

JUS 5630 / 1630: Privacy and data protection law

Lecture Overview, Spring 2015

29th January

Introduction to course. Trends in surveillance and control. Catalysts for emergence of data protection law.

- Technological-organisational developments;
 - Public fears;
 - Economic factors;
 - Legal factors.
- Lee Bygrave

[Required reading: Bygrave, *Data Privacy Law: An International Perspective* (2014) ch 1]

[Supplementary reading: Froomkin, “The Death of Privacy?”, *Stanford Law Review*, 2000, vol. 52, pp. 1461–1543; Solove, “Privacy and Power: Computer Databases and Metaphors for Information Privacy”, *Stanford Law Review*, 2001, vol. 53, pp. 1393–1462; Westin, *Privacy and Freedom* (1970)]

5th February

Data protection law in context (I).

- Interrelationship of data protection law with human rights; administrative law; labour law; other legal fields.
- Lee Bygrave

[Required reading: Bygrave, *Data Privacy Law: An International Perspective* (2014) ch 2 (section I); Bygrave, “Data Protection Pursuant to the Right to Privacy in Human Rights Treaties”, *International Journal of Law & Information Technology*, 1998, vol. 6, pp. 247–284]

[Relevant regulatory instruments: European Convention on Human Rights (1950) Art. 8; International Covenant on Civil and Political Rights (1967) Art. 17]

12th February

Overview of data protection laws, their aims and scope.

- Field of application
- Lee Bygrave

[Required reading: Bygrave, *Data Privacy Law: An International Perspective* (2014) chs 2–4]

[Relevant regulatory instruments: Council of Europe’s Convention on data protection (1981); EU Directive on data protection (1995); EU Directive on privacy and electronic communications (2002); Council Framework Decision 2008/977/JHA; Norway’s Personal Data Act (2000); OECD’s Guidelines on data protection (1980; 2013); UN’s Guidelines on data protection (1990)]

[Supplementary reading: Bennett & Raab, *The Governance of Privacy. Policy Instruments in Global Perspective* (2006); Reidenberg, “Resolving Conflicting International Data Privacy Rules in Cyberspace”, *Stanford Law Review*, 2000, vol. 52, pp. 1315–1371]

17th February

Regulatory logic of data protection law (I).

- Core principles
- Lee Bygrave

[Required reading: Bygrave, *Data Privacy Law: An International Perspective* (2014) ch 5; Bagger Tranberg, “Proportionality and data protection in the case law of the European Court of Justice”, *IDPL*, 2011, vol. 1(4), pp. 239–248]

[Regulatory instruments: as for lecture on 12th Feb.]

5th March

Regulatory logic of data protection law (II).

- Core principles (cont’d)
- Lee Bygrave

[Required reading: as for previous lecture]

[Regulatory instruments: as for lecture on 12th Feb.]

12th March

Regulatory logic of data protection law (III).

- Oversight and enforcement
- Lee Bygrave

[Required reading: Bygrave, *Data Privacy Law: An International Perspective* (2014) ch 6]

[Supplementary reading: Flaherty, *Protecting Privacy in Surveillance Societies* (1989).]

[Regulatory instruments: as for previous lecture on 12th February]

19th March

Inter-legal aspects of data protection law.

- Regulation of transborder data flow;
- Issues of jurisdiction and applicable law.
- Lee Bygrave

[Required reading: Bygrave, *Data Privacy Law: An International Perspective* (2014) ch 6 (section E); Svantesson, “The regulation of cross-border data flows”, *IDPL*, 2011, vol. 1(3), pp. 180–98; Moerel, “The long arm of EU data protection law ...”, *IDPL*, 2011, vol. 1(1), pp. 28–46 (Master’s level only); Moerel, “Back to basics ...”, *IDPL*, vol. 1(2), pp. 92–110 (Master’s level only);]

[Supplementary reading: Kuner, *European Data Protection Law: Corporate Compliance and Regulation* (2007) chs 3–4; Shaffer, “Globalization and Social Protection: The Impact of E.U. and International Rules in Ratcheting Up of U.S. Privacy Standards”, *Yale Journal of International Law*, 2000, vol. 25, pp. 1–88]

[Relevant regulatory instruments: Directive 95/46/EC Arts. 1, 4, 25 & 26; “Safe Harbor” decision of 2000]

26th March

EU data protection in Area of Freedom, Security and Justice

- Lee Bygrave

[Required reading: Bygrave, *Data Privacy Law: An International Perspective* (2014) ch 2 (pp. 36–43; 66–68; 69–72; 86–98)]

9th April

EU legislation on privacy and e-communications

- E-communications privacy Directive
- Former Data retention Directive
 - Lee Bygrave

[Required reading: Bygrave, *Data Privacy Law: An International Perspective* (2014) ch 2 (pp. 64–68)]

[Relevant regulatory instruments: Directive 97/66/EC (repealed); Directive 2002/58/EC; Directive 2006/24/EC (annulled)]

16th April

Data protection in commercial practice

- Jarle Roar Sæbø (legal counsel,
Hewlett Packard)

23rd April

Course revision; the future of data protection law

- Lee Bygrave

[Required reading: Koops and Leenes, “Code and the Slow Erosion of Privacy”, *Michigan Telecomms & Tech L Rev*, 2005, vol. 12, pp. 115–88 (Master’s level only)]