DATA PRIVACY LAW
David Sella-Villa
Fall 2024

SYLLABUS (v1)

Welcome to Data Privacy Law (LAWS 844). I look forward to working with you this semester. I will do my best to make your experience in this course worthwhile, and in turn I will expect from each of you full engagement and dedication to learning together as an intellectual community.

Please read this syllabus carefully. It explains how the course will be taught and graded. I will update the syllabus from time to time.

Contact Information

David Sella-Villa
Phone: 304-377-2072
Email: sellavid@mailbox.sc.edu
Office Location: Room 333
Hours: Mondays 2:00pm – 4:00pm, Wednesdays 2:00pm – 4:00pm, or by appointment

Class Meetings

Our class meets from 4:20pm – 5:50pm in Room 389 on Mondays and Thursdays. The first-class meeting will be on Tuesday, August 20, 2024. There may be some class sessions when we do not meet in person. I will let you know in advance when those sessions will be. The course will also feature some guest lectures.

Learning Outcomes

After exploration of the topic of privacy generally and concept of data privacy specifically, the course surveys the legal landscape of data privacy in the United States. Legal principles rooted in constitutional law provide the basis for the examination of statutes, regulations, torts, contracts, private standards, and societal norms that impact data privacy. Students will learn how lawmakers, the courts, and data privacy practitioners have balanced data privacy and other interests in areas such as business dealings, free speech, social media, financial transactions, education, health care, and cybersecurity. Case studies on novel and emerging topics provide opportunities for practical application of data privacy concepts.

The American Bar Association standards for accrediting law schools require not less than one hour of classroom or direct faculty instruction and two hours of out-of-class student work per week for each credit awarded for a class. According to the standards, fifty minutes suffices for one hour of classroom time, while an hour for out-of-class time is sixty minutes. This is a three-credit class. That means that we will spend approximately 45 in-class hours together, and you should expect to spend at least 90 hours preparing for class, working on the short paper, and taking the final exam.

Class Structure & Grades

Each class will be a combination of lecture, class discussion, and review of hypotheticals and real-world examples. As a Perspective class, discussion is necessary to enhance everyone's learning. The determination of your grade will be made as follows:

Class Participation – 30%
Short Paper – 20%
Final Exam – 50%

About once per week a portion of class time will be dedicated to drafting a written response to questions presented in class. Five (5) of these in-class writing assignments will serve as "pop quizzes" and count towards your Class Participation grade. During class time you will be asked to submit that class session's writing assignment via Blackboard. These five in-class writing assignments will account for one half of your Class Participation grade. As long as you make a good faith effort to answer the question(s) presented, you will receive full participation credit on that in-class writing assignment. The first "pop quiz" will not occur until after September 1, 2024.

Speaking up during class time counts as one form of active participation. Submitting written questions before or after class also counts as active participation. Bringing topical news stories to my attention, either via email or in person, to discuss in class also counts as active participation. Responding well if cold called counts as active participation. Please participate in the manner that you feel most comfortable. Your goal should be to show me that you are engaged with the material.

Both the Short Paper and Final Exam will need to be submitted via TWEN. Specific submission instructions will be provided for both the Short Paper and Final Exam. Both the Short Paper and Final Exam will be graded anonymously.

The Short Paper instructions will be distributed in September and will be due October 21, 2024, at 5:00 pm. If you are late turning in the Short Paper, your grade will be reduced by one full letter grade per each 24-hour period of tardiness. This chart provides an example of how tardy submissions will affect grades.

Time submitted	Original Grade	Adjusted Grade
10/21, 4:50 pm	B+	N/A
10/21, 5:05 pm	B+	C+
10/22, 11:00 am	B+	C+
10/22, 10:00 pm	B+	D+

The Final Exam will be self-scheduled during the exam period. You will have 4 hours to complete and submit the exam. Accordingly, the last moment to check out the exam will be 1:00 PM on the last day of the exam period. The exam will be open book. Late exam submissions will be addressed on a case-by-case basis. I reserve the right to score your exam a zero if it is submitted late.

In addition to your participation grade, I reserve the right to reduce your grade for failing to attend class regularly or by being disruptive to the learning environment in class.

Use of Artificial Intelligence Tools

General Use

Use of artificial intelligence (AI) tools, including ChatGPT, is permitted in this course for students who wish to use them. To adhere to our scholarly values, and the standards of the legal profession, students must cite any AI-generated material that informed their work (this includes in-text citations and/or use of quotations, and in your references or footnotes). Using an AI tool to generate content without proper attribution qualifies as academic dishonesty.

Additionally, please note that the Final Exam questions are being specifically designed with the limitations of AI tools in mind. If a student simply submits AI-generated answers without adding language reflective of his or her own critical thought or creativity, the student will likely receive a low grade for that portion of the the Final Exam.

Short Paper

On the Short Paper, you will be required to use an AI tool as part of the paper assignment. Specific instructions on how to use the AI tool and how to incorporate its outputs into the assignment will be provided in the Short Paper instructions.

Blackboard

All students are enrolled on the Blackboard course website. The Blackboard site will contain announcements, the syllabus, reading materials, and the short paper assignment. Please check Blackboard regularly. I will update the syllabus periodically throughout the semester.

I will use the Course Content Section to post materials that we will review in class. To prepare for class you only need to read the assignments listed in the syllabus. You will be expected to access Blackboard during class to review the other materials.

Reading Assignments

The primary textbook for the course is SOLOVE & SCHWARTZ: INFORMATION PRIVACY LAW EIGHTH EDITION. Either the tangible or electronic version are acceptable for this course.

The reading assignment for each week of class are listed below. ***Please check the page numbers carefully***. Any reading assignments not included in the primary textbook are listed under "Other Reading" and will be provided to you on Blackboard in the Course Content section. I will also use the Course Content Section to post materials that we will review in class. To prepare for class you only need to read the assignments listed in the syllabus. You will be expected to access additional materials during class.

Week #	Class Meeting Dates	Subject	Textbook Pages	Other Reading
1a	Tu. 8/20	Course Introduction & What is Privacy?	N/A	- Danielle Citron & Daniel Solove, *Privacy Harms*, 102 B.U. L. REV. 793, 830-861 (2022) - Bert-Jaap Koops et al, *A Typology of Privacy*, 38 U. PA. J. INT'L L. 483, 504-543 (2017) - Helen Nissenbaum, *15 - Respect for context as a benchmark for privacy online: what it is and isn't*, in SOCIAL DIMENSIONS OF PRIVACY: INTERDISCIPLINARY PERSPECTIVES 278, 285-290 (Beate Roessler & Dorota Mokrosinska eds., 2015)