COURSE UNIT (MODULE) DESCRIPTION

Course unit (module) title	Course unit code
DATA PROTECTION AND PRIVACY LAW	

Lecturer(s)	Department(s)
Coordinator: lect. dr. Paulius Jurčys **Other(s): -**	Department of Public Law, Faculty of Law, Vilnius University; Room 411, Building 1, Saulėtekio al. 9, LT-10222, Vilnius, tel. (85)2366175, e-mail: vtkatedra@tf.vu.lt

Study cycle	Type of the course unit (module)
Second	Compulsory (Track – Tech Law)

Mode of delivery	Course unit delivery period	Language (s) of instruction
Blended	2 (spring) semester	English

Requirements for students	
Pre-requisites: none	**Co-requisites (if any):** none

Number of credits allocated	Total student's workload	Contact hours	Self-study hours
5	133	32	101

Purpose of the course unit (module): programme competences to be developed
The aim of the course is to provide students with comprehensive knowledge on data privacy and data protection law in general, and the emerging shift towards a user-centric data model; to develop abilities to interpret current data privacy regulations (the main focus will be on the General Data Protection Regulation (GDPR) and California Consumer Privacy Act (CCPA)) and to assess how they affect the daily activities of online service providers and how individuals' data privacy rights are exercised; to develop competencies to critically analyze practical problems related to data privacy law and to form legal opinions about the trends in the data ecosystem based on the court jurisprudence both in the EU and the US.

Learning outcomes of the course unit (module)	Teaching and learning methods	Assessment methods
Students will gain systematic and practical understanding of the legal protection of personal data, the opportunities provided by emerging digital technologies in terms of managing personal data as well as to provide solutions for complex legal problems related to these new user-centric technologies;	Lectures and practical sessions (group discussions, critical analysis, application sources of the legal protection of personal data, case law, doctrine analysis) requiring prior individual analysis of literary and legal sources (referred in advance). The method of delivery involves problem-based, research-based (*inter alia*, search and analysis of information) systematic, teleological, critical, and practical learning.	Written examination (essay type questions), cumulative assessment during practical sessions, assignment on practical counselling
Students will be able to search and manage a variety of sources related to the legal protection of personal data, including variety of soft law materials related to specific digital technologies, to critically analyse and ethically evaluate them;	Lectures and practical sessions (group discussion, critical analysis, application sources of the legal protection of personal data, case law, doctrine analysis) requiring prior individual analysis of literary and legal sources (referred in advance). The method of delivery involves issue spotting, analytic (*inter alia*, search and analysis of information) systematic, teleological, critical, and practical learning.	Written examination (essay type questions), cumulative assessment during practical sessions, assignment on practical counselling
Students will be able to systematically analyse the similarities and differences of international (more specifically, the US and California), European and national legal regulations with regard to the exploitation and enforcement of data and privacy protection law and assess the compliance of national legislation	Lectures and practical sessions (group discussion, critical analysis, application sources of the legal protection of personal data, case law, doctrine analysis) requiring prior individual analysis of literary and legal sources (referred in advance). The method of delivery involves issue spotting, analytic (*inter alia*, search and analysis of information) systematic, teleological, critical, and practical learning.	Written examination (essay type questions), cumulative assessment during practical sessions

with the EU and international legal acts;		
Students will be able to identify and assess adequacy of data and privacy protection legislation in force with regard to development of new technologies, to provide proposals on the necessary changes of legislation as well as on adoption of new legislation that is geared to give more control over personal data to individuals, and to equip with foresign on how to improve business and socio-economic environment of user-centric data;	Lectures and practical sessions (group discussion, critical analysis, application sources of the legal protection of personal data, case law, doctrine analysis) requiring prior individual analysis of literary and legal sources (referred in advance). The method of delivery involves issue spotting, analytic (*inter alia*, search and analysis of information) systematic, teleological, critical, and practical learning.	Cumulative assessment during practical sessions
Students will be able to reasonably apply the regulations in data privacy space in so far as they relate to specific issues of digital technologies, such as internet of things, big data, AI, differential privacy, edge computing or blockchain;	Lectures and practical sessions (group discussion, critical analysis, application sources of the legal protection of personal data, case law, doctrine analysis) requiring prior individual analysis of literary and legal sources (referred in advance). The method of delivery involves issue spotting, analytic (*inter alia*, search and analysis of information) systematic, teleological, critical, and practical learning.	Written examination (essay type questions), cumulative assessment during practical sessions, assignment on practical counselling
Students will be able to clearly communicate using specific terminology emerging among data privacy experts as well as digital technologies and frame their opinions within respective legal and technical terms;	Practical sessions (group discussions, critical analysis, application sources of the legal protection of personal data, case law, doctrine analysis) requiring prior individual analysis of literary and legal sources (referred in advance). The method of delivery involves problem-based, research-based (*inter alia*, search and analysis of information) systematic, critical, and practical learning.	Written examination (essay type questions), cumulative assessment during practical sessions, assignment on practical counselling
Students will be able to accomplish practical work tasks related to legal protection of personal data by analysing and drawing conclusions on specific case-law examples;	Lectures and practical sessions (group discussions, critical analysis, application sources of the legal protection of personal data, case law, doctrine analysis) requiring prior individual analysis of literary and legal sources (referred in advance). The method of delivery involves problem-based, research-based (*inter alia*, search and analysis of information) systematic, teleological, critical, and practical learning.	Cumulative assessment during practical sessions, assignment on practical counselling
Students will be able to critically evaluate their own accomplishments and to enhance acquired knowledge and skills independently, *inter alia*, by selecting relevant theoretical and practical material, and substantiating their own conclusions on the achievements of jurisprudence.	Lectures and practical sessions (group discussions, critical analysis, application sources of the legal protection of personal data, case law, doctrine analysis) requiring prior individual analysis of literary and legal sources (referred in advance). The method of delivery involves problem-based, research-based (*inter alia*, search and analysis of information) systematic, teleological, critical, and practical learning.	Written examination (essay type questions), cumulative assessment during practical sessions, assignment on practical counselling

Content: breakdown of the topics	Contact hours						Contact hours	Self-study: hours and assignments	
	Lectures	Consultations	Seminars	Practical sessions	Laboratory work	Internship/work placement	Contact hours	Self-study hours	Assignments
1. Regulating data privacy: historical and legal foundations in the EU and the US. Technological developments that shaped the evolution of the data protection law.	2			0			2	10	Reading materials, court cases.

No.	Topic										Literature
2.	User-centric, user-held data model: technological foundations and key principles. The system of sources of data protection law, importance of soft-law in the area, the overview of the data protection law sources applicable to the digital world.	2			1			3	10		Reading materials, court cases.
3.	Data privacy theories and data ownership (personality theory, labor theory, welfare theory, social theory). Scope of applicability of the data protection laws (GDPR and CCPA): territorial, material, personal aspects, exceptions. Technological neutrality and digital data as an object of the regulation.	2			1			3	10		Reading materials, court cases.
4.	New data rights and corresponding obligations of data controllers; balancing interests of different stakeholders. The significance of user-centric design.	4			2			6	12		Reading materials, court cases.
5.	Notifications and consent. Specific requirements for the processing of employee data, direct marketing, video surveillance.	4			2			6	12		Reading materials, court cases.
6.	User-centric data and surveillance in Post-COVID world. Challenges and opportunities with the new technologies posed to the legal protection of personal data, including but not limited to artificial intelligence, location tracking, ads, internet of things, the utility of blockchain.	4			2			6	12		Reading materials, court cases.
7.	Legal remedies available to individual consumers; collective redress (class actions); DPA actions against data giants (Google, Facebook); remedies in cases of major data leaks (e.g., Equifax)	2			1			3	12		Reading materials, court cases.
8.	The future trends of data privacy: international cooperation and potential of new technologies	2			1			3	23		Reading materials, court cases. Preparation for legal conseling (review of data protection compliance procedures and documents, drafting data protection advice)
	Total:	**22**			**10**			**32**	**101**		

Assessment strategy	Weight %	Assessment period	Assessment criteria
Examination	60	At the end of the course	Maximum 6 points. The exam questions will reflect topics discussed in the lectures and practical sessions and will consist of three essay type questions that will have the same weight for the exam grade (maximum 2 points each, threshold 0.25). The assessment will be based on the student's capability to write in a clear, structured, logical manner, to spot issues, clearly explain arguments on relevant legal rules and relevant court practice, to analyze possibly different opinions of the academic debate, to provide personal insights and to base them on reasonable and convincing argumentation.
Cumulative assessment for work during practical sessions	30	During semester	Maximum 3 points. Up to 3 points for providing correct answers to questions, participating actively and efficiently in discussions, formulating problems and suggesting possible solutions, offering thoughtful critical remarks, contributing to other participants' ideas, etc. (threshold 0.1).

Assignment on practical counselling	10	During semester	Maximum 1 point. The assessment will be based on the student's capability to review actual data protection compliance procedures and documents of the company and to draft data protection advice. Assessment consists of: - content (addressing the client's interests and concerns, clear and accurate subjecting of relevant legal and factual issues, comprehensive problem analysis, commercially effective solutions, proper and critical source application); - structure and style (relevant formal requirements, clear structural parts, internal consistency).	

Author	Year of publication	Title	Issue of a periodical or volume of a publication	Publishing place and house or web link
Compulsory reading				
CH. KUNER, L. A. BYGRAVE, AND CH. DOCKSEY	2019	Commentary on the EU General Data Protection Regulation		Oxford University Press
LEENES, R., BRAKEL R., GUTWIRTH S., HERT P. D.	2017	Data Protection and Privacy: the Age Of Intelligent Machines		Hart Publishing
ARTICLE 29 WORKING PARTY (EUROPEAN DATA PROTECTION BOARD)	1997-2019	Opinions and recommendations		Data base of Article 29 Working Party http://ec.europa.eu/justice/data-protection/article-29/documentation/opinion-recommendation/index_en.htm Database of EDPB: https://edpb.europa.eu/our-work-tools/general-guidance/gdpr-guidelines-recommendations-best-practices_en
BYGRAVE, L. A.	2014	Data Privacy Law: an International Perspective		Oxford University Press
FINCK, M.	2018	Blockchains and Data Protection in the European Union. *European Data Protection Law Review* [electronic resource]		edpl.lexxion.eu/article/edpl/2018/1/6
JURCYS, P., et al.	2020	My Data, My Terms: A Proposal for Personal Data Use Licenses [electronic resource]	Harvard Journal of Law and Technology Digest	jolt.law.harvard.edu/digest/my-data-my-terms
JURCYS, P., et at.	2020	Personal Data Ownership		https://drive.google.com/file/d/15wWFkdpO10HFMoMPVNPY3eK3lc1HeZl8/edit
MAI, J-E.	2020	Situating Personal Information: Privacy in the Algorithmic Age, in Jorgensen, Human Rights in the Age of Platforms		The MIT Press, shorturl.at/mwT23
MOERREL, L.	2011	Back to Basics: When Does EU Data Protection Law Apply? *International Data Privacy Law* [electronic resource]		http://idpl.oxfordjournals.org/content/1/2/92.full.pdf+html
PISTOR, K.	2020	Rule By Data: End of Markets?	Law and Contemporary Problems, Vol. 83, pp. 101-124	https://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=4953&context=lcp

POSNER,	1978	An Economic Theory of Privacy	Regulation, May/June 1978, pp. 19-26	https://www.cato.org/sites/cato.org/files/serials/files/regulation/1978/5/v2n3-4.pdf
SOLOVE, D.	2006	A Taxonomy of Privacy	University of Pennsylvania Law Review, Vol. 154, No. 3, p. 477	
SUNSTEIN, C.	2020	How Much Is Data Privacy Worth?	Journal of Consumer Policy, Vol. 42, pp. 425-224	https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3413277
TENE, O.	2011	Privacy: The New Generations. *International Data Privacy Law* [electronic resource]		http://idpl.oxfordjournals.org/content/1/1/15.full.pdf+html
WARREN, S. D.; BRANDEIS, L. D.	1890	Right to Privacy. *Harvard Law Review* [electronic resource]		groups.csail.mit.edu/mac/classes/6.805/articles/privacy/Privacy_brand_warr2.html
Recommended reading					
AARANSON, S., LEBLOND, P.	2018	Another Digital Divide: The Rise of Data Realms and its Implications for the WTO [electronic resource]	Journal of International Economic Law, 21, pp. 245–272	
BEAUVISAGE, T., MELLET, K.	2020	"Datassets: Assetizing and Marketizing Personal Data" in BIRCH/MUNIESA, Assetization: Turning Things into Assets in Technoscientific Capitalism		The MIT Press, https://bit.ly/31wlzz3
CAREY, P.	2009	Data Protection: Practical Guide to UK and EU Law		Oxford: Oxford University Press
GUTWIRTH, S., et al.	2009	Reinventing Data Protection?		Berlin: Springer
KERBER, W.	2016	Digital Markets, Data, and Privacy: Competition Law, Consumer Law and Data Protection	Journal of Intellectual Property Law & Practice, Volume 11, Issue 11, pp. 856–866;	http://ssrn.com/abstract=2777459
KUNER, C.	2007	European Data Protection Law: Corporate Compliance and Regulation		Oxford University Press
KUNER, C., et al.	2011	Privacy: an Elusive Concept. *International Data Privacy Law* [electronic resource]		http://idpl.oxfordjournals.org/content/1/3/141.full.pdf+html
KIRBY, M.	2011	The History, Achievement and Future of the 1980 OECD Guidelines on Privacy. *International Data Privacy Law* [electronic resource]		http://idpl.oxfordjournals.org/content/1/1/6.full.pdf+html
LEV-ARETZ, A., STRANDBURG, K.J.	2020	Privacy Regulation and Innovation Policy [electronic resource]	22 Yale J.L. & Tech. 256	https://yjolt.org/sites/default/files/22_yale_j.l._tech._256_2020_privacy-regulation-and-innovation-policy.pdf
MESKYS, et al.	2020	Regulating deep fakes: legal and ethical considerations	Journal of Intellectual Property Law & Practice, Volume 15, Issue 1, pp. 24–31	
MITCHELL, A. and MISHRA, N.	2019	Regulating Cross-Border Data Flows in a Data-Driven World: How WTO Law Can Contribute	Journal of International Economic Law,	https://academic.oup.com/jiel/article/22/3/389/5521020

		[electronic resource]	22, pp. 389–416	
MATTTOO, A.; MELTZER, J. P.	2018	International Data Flows and Privacy: The Conflict and Its Resolution	Journal of International Economic Law, 21, pp. 769–789	https://academic.oup.com/jiel/article/21/4/769/5227421
SOLOVE, D.	2008	Understanding Privacy		Harvard University Press
WILL.I.AM.	2019	We need to own our data as a human right—and be compensated for it		https://www.economist.com/open-future/2019/01/21/we-need-to-own-our-data-as-a-human-right-and-be-compensated-for-it