

Introduction

Whilst working for a software development company, a project is proposed to monitor and analyse consumer spending data for a corporate retail loyalty scheme for marketing purposes. This project is vital to your company, for without it, at least two employees will be made redundant. During discussions about the project with friends, it is suggested that the project's real aim is to position advertising of cigarettes for 16-18 year olds. What do you do?

Reaction

Let us first assume that the corporation involved is not a tobacco company, but rather a department store, supermarket chain, or similar, and that our conspiracy theorist friend is, shall we say, not working on solid facts. This assumption is due to the fact that it is illegal to sell or supply tobacco products to persons less than 18 years of age in Australia¹.

Customers of a loyalty scheme have 'opted in' to having their data collected in return for rewards of some kind. They can therefore be said to have given their informed consent to any use of that data covered by the terms and conditions of the scheme.

In this case, where the project is not tobacco-specific, but can be used to monitor any and all products purchased, it is possible that such a system could be used to target advertising of cigarettes to 16-18 year olds. It is also possible that almost any spreadsheet or database software could be used similarly.

I would first raise the issue informally and seek clarification from the Project Leader, or from the client, as to the intended use. If a satisfactory response is given, I see no impediment to working on the project. If an ambiguous response is given, I would recommend a clause in the project contract that the software must not be used for illegal purposes.

If, on the other hand, the client was involved in the tobacco industry, I would probably raise objections to working on the project even if it did not include the possible outcome of marketing cigarettes to minors. I have personal experience of the health risks involved in both first and second-hand smoke and am philosophically opposed to cigarettes and to the tobacco industry in general.

One aspect of the scenario that worries me is the implication that the particulars of a project are being discussed with outside parties, which would seem to be a breach of client confidentiality. In such an instance, it would more likely be a case of 'no names, no pack drill', where the client company is not identified to the 'friend'. This increases the likelihood that the conspiracy theory is unfounded.

¹ http://www.quittas.org.au/files/youth/tobacco_and_the_law_in_australia.pdf

Impact of the ACS Code of Ethics (Australian Computer Society, 2009)

Sections of the Australian Computing Society Code of Ethics in favour of the project:

4. Code of Ethics

4.1 ... a member must:

(a) be ... impartial,

4.3.2 Competence

I must work competently and diligently for my clients and employers.

4.3.5 Professional Development

I must enhance [the] ... professional development ... of my colleagues [and] employees.

4.6.1 I must endeavour to provide products and services which match the operational and financial needs of my clients and employers.

4.6.4 I must respect and protect my clients' and employers' proprietary interests.

4.7.3 I must give opinions which are as far as possible unbiased and objective.

Sections of the Australian Computer Society Code of Ethics in opposition to the project:

4. Code of Ethics

4.1 ... a member must:

(b) loyally serve the community, and

(d) use special knowledge and skill for the advancement of human welfare.

4.3.1 Priorities

I must place the interests of the community above those of personal or sectional interests.

4.3.4 Social Implications

I must strive to enhance the quality of life of those affected by my work.

4.5.5 I must advise my client or employer of any potential conflicts of interest between my assignment and legal or other accepted community requirements.

4.5.6 I must advise my clients and employers as soon as possible of any conflicts of interest or conscientious objections which face me in connection with my work.

4.8 Social Implications

4.8.1 I must protect and promote the health and safety of those affected by my work.

4.10.2 I must not knowingly engage in, or be associated with, dishonest or fraudulent practices.

The aspect of discussing a project with outside parties is covered in the following sections:

4.5.3 I must respect the proprietary nature of the information of others.

4.5.4 I must endeavour to preserve the confidentiality of the information of others.

Effect of the ACS Code of Ethics

In the instance of a non-tobacco industry client with stated standard marketing objectives, I feel that the CoE falls on the side of serving the client's needs. On the other hand, in the instance of a tobacco industry client, I feel that the CoE falls squarely on the 'conscientious objector' side. This is in line with my feelings on the issue.

Suggestions for changes to the Code of Ethics

Perhaps the Code of Ethics should be amended to include an indication that the member should seek to resolve any possibility of unethical behaviour prior to agreeing to undertake work.

While the Code of Ethics does encourage action if illegal activity is undertaken by an ACS member, no mention is made of action to be taken in the event of illegal activity by non-ACS members, e.g. the client.

4.10.6 I must take appropriate action if I discover a member, or a person who could potentially be a member, of the Society engaging in unethical behaviour.

I would suggestion inclusion of a guideline that known dishonest or fraudulent activity should be reported to the appropriate parties, e.g. the [Australian Competition and Consumer Commission \(ACCC\)](#).

Works Cited

Australian Computer Society. (2009). *ACS Code of Ethics*. Retrieved 09 25, 2009, from Australian Computer Society:
<http://www.acs.org.au/index.cfm?action=show&conID=coe>