Legal Studies Assessment Support Material

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

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**Ākonga/learner Guidelines**

Introduction

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 in-depth evaluation of a concept of democracy and government in relation to restraint on state power is demonstrated by:
* discussing one strength and one weakness of a concept;
* discussing a range of differing viewpoints about a concept;
* selecting and applying relevant supporting detail.
* For award with ***Excellence***, the comprehensive evaluation of a concept of democracy and government in relation to restraint on state power is demonstrated by:
* assessing the validity of differing viewpoints in relation to strengths and weaknesses of each system of government;
* selecting and applying a range of relevant supporting detail;
* considering actual and/or possible consequences: consequences may be for any one of but not limited to:
  + future law making
  + societal development
  + civic engagement
  + economic development
  + environmental development
  + justifying clear conclusions.

**Conditions of Assessment**

Assessors will set the conditions of assessment as appropriate.

**Assessment activity**

Requirement for supporting detail needs to be added for ākonga/learners to achieve Merit. This assessment activity contains one task with three parts.

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**Part 1:**

Complete a report that is based on an actual situation where the right to privacy appears to have been breached by the state. You may use the following actual situation about Police use of Facebook in criminal investigations, or you may choose your own specific situation to report on. If you choose your own actual situation, check with your teacher/tutor that it is suitable to meet the requirements of the standard.

The report should use the actual situation provided to:

* identify the legislation related to this actual situation and explain how it applies to the restraint of 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. Compare at least two different viewpoints in your discussion.

**Part 2:**

Discuss at least one strength and one weakness of the concept; discuss a range of different viewpoints about the concept and select and apply relevant supporting detail.

**Part 3:**

Select and apply a range of relevant supporting detail, assess the validity of differing viewpoints about the concept, and consider consequences.

**Actual 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:

1. the Police are using Facebook in New Zealand to catch criminals,
2. 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**

The following excerpt from an Auckland News 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 had been arrested, as a consequence 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)

**Media report B**

The following excerpt **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.

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| **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 username, and even how often that user has logged on to Facebook. |

**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 Office of the Privacy Commissioner (OPC). <https://www.privacy.org.nz/>