

NZQA Assessment Support Material

Unit standard		27837			
Title	Evaluate a concept of democracy and government in relation to restraint on state power				
Level	3	Credits	4	Version	2

Student guidelines

Introduction

You will have studied and researched several broad or specific concepts of democracy and government over your recent course of study.

In this activity, you will complete a research report in order to be assessed on your ability to evaluate a concept of democracy and government in relation to restraint on state power.

AWARD OF GRADES

- For award with **Achieved**, a concept of democracy and government is evaluated in terms of restraint on state power and the legal relationship to a specific situation; differing viewpoints are compared in relation to democracy and government and the restraint on state power.
- For award with **Merit**, the comparison of differing viewpoints about the restraint on state power within democracy and government is developed by including relevant supporting detail in relation to the specific situation. Supporting detail may include but is not limited to any one of: media reports, case commentary, expert commentary.
- For award with **Excellence**, the evaluation justifies a position on the restraint on state power within democracy and government by weighing up the arguments and counter-arguments related to the specific situation.



CONDITIONS OF ASSESSMENT

Assessors will set the conditions of assessment as appropriate.

Privacy in the digital world

Assessment Activity

This assessment activity contains one task.

You must complete a report that is based on a specific situation involving an individual's right to privacy.

You may use the following specific situation about Police use of Facebook in criminal investigations for your report, or you may choose your own specific situation to report on. If you choose your own specific situation check with your teacher/tutor that it is suitable to meet the requirements of the standard.

Your report should use this specific situation to:

- Identify the legislation related to this specific situation and explain how it applies to the restraint on state power;
- Explain how the right to privacy is a balance between state power and individual rights;
- Discuss whether the right to privacy has been breached in the specific situation. You must give at least two differing viewpoints offering an argument and a counter-argument in your discussion;
- Justify your position in relation to the specific situation. The following questions will help to guide this:
 - are the arguments and counter-arguments valid in terms of rule of law and the legal relationship?
 - are the arguments and counter-arguments opinion or fact?
 - what standing does the person expressing their viewpoint hold? As a result, what weight can you give the argument or counter-argument when justifying your own position?

Specific Situation

The Police are increasingly using social media in criminal investigations. This ranges from posting security video from crime scenes on their own social media sites to requesting access to individual's social media accounts to view their history and communications.

The following media reports outline how:

- a) the Police are using Facebook in New Zealand to catch criminals,
- b) Facebook has amended their terms and conditions to enable authorities' more access to member's social media information.

Read Media report A and view the clip in Media report B in considering whether an individual right to privacy has been breached under the rule of law.

Media report A (abridged)

The following excerpt from an Auckland Now article outlines how the North Shore Police are using Facebook to catch criminals. In the article, North Shore Police area commander Inspector Les Paterson indicates there are legal issues that have so far limited the North Shore Polices' Facebook usage.

Facebook catches Auckland criminals (Abridged)

Facebook has proved an effective crime fighting tool for police trying to track down wanted criminals. North Shore Police area commander Inspector Les Paterson said two groups of burglars have been arrested as a result of police Facebook posts in the past few weeks.

A group of three burglars who saw their photos on the North Shore Police Most Wanted page gave themselves up and another trio were identified after security camera footage of them was posted.

"That's a considerable number of potential victims that won't be burgled because these guys are now out of action," Paterson said. Some police Facebook posts have reached up to 10,000 people, he said.....

Police are looking to other online channels **to get around the legal and functionality issues that have so far limited their Facebook usage**, Paterson said. (Emphasis added)

Retrieved from:

<http://www.stuff.co.nz/auckland/local-news/8100251/Facebook-catches-Auckland-criminals>

Media report B

The following excerpt from a YouTube clip: **Tool Time: Facebook Gives Police More Access** outlines the scenario where Facebook have changed their terms and conditions to accommodate law enforcement agencies accessing individual's accounts to view their social media history.

Facebook Gives Police More Access (Abridged)

Facebook doesn't just serve its users; it also serves law enforcement agencies like the FBI, ICE, and the DEA. Police can obtain warrants or create fake profiles to spy on a suspicious person, using your Facebook information to draw conclusions about you.

The site can give police a user's IP logs, which includes their address, their Facebook user name, and even how often that user has logged on to Facebook.

Retrieved from <http://www.youtube.com/watch?v=6ycy26YSTZA>

Resource requirements

You will need access to the Internet and other research resources, such as the library.

Useful information on privacy, including press releases and cases can be accessed on the website of the NZ Privacy Commissioner <http://privacy.org.nz/>.