources so that attendees can find, whenever needed, the specific laws within their own country. International treaties and documents related to some of these issues (e.g. the UN Convention on the Rights of Persons with Disabilities and the Marrakesh Treaty from WIPO), will be presented.

3.1 Accessibility

Around the world, many countries have laws requiring that certain categories of digital content and/or devices, be accessible for people with disabilities. The most common requirement is that government web sites must be accessible (a requirement in most countries), but other countries (including the USA and UK) have requirements that websites of businesses also be accessible. Furthermore, technologies procured by government frequently must be accessible (e.g. the EU Mandate 376), and in some countries, even telecommunications devices sold to the public must be accessible. Technical standards and guidelines used for accessibility compliance across the world (e.g. the Web Content Accessibility Guidelines, and epub3) will be presented. The various types of laws and requirements will be discussed, as well as international treaties encompassing these topics, including the UN Convention on the Rights of Persons with Disabilities.

3.2 Privacy

The evolution of advertisement-supported technologies, and related laws and policies, have increasingly opened up people's information to the world. As a result, an individual's privacy, the right to control access to private information, faces new threats and new opportunities. On the other hand, the ability of governments to do surveillance and monitor citizens has reached new heights and with it, the potential for abuse. The European Union has attempted to preserve a right to privacy through the European Court of Human Rights' "Right to be Forgotten", which allows private individuals to request that search engines expunge links about the individual. As revolutions in big data and artificial intelligence continue to advance, endowing businesses and government agencies with new tools of influence and control over the private lives of individuals, the right to privacy, as enumerated in the UN Declaration of Human Rights, has yet to keep pace.

3.3 Intellectual Property

Intellectual Property Rights (IPRs) are based on laws that protect creative works or inventions. Patents, copyrights, and trademarks are among the most popular forms of IPRs. Advancements in digital technology have brought issues of intellectual property closer not just to technology designers but also to the technology users that we study. Users frequently deal with uncertainties around copyright as it applies to the content they create and interact with. This discussion will include information about patent and trademark as they might apply to HCI practitioners, but will also consider IP as an important domain in understanding technology use, covering issues such as fair use and fair dealing, digital rights management, and copyright licenses (including those relevant for academic publishing).

3.4 Telecommunications

Telecommunications law is a broad ranging legal field encompassing all regulations of the telecommunications sector. Chief among these are regulations of the Internet and Internet Service Providers (ISPs). Since the advent of the Internet, the principle of “net neutrality”, which dictates that all Internet traffic should be treated equally, has leveled the playing field among market entrants aiming to use the Internet to create social and commercial value. Nonetheless, States continue to violate the principle of net neutrality by regulating the Internet in a variety of ways. Some forms of regulation are universally agreed to benefit society, for example, regulations that protect children online from sexual exploitation and abuse, and other forms of regulation are more controversial, such as regulations that censor free speech and regulations that promote anti-competitive practices. In this course, we will investigate the history and regulation of telecommunications law in order to introduce this complex and cutting-edge topic.

3.5 Requirements for Human Participants in Research

HCI research often involves the participation of humans in everything from surveys and focus groups, to experimental design studies, ethnographic observation, and usability testing. While the perceived harm to participants in HCI research is generally low, there is still a need to protect and respect participants and to abide by appropriate regulations. Protection for human participants in research has roots in global ethical principles such as the Nuremberg Code and the Declaration of Helsinki, which have in turn influenced legislation around the world; many countries have laws regarding requirements for human participants in research, and requirements for informed consent and approval from institutional review boards (IRBs) or research ethics committees. Research subject protection also interacts with issues of human rights, as well as privacy—e.g., GDPR in the EU influences requirements for informed consent.

4 AUDIENCE, PRE-REQUISITES, and PRESENTATION FORMAT

The target audience for this course, is individuals who are faced with understanding legal issues within their HCI research or practice. Often, HCI researchers and practitioners are faced with legal-related issues in their HCI work, but very few HCI researchers or practitioners have a background or a formal education in law.

There are no prerequisites for this course, and no understanding of legal topics is expected for attendees. The assumption is that participants will have a basic understanding of HCI concepts.

The course is formatted as a lecture, including two hands-on exercises. One exercise will involve a stakeholder analysis of a single legal issue, involving the views of regulators, civil society, industry, and academia. Another exercise will involve scenario dramatization, before and after a proposed law and/or policy on consumers, in terms of access, privacy and communications.

5 INSTRUCTORS' BACKGROUND

Jonathan Lazar is a professor at the College of Information Studies, Associate Director of the Trace Center, and core faculty of the Human-Computer Interaction Lab, all at the University of Maryland. He has published 12 books, including "Research Methods in Human-Computer Interaction" (co-authored with Feng and Hochheiser, 2nd edition), "Ensuring Digital Accessibility through Process and Policy" (co-authored with Goldstein and Taylor), and Disability, Human Rights, and Information Technology (co-edited with Michael Stein). Dr. Lazar is the recipient of the 2016 ACM SIGCHI Social Impact Award. In addition to a PhD and MS in Information Systems from the University of Maryland Graduate School Baltimore (UMBC), he also has earned an LL.M. degree from the University of Pennsylvania Law School, and completed a year-long fellowship at the Radcliffe Institute for Advanced Study at Harvard University, researching at the intersection of human-computer interaction and disability rights law.

Raja Kushalnagar is an Associate Professor and Director of the Information Technology Program at Gallaudet University. He has published 9 articles and 42 juried conference proceedings on accessible computing and accessibility/intellectual property law. In addition, he has mentored over 70 deaf, hard of hearing and hearing undergraduate students on accessible computing, including four NSF Graduate Research Fellowship recipients. He has a J.D. and LL.M. in Information Accessibility and Intellectual Property Law, and an M.S. and Ph.D. in Computer Science.

Casey Fiesler is an Assistant Professor in Information Science at University of Colorado Boulder, where she is also affiliated with the law school's center for law, technology, and entrepreneurship. She is a social computing researcher and legal scholar whose research touches on issues of internet law and copyright, online governance, and research ethics. She has a JD from Vanderbilt Law School and a PhD in Human-Centered Computing from Georgia Tech.

G. Anthony Giannoumis is an Assistant Professor of Universal Design at Oslo Metropolitan University College of Applied Science. His research focuses on technology law and policy. His research interests include universal design, international governance, social regulation, and standardization, and he has also conducted research on assistive technology, and intellectual property.