

Unkind Actions & the Law

Answer Sheet: for educator reference only

Police Report	Act
<p>“Someone has created a fake Facebook account in my name using my private photos and personal information – they are posting things that are really upsetting and not true”.</p>	<p>Computer Misuse Act It seems someone has hack into this person’s social media account and purposely taken pictures and information to create a fake account in their name, posting things to make that person feel upset, embarrassed, harassed or distressed.</p>
<p>“Someone I know is sending me lots of text messages threatening to beat me up when they see me, I have asked them to leave me alone but they won’t – I feel too scared to go out, I don’t know what else to do”.</p>	<p>S.4 Protection from Harassment Act This person is being threatened continuously with violence, they feel in fear and it is affecting them going out. As the sender is likely to know their actions are likely to make this person feel upset, harassed, distressed and in fear of being hurt – and it has happened more than 2 times, this report amounts to S.4 of the PfH Act.</p>
<p>“A girl I know has been posting things about me on social media, calling me names and accusing me of doing things I haven’t done – she is making other people like and share her comments, I feel people are ganging up on me”.</p>	<p>Communications Act This person is feeling very distressed and upset by the names and accusations being posted on social media by the girl she knows – As the girl is using a <u>digital device</u> to post mean, upsetting, offensive or degrading words to this person, and she may believe them to be true, the report falls under the Communications Act (not Malicious Comms Act). Note: all others liking or sharing the comments can also be investigated as they are committing the same offence by their actions.</p>
<p>“I have been sent a message from a boy I know threatening to tell my friend, their family and everyone that I stole their bike even though he knows I didn’t; he said he wants to see me get bullied and beaten up and that he might do it himself or get his brother to – I am scared I’m going to get hurt for something I didn’t do and everyone will believe his story”</p>	<p>Malicious Communications Act This person is feeling threatened and distressed by someone who knows that what they are doing will cause the person reporting to feel scared, and is basing his message on information he knows is not true. As his intention is to send a message knowing it will cause upset and affect a person’s reputation, it falls under Malicious Comms Act</p>

“My best friend has turned against me and posted personal pictures and information I had shared with them – they’ve put everything on their social media accounts without asking me to embarrass me. Everyone is laughing and commenting, I am so upset, this is the worst thing ever”

Communications Act

A digital device has been used to post pictures and information to cause this person distress and upset in line with the Communications Act. All people commenting and sharing can also be investigated for the offence – their actions are as damaging as the person posting and adds to the distress caused.

It could be thought that this action also falls under the Computer Misuse Act – but **it doesn’t** because the person’s device was not hacked to obtain the pictures and information, they were willingly shared by the owner even though the owner has not given permission.

It may also be thought that it could fall under the Protection from Harassment Act and **it could** - offline harassment needs to involve more than one harassing incident. However, online, it is enough for one web/social media page to constitute harassment under the act because by its existence and ongoing comments, the constant publication makes the conduct of the harassing a person recurring and therefore ongoing.

Additional Task

Consider tasking learners to think of other example reports to the police based on things they may be aware can happen online, matching them to which act they think the actions fall under.

This task can be used as a discussion tool with no expectation to meet the correct answer.