Chapter XIX
Open Information Management:
Jurisdictional, Legal and Ethical Factors

Michael Losavio
University of Louisville, USA

Adel Elmaghraby
University of Louisville, USA

Deborah Keeling
University of Louisville, USA

ABSTRACT

The global interconnected information space offers unprecedented ways of accessing and analyzing information. New infringements of the rights of individuals to privacy, personality and personal autonomy may be a consequence presenting possible legal and ethical issues for developers and users of open information systems. Awareness of these issues will assist the use, engineering and regulation of open information systems with minimal infringement of those rights. We examine

- *National, international and transnational jurisdictional issues affecting open information management*
- *Privacy and personal autonomy*
- *intellectual property concerns*

Consideration of these issues will minimize risks of problems developing from the implementation and use of open information systems.

INTRODUCTION

General Perspective

The evolution of open information systems has advanced the sharing of data, information and knowledge. Yet this comes in cultures where "practical obscurity" (Stevens, 1989) of information has had value as to privacy and security. As open information management and use infringes on the privacy and security of objects, people and their rights, conflicts will develop in law and ethics. The conflicts may be national or transnational and range from private, individual issues to issues of sovereign state power to regulate, analyze and use information.

Chapter Objectives

The objectives of this chapter are to list some immediate or potential conflict areas and suggest a framework by which developers and researchers in open information management may anticipate, and possibly remediate, these conflicts. This chapter establishes for the reader some of the potential legal and ethical issues that may be impacted by open information management, particularly in an interconnected and collaborative environment. It should serve as a practical-level reference outline to guide the reader toward solutions in open information systems design and use that are legal and ethical.

BACKGROUND

Open information management has been of extraordinary benefit for the free exchange of information and ideas in domains ranging from commerce to science to politics. The development of Standard General Markup Language (SGML), for example, has opened information to expanded processing across multiple platforms.

The system of Hyper Text Markup Language (HTML), a subset of SGML, as implemented over the World Wide Web component of the Internet, has revolutionized information exchange. The United States Supreme Court, in rejecting a government effort to limit certain content over this open system, noted the Internet is "the most participatory form of mass speech yet developed.", …"serving to foster an exchange of information or opinion on a particular topic running the gamut from, say, the music of Wagner to Balkan politics to AIDS prevention to the Chicago Bulls" … "It is "no exaggeration to conclude that the content on the Internet is as diverse as human thought." Id. [n.7]" (Stevens 1995)

Yet it is precisely the potential injuries due to open information misuse that raises legal and ethical issues for OIM systems. Open information systems should anticipate these issues as part of design and commentary.

Definitions and Key Concepts

The scope of these issues is seen in the core terms for this subject.

- **Open information management:** ""Open Information Management" (OIM) means managing information so that it is open to processing and use by any program, not just the program that

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