1. **Title of the module**

Privacy and Data Protection Law, LAWS9210 (LW921)

1. **Division or partner institution which will be responsible for management of the module**

Law, Society and Social Justice, Kent Law School

1. **The level of the module (e.g. Level 4, Level 5, Level 6 or Level 7)**

Level 7

1. **The number of credits and the ECTS value which the module represents**

20 credits (10 ECTS Credits)

1. **Which term(s) the module is to be taught in (or other teaching pattern)**

Autumn or Spring

1. **Prerequisite and co-requisite modules**

None

1. **The programmes of study to which the module contributes**

LLM in (Specialisation); LLM in Law; PG Diploma in (Specialisation); PG Certificate in Law. Available to non-law students with convenor’s permission.

1. **The intended subject specific learning outcomes.  
   On successfully completing the module, students will be able to:**
   1. Demonstrate an advanced grounding in concepts, principles and rules of data protection, consent, and privacy.
   2. Demonstrate a systematic understanding of the origins and development of data protection laws.
   3. Critically analyse emerging issues in data protection.
   4. Demonstrate a critical awareness of, and the ability to evaluate legal and regulatory actions taken in response to the failure to protect data and ensure confidentiality.
   5. Critically analyse and evaluate the permeability of public/private boundaries in the workplace, in public and commercial spaces, on the Internet and in cyber space.
   6. Demonstrate a critical understanding of the public and private tensions involved in privacy and data protection.
2. **The intended generic learning outcomes.  
   On successfully completing the module, students will be able to:**
   1. Present relevant knowledge and understanding in the form of an original and reasoned argument.
   2. Identify, analyse and critically evaluate complex legal and policy problems.
   3. Carry out independent research from a variety of sources informing an original, sustained and detailed argument.
   4. Summarise detailed conceptual material, recognising, critically evaluating and synthesising different positions that arise in the literature surveyed.
3. **A synopsis of the curriculum**

The module will explore emerging privacy and data protection issues. Students will be challenged to critically examine how e.g. personal, financial, health and transactional data are managed and who has access to this information. It will require students to assess emerging legal, regulatory, data protection and personal privacy issues raised by widespread access to personal information, including genetic data.

The essential aims and objectives of the proposed LLM module are to equip students to undertake a sustained analysis of privacy and data protection law. Students will be asked to critically examine whether privacy protection, consent and confidentiality measures are proportionate to the legal requirements to protect personal information while balancing the requirements of economic commerce, the state and public administrations to collect, use and share personal information.

1. **Reading list (Indicative list, current at time of publication. Reading lists will be published annually)**

* C. Bennett, *Privacy Advocates: Resisting the Spread of Surveillance* (MIT Press, 2008).
* P. Carey, Data Protection: a practical guide to UK and EU Law (Oxford: OUP, 2009).
* R. N. Charette, *Online Advertisers Turning up the Heat Against Making “Do Not Track” Browsers’ Default Setting*, IEEE SPECTRUM, <http://spectrum.ieee.org/riskfactor/computing/it/online-advertisers-turning-up-the-heatagainst-defaulting-browsers-to-do-not-track-setting>.
* M. Hickman, 9 Things You Probably Shouldn’t Do in the Presence of a Google Street View Vehicle, MOTHER NATURE ETWORK, <https://www.mnn.com/lifestyle/arts-culture/stories/9-things-you-probably-shouldnt-do-in-the-presence-of-a-google-street>;
* Artist Captures Bizarre Images Shot by Google’s Street View Cameras, N.Y. DAILY NEWS, <http://www.nydailynews.com/entertainment/bizarre-images-captured-google-street-view-cameras-gallery-1>.1214757
* L. Katz, (2013) *‘Symposium on Cybercrime’*. Jr. of Criminal Law and Criminology, 103 (3).
  + - * A. Kenyon and M. Richardson, *New Dimensions in Privacy Law* (Cambridge: CUP, 2006).
      * C. Kunar, *International Data Privacy Law* (Oxford: OUP, 2013).
* G. Laurie, *Genetic Privacy: Challenge to Medico-legal Norms* (Cambridge: CUP, 2002).
  + - * D. Lyon, *Surveillance Studies: An overview* (Cambridge: Polity Press, 2007).
* R. A. Posner, (1981) *The Economics of Privacy*, 71 AM. ECON. REV. 405.
* M. D. Scott, (2008) *Tort Liability for Vendors of Insecure Software: Has the Time Finally Come?*, 67 MD. L. REV. 425, 442–50.
  + - * Solove, P. Schwartz, *Information Privacy Law* (Harvard University Press, 2008).
      * Solove, P. Schwartz, *Privacy, Information, and Technology, 3nd edition* (Aspen Publishing Co., 2012).
* D. Solove, *Understanding Privacy* (Harvard University Press, 2008).
  + F. Westin, *Privacy and Freedom* (NY: Atheneum, 1967).
* A.F. Westin, (2003) *‘Social and Political Dimensions of Privacy’,* Jr. of Social Issues 59(2), 431-453.
* R. Williams, P. Johnston, *Genetic Policing: The Use of DNA in Criminal Investigations* (Willan Publishing, 2008).
* R. Williams, *Making Identity Matter* (York: Sociology Press, 2000).

1. **Learning and teaching methods**

Total study hours: 200  
Contact hours: 18  
Private study hours: 182

1. **Assessment methods.**

13.1 Main assessment methods

Option 1:

Assessment 5,000 words (100%)

Option 2:

Blog/Briefing Note assessment: 1,000 words (20%)

Essay: 4,000 words (80%)

13.2 Reassessment methods

Like-for-like

1. **Map of module learning outcomes (sections 8 & 9) to learning and teaching methods (section 12) and methods of assessment (section 13)**

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Module learning outcome** | 8.1 | 8.2 | 8.3 | 8.4 | 8.5 | 8.6 | 9.1 | 9.2 | 9.3 | 9.4 |
| **Learning / teaching method** |  |  |  |  |  |  |  |  |  |  |
| Lecture/seminars | X | X | X | X | X | X | X | X |  |  |
| Private Study | X | X | X | X | X | X | X | X | X | X |
| **Assessment method** |  |  |  |  |  |  |  |  |  |  |
| **EITHER:** |  |  |  |  |  |  |  |  |  |  |
| Essay (100%) | X | X | X | X | X | X | X | X | X | X |
| **OR:** |  |  |  |  |  |  |  |  |  |  |
| Blog/Briefing Note (20%) | X | X | X | X | X | X | X | X | X | X |
| Essay (80%) | X | X | X | X | X | X | X | X | X | X |

1. **Inclusive module design**

The Division recognises and has embedded the expectations of current equality legislation, by ensuring that the module is as accessible as possible by design. Additional alternative arrangements for students with Inclusive Learning Plans (ILPs)/declared disabilities will be made on an individual basis, in consultation with the relevant policies and support services.

The inclusive practices in the guidance (see Annex B Appendix A) have been considered in order to support all students in the following areas:

**a) Accessible resources and curriculum**

1. Preference will be given to electronic resources that meet minimum accessibility standards and support the use of assistive technologies.
2. Module outlines will be made accessible at least four weeks before the module starts.
3. Prioritised reading lists will be made available sufficiently in advance to accommodate the provision of alternative formats and support those with a slow reading speed.
4. Lecture/seminar slides/outlines will be made available in electronic format in advance to allow all students to prepare (particularly students with notetaking difficulties).
5. In accordance with the KLS school-level statement on Lecture Capture, lecture/seminars will not be recorded as they are heavily discussion based and may contain sensitive material.

**b) Learning, teaching and assessment methods**

The inclusive practices in the guidance (Annex B Appendix A, section b(1) and (2)) have all been considered in order to support all students in their assessments on this module.

1. **Campus(es) or centre(s) where module will be delivered:**

Canterbury

1. **Internationalisation**

By its nature, the module is inherently internationalised (as illustrated by the subject matter, module learning outcomes and indicative readings). See for example, the exploration of EU and UK data protection laws and Corporate Binding Rules (US Safe Harbours) protection and, the exploration of emerging issues in data protection: Big Data, social media, data matching, data anonymization, tracking, data access controls, state and commercial surveillance, and blurred boundaries among clinical, research and administrative uses of personal information (genetic exceptionalism, biobanks, electronic health records, client and ethnic profiling).

**DIVISIONAL USE ONLY**

**Revision record – all revisions must be recorded in the grid and full details of the change retained in the appropriate committee records.**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Date approved | Major/minor revision | Start date of the delivery of revised version | Section revised | Impacts PLOs (Q6 & 7 cover sheet) |
| 12/11/2020 | Major | September 2021 | 8, 10, 13,14 | No |
|  |  |  |  |  |