

## BOOK REVIEW

# Information Technology Law: New Legal Issues for E-Planning?

*Reviewed by Carlos Nunes Silva, University of Lisbon, Portugal*

*Information Technology Law*  
*Diane Rowland, Uta Kohl, and Andrew Charlesworth*  
© 2012 by Routledge (4<sup>th</sup> edition)  
531 pp.  
\$160.00 (Hardback)  
\$70.00 (Paperback)  
ISBN 978-0-415-48237-0

Urban planning has been traditionally a highly regulated activity and, for that reason, planners are fully aware of the importance of a rigorous knowledge of planning laws and related planning regulations, besides the formal advice of qualified professionals in the field of administrative and planning law, in different stages of the planning process. With the widespread use of information and communication technologies in urban and regional planning, planners are now faced with new legal issues and challenges associated, for example, with privacy and data protection in the Internet, copyright and intellectual property rights of online content, software licenses, hardware and software contracts, cybercrime, digital and

online surveillance in urban spaces, among other aspects. For that reason, this timely updated fourth edition of “Information and Technology Law” will certainly be helpful for all those working in the emerging field of urban and regional e-Planning, within public administration, in private consultancy enterprises, and in non-governmental organizations working in this or in related fields, who increasingly have to consider the implications of information technology law for their activity, based as it is in highly sophisticated software and in online research methods and procedures.

The book has twelve chapters, an extensive bibliography, a list of court cases, tables of statutes, statutory instruments and a list of European legislation on information technology issues. The first three chapters, on regulating information technologies, regulatory competence over the Internet, and content regulation, provide a broad overview of main aspects of information technology regulation. Similar to what happens in the planning law area, also information technology law draws upon a wide range of knowledge across various sub-disciplines within the legal field, as is referred in the first sentences of the book. The authors introduce and discuss different

DOI: 10.4018/ijep.2012070106

forms of government action, based on Lessig's regulatory model, providing an overview of the strategies available: command and control; self-regulation; enforced self-regulation; rights and liabilities; and co-regulation; examine how online activity is or should be regulated, explaining who should have an entitlement to regulate the Internet, an issue readers will find that has no obvious answer, and discuss the liability of online intermediaries, which is still an open field.

This is followed by three chapters that deal with cybercrime, privacy and data protection, surveillance, data retention and encryption. The first addresses, among other aspects, crimes related to the use of computer and computer networks, and shows that there are different responses to the so-called cyber-crime, with varying degrees of success. The second explores the challenges associated with the exchange of information about individuals on a worldwide scale, and how it can compromise the privacy, and reputation of any common citizen, and the available responses to these problems. This is complemented by the discussion of laws that are likely to affect individual privacy, while in search of other legitimate social, political or economic objectives (e.g., interception of communications).

The next chapters, on electronic commerce, the first, and on domain names, the second, deal with issues not frequently present in the daily activity of e-planning, except, perhaps, the need to be aware of the legal constraints e-commerce have to face, if this form of commerce is included, for example, in a local economic development strategy, as part of a local or a regional development plan.

Copyright and the Internet and intellectual property rights in software are the two other themes addressed by the authors, in chapters nine and ten. This part of the book examines and discusses the impact on the market of cre-

ative works that results from new methods for delivering creative content online, highlighting the need to balance the rights of the creators of copyright material with the rights of the users of that material. The specific case of computer software, due to its distinctive nature, places new challenges for intellectual property law, an issue that, although not directly central to e-Planning, requires nonetheless, awareness of some of the main constraints associated with it.

In the last two chapters, the book deals with software license and defective software issues. The authors offer an analysis and discussion of a wide range of contracts related to computer hardware and software, a highly complex issue that those in charge of e-Planning, in the municipalities and in central governments departments, should be aware of, namely issues related to open source software licensing. The book ends with an analysis of liability issues for defective software.

It results clear from the analysis and discussion that information technology varies among legal jurisdictions, for example between the European Union and the USA, on a number of important aspects, some of which may have some form of impact on e-Planning activities, which makes the inter-relationship between information technology and e-Planning practice another topic for comparative research in the field of e-Planning.

Considering the subject covered by the book and the detailed analysis and rigorous discussion of legal issues associated with information technologies provided by Diane Rowland, Uta Kohl, and Andrew Charlesworth, this is a book of interest not only for undergraduate and postgraduate law students and computer scientists, as referred by the authors, but also for all those professionals working in the multidisciplinary field of urban and regional e-Planning.

*Carlos Nunes Silva, PhD, is Professor Auxiliar at the Institute of Geography and Spatial Planning, University of Lisbon, Portugal. He has a degree in Geography (University of Coimbra), a post-graduation in European Studies (University of Coimbra - Faculty of Law), a master degree in Human Geography: Regional and Local Planning (University of Lisbon) and a PhD in Geography: Regional and Local Planning (University of Lisbon). His research interests are mainly focused on local government policies, history and theory of urban planning, urban and metropolitan governance, urban planning ethics, urban planning in Africa, research methods, e-government and e-planning. Among his recent publications are the Handbook of Research on E-Planning: ICT for Urban Development and Monitoring (2010) and Online Research Methods in Urban and Planning Studies: Design and Outcomes (2012). He is the Editor-in-Chief of the International Journal of E-Planning Research (IJEPR).*