**Course Description**: Everyday headlines reveal reports of new threats to and invasions of privacy from government, corporate, and individual actors who collect and use information disclosed about us by ourselves and others through the connected devices that continue to flood society. New technologies force us to question how balance can be struck between privacy and security, innovation, and the rights of others. In this time of information policy influx, untangling old laws, new governance strategies proposals, computer ethics, Silicon Valley culture, waves of best practices, and realistic enforcement is incredibly challenging and the subject of this course.

Comparative/International Privacy and Surveillance will provide students with the theoretical framework, policy tools, and comparative skills necessary to engage on public policy issues involving privacy and surveillance in a global context. Thematically, covers a great number of concepts and issues. It begins by introducing theoretical perspectives on privacy and surveillance, looks at the strain on basic and now-universal framework of ethical principles, analyzes corporate and government collection and use of information, investigates marginalization and bias, and addresses issues of speech, power, abuse, employment, health, and emerging technologies. We will discuss international efforts to govern privacy and surveillance issues, and then students will delve into chosen regions to more deeply understand privacy and surveillance specific to often overlooked cultures.

The course runs along two tracks: a discussion and writing based comparative track, complimented by a lab track. Each day we will spend time discussing readings and the written reflections students post the night prior to class. The posts apply the readings to their particular comparative subject, which usually takes a sociotechnical object or issue and compares it across countries, regions, cultures, times, etc. The posts are accumulated and revised to form the final paper due a week after the final class in December. Each class also includes a lab. These labs have four projects that are also accumulated in the form of a final project due in November. These projects’ progression begins with *evidence* and *experience* and moves to *teardowns* and *histories* and serve as a supplement to your final paper.

**Course Objectives**:

* This course will provide students with expansive coverage of privacy and surveillance issues and the opportunity to develop rich ethical engagement and comparative skills.
* At the end of the semester, students should be able to think critically about the current state of privacy, governance, and technology, as well as future concerns, and how these issues impact various cultures around the world.

**Ethics Lab team:**

The Ethics Lab design team plays a vital role in the structure of the course and day-to-day workings of each class. You will get to know team members well and be able to connect with them for specific types of support.

Elizabeth Edenberg (Senior Ethicist): Elizabeth.Edenberg@georgetown.edu

Jonathan Healey (Professor of Practice, design): jonathan.healey@georgetown.edu

Sydney Luken (designer): sydney.luken@georgetown.edu

**Required text:**

* All readings will be posted on Canvas or linked from the syllabus.

**Course Grading**:

|  |  |
| --- | --- |
| Discussion Posts, weekly prep, and in-class participation | 40 |
| Lab HW1 Evidence | 5 |
| Lab HW2 Experience | 5 |
| Lab HW3 Teardown | 5 |
| Lab HW4 Histories | 5 |
| Final Lab Presentation | 10 |
| Final Comparative Paper | 30 |

Participation: The success of this class depends upon each student being prepared (carefully completing the reading) and actively participating in class. Attendance alone will not be sufficient for a passing grade in this category – you are each expected to participate fully in the discussion.

Discussion Posts: Each week you will be given a few questions to help direct your reading for the week. This will simply tell you what we’re going to talk about in class. You will also be given some type of prompt for the discussion post each week. After the initial theory and methods classes, you will begin posting each week on the geographic region (or other comparative variable, approved by me) of your choice. The entries for Monday’s readings should be posted by 11:59PM the preceding Tuesday night. Posts in response to another post can receive credit if they are sufficiently thorough and reflect independent thought.

Discussion posts should be a focused but brief treatment of the week’s subject. The syllabus is designed to progress through your final projects - each discussion post should contribute significantly to your final paper. So by the end of the semester much of your final paper will have already been written. Alternatively or additionally, there is a discussion prompt each week to help focus your reading.

You get one freebie over the course of the semester – one week when you do not have to post (please create a post that states “freebie.”

Lab Projects – “De-blackboxing” a Technology: Over the course of the semester, you will each research in depth a specific technology of your choosing. A series of four assignments will prompt an examination of the technical, legal, ethical, and cultural contexts that help us understand the value ascribed to the technology and the impact it has on society. The assignments will be both technically precise and creative in nature, combining traditional and design research methods in order to draw together the various dimensions and competing narratives discovered through your work. Successful projects will demonstrate a high level of technical proficiency as well as raise compelling questions about the impact of the technology.

Part 1 - Evidence

In this first assignment, you will cast a wide net to gather artifacts, including patents, legal documents, reporting, and technical specifications describing the details of the technology, who might claim intellectual or commercial ownership of it, its relationship to data, and who might possess the data it engages.

Part 2 - Experience

In the second assignment, we turn to the social contexts in which this technology is situated. We’ll take an expansive view of the stakeholders who intersect with (or are perhaps excluded by/from) this technology. While considering individual experiences involving the technology, we’ll also examine normative concerns such as authority, control, trust, risk, and autonomy.

Part 3 - Teardown

This assignment focuses on the precise mechanics of the technology and asks you to exhibit its critical parts and components. Before moving on, we’ll pause to consider how the historical, legal, and cultural narratives might be understood within this mechanical context.

Part 4 - Histories

The final assignment will reframe your research as a speculation and ask you to imagine alternative visions of your technology. At this stage, questions of “What if” and “How should” become important. A “future history” refers to the current and historical trajectory of the technology and imagines its narrative looking back from a future date (for example: 20 years from now). Conversely, a “counterfactual history” challenges you to imagine the present as if the technology did not exist as it does. For example, artist Trevor Paglen asks, “What might the Internet look like if severed from its surveillance functions?” Rather than reaching some conclusion, these stories raise questions and issues that may be valuable as we consider today what policies and approaches regarding technology ought to be.

Final Lab Presentation: This will be a showcase of your lab projects that presents your process and its culmination. We will spend Class #11 presenting work as lightning talks and end with conversation.

Final Paper: Final papers due (submitted through Canvas) TBD. The final paper should be 6,000- 10,000 words (not including citations), double-spaced, Times New Roman 12, one inch margins, and footnotes in any citation format. I encourage you to trade papers and peer-edit before submitting the final version. Additionally, a supplement contextualizing and critiquing your technology of privacy/surveillance presentation will be due and discussed during the final exam period.

**Class Policies:**

Instructional continuity: If class is canceled due to weather or travel of the instructor, we will meet via Zoom using Canvas.

Sensitive Subjects: Some of the subjects covered in this class could be offensive/uncomfortable for some of you. If you are uncomfortable discussing (or even hearing about) particular topics, please let me know. I am happy to excuse you from individual classes, and assign alternate assignments to substitute for those points.

Assignments: Significant points will be deducted for late assignments (absent compelling circumstances), with the exception of the final paper which will not be accepted after 11:59PM on the designated due date.

Laptops and similar devices can and should be brought to class – but only to ASSIST in the class and group assignments in class. We will often throw out different questions to the class for students to look up and discuss. However, if you are doing anything other than using them for note-taking or in-class assignments, I’ll ask you to stop. No email. No social networking. Repeat reprimands will get you kicked out of class for that day.

**General Policies:**

Disability Accommodations: If you have a disability for which you are or may be requesting accommodations for this class, please speak with me. These conversations will be kept confidential. Students may also discuss their needs with the University’s Academic Resource Center staff, located in the Leavey Center, Suite 335, 202-687-8354, arc@georgetown.edu. More details can be found at <http://academicsupport.georgetown.edu/disability/>.

Religious Observances: Georgetown University promotes respect for all religions. Any student who is unable to attend classes or to participate in any examination, presentation, or assignment on a given day because of the observance of a major religious holiday or related travel shall be excused and provided with the opportunity to make up, without unreasonable burden, any work that has been missed for this reason and shall not in any other way be penalized for the absence or rescheduled work. Students will remain responsible for all assigned work. Students should notify professors in writing at the beginning of the semester of religious observances that conflict with their classes. The Office of the Provost, in consultation with Campus Ministry and the Registrar, will publish, before classes begin for a given term, a list of major religious holidays likely to affect Georgetown students. The 2013-2014 list of holidays can be found at <http://campusministry.georgetown.edu/files/Campus%20Ministry%20Religious%20Days%202013-14.pdf>. Students who cannot be accommodated should discuss the matter with an advising dean.

Classroom Behavior: Students and faculty each have responsibility for maintaining an appropriate learning environment. Those who fail to adhere to such behavioral standards may be subject to discipline. Professional courtesy and sensitivity are especially important with respect to individuals and topics dealing with differences of race, color, culture, religion, creed, politics, veteran's status, sexual orientation, gender, gender identity and gender expression, age, disability, and nationalities. Class rosters are provided to the instructor with the student's legal name. We will gladly honor your request to address you by an alternate name or gender pronoun. Please advise me of this preference early in the semester so that we may make appropriate changes to my records. See the Student Code of Conduct at <http://studentconduct.georgetown.edu/files/Code%20of%20Conduct%202013.pdf> for more information.

Discrimination and Harassment: Georgetown University policies related to bias, discrimination, and harassment policy apply to all students, staff, and faculty. Any student, staff, or faculty member who believes s/he has been the subject of sexual harassment or discrimination or harassment based upon race, color, national origin, sex, age, disability, creed, religion, sexual orientation, or veteran status should contact the Office of Compliance and Ethics at 202-687-6493, Institutional Diversity, Equity & Affirmative Action at 202-687-4798, or the Center for Multicultural Equity & Access at 202-687-4054. Information about the above referenced policies and the campus resources available to assist individuals regarding discrimination or harassment can be obtained at <http://compliance.georgetown.edu/>.

Honor Code: All students of the Georgetown University are responsible for knowing and adhering to the academic integrity policy of this institution. Violations of this policy may include: cheating, plagiarism, aid of academic dishonesty, fabrication, lying, bribery, and threatening behavior. All incidents of academic misconduct shall be reported to the Honor Council (carrollprograms@georgetown.edu; 202-687-0665). Students who are found to be in violation of the academic integrity policy will be subject to both academic sanctions from the faculty member and non-academic sanctions (including but not limited to university probation, suspension, or expulsion). Other information on the Honor Code can be found at <http://gervaseprograms.georgetown.edu/honor/system/>.

**Course Calendar:**

|  |  |  |
| --- | --- | --- |
| **Date** | **Topic** | **Assignments for class (due on date listed)** |
| 1  8/29 | Class Introduction | **Readings:**  Paul Mozur, “[Inside China's Dystopian Dreams: AI, Shame, and Lots of Cameras](https://www.nytimes.com/2018/07/08/business/china-surveillance-technology.html),” NYTimes (July 8, 2018).  Mark McCarthy, “[China and the West are converging on consumer data protection policy](https://www.cio.com/article/3275929/data-management/china-and-the-west-are-converging-on-consumer-data-protection-policy.html). CIO (May 24, 2018).  China’s Selfie Obsession, The New Yorker (Dec 18, 2017) <https://www.newyorker.com/magazine/2017/12/18/chinas-selfie-obsession>.  **Class discussion:**   * Class expectations and objectives * Themes * Discuss weekly posts * Discuss paper project and progression * Discuss lab project and sequence   + Evidence   + Experience   + Teardown   + Histories * Introductions and pics   **Discussion prompt:** no discussion post  **In-class lab:** introduction of Lab HW1: Evidence  **Due:** visual representation of privacy and surveillance homework  **Assigned:** readings and first discussion post on Canvas, visit [Paglen exhibit](https://americanart.si.edu/exhibitions/paglen) and complete Field Guide (by Class 3); Evidence 1-1 assignment. |
| 2  9/10 | Theories of privacy and surveillance | **Readings:**  Daniel Solove & Paul Schwartz, Privacy, Information and Technology, Chapter 1 Perspectives on Privacy.  David Lyons, *A Search for Surveillance Theory* in Theorizing Surveillance, 3-20 (2006).  Recommended:  Daniel Solove, Understanding Privacy.  Priscila Regan, Social Value of Privacy Revisited.  Colin Bennett, *In Defense of Privacy: The Concept and the Regime*, 8 Surveillance & Society (2011).  Irwin Altman, *Privacy Regulation: Culturally Universal or Culturally Specific?* 33 Journal of Social Issues 66-84 (1977).  **Discussion prompt:** Define privacy and define surveillance – is one simply the lack of the other or is it more nuanced?  **Class discussion:**  Why do we need a theory of privacy? Why don’t we have one? Did we ever have one? If so, where and when did the old ones break down? Is it possible to establish a theory of privacy that catches everything we want and nothing we don’t? If not, what does that mean? Must privacy be a right? A right to what exactly?  **In-class lab:** Discussion of Evidence 1-1 and introduction to Evidence 1-2  **Due:** Evidence 1-1  **Assigned:** readings and discussion post, Evidence 1-2 |
| 3  9/17 | Comparative methods | **Readings:**  Giovanni Sartori, [*Comparing and Miscomparing*](http://journals.sagepub.com/doi/pdf/10.1177/0951692891003003001), 3 Journal of Theoretical Politics 243-257 (1991).  Sheila Jasanoff, Why Compare? In Designs of Nature (2008).  James Whitman, [*The Two Western Cultures of Privacy: Dignity versus Liberty*](http://digitalcommons.law.yale.edu/cgi/viewcontent.cgi?article=1647&context=fss_papers), 113 Yale L.J. 1151 (2004).  Graham Greenleaf, *[Data Privacy Laws in Asia – Context and History](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2514972) (Chapter 1 of Asian Data Privacy Laws)* (2014).  Vindu Goel, “[India Pushes Back Against Tech ‘Colonization’ by Internet Giants](https://www.nytimes.com/2018/08/31/technology/india-technology-american-giants.html),” NYTimes (Aug 31, 2018).  Recommended:  Daniel Solove and Neil Richards, [*Privacy’s Other Path: Recovering the Law of Confidentiality*](http://scholarship.law.gwu.edu/cgi/viewcontent.cgi?article=2078&context=faculty_publications), 96 Geo. L.J. 123 (2007).  Lara A. Ballard, *The Dao of Privacy*, 7 Masaryk University Journal of Law and Technology 107 (PAGES) (2013).  James Grimmelmann, [*Virtual Worlds as Comparative Law*](http://www.nylslawreview.com/wp-content/uploads/sites/16/2013/11/49-1.Grimmelmann.pdf), 47 N.Y.L. Sch. L. Rev. 147 (2004).  Meg Leta Ambrose, [*Lessons from the Avalanche of Numbers: Big Data in Historical Perspective*](http://moritzlaw.osu.edu/students/groups/is/files/2016/02/6-Ambrose.pdf), 11 I/S 201-245 ONLY (2015).  Jeanne M. Hauch, *Protecting Private Facts in France: The Warren & Brandeis Tort is Alive and Well and Flourishing in Paris*, 68 Tulane L. Rev. 1219 (1994).  Lauren H. Rakower, [*Blurred Line: Zooming in on Google Street View and the Global Right to Privacy*](http://heinonline.org/HOL/LandingPage?handle=hein.journals/bjil37&div=11&id=&page=), 37 Brooklyn J. Int'l L. 317 (2011).  Colin Bennett, Regulating Privacy (1992).  **Discussion prompt:** what do we gain through comparative work? how can it go wrong? how does one set out a comparative project? what skills and/or resources are needed? What is the benefit of focusing on a single case instead?  **Class discussion:**  we will discuss comparative law and policy approaches and methods by discussing articulation of the methodology, considering a single case relative to comparative treatment, and drawing out conclusions made in each type of work.  **In-class lab:** Discuss Evidence 1-2.  **Due:** Field Guide and Evidence 1-2 (for discussion)  **Assigned:** readings and discussion post, ongoing minor edits to Evidence 1-2 as needed. |
| 4  9/24 | Privacy Principles and Digital Challenges | **Readings:**  Daniel Solove, [*Privacy Self-Management and the Consent Dilemma*](http://paulohm.com/classes/infopriv13/files/week4/ExcerptSolovePrivacySelfManagementAndConsentDilemma.pdf), 126 HARV. L. REV. 1880 (2013).  Ryan Calo, [*Against Notice Skepticism in Privacy (And Elsewhere)*](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1790144), 87 Notre Dame L. Rev. 1027 (2012).  Peter Schwartz and Karl-Nikolaus Peifer, [*Structuring Transatlantic Data Privacy Law*](https://scholarship.law.berkeley.edu/cgi/viewcontent.cgi?article=3913&context=facpubs), Georgetown Law Journal 1-36 ONLY (forthcoming 2017).  Recommended:  Paul Schwartz & Dan Solove, [*Reconciling Personal Information in the United States and European Union*](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2271442), 102 Cal. L. Rev. 877 (2014).  Solon Barocas and Helen Nissenbaum, [*Big Data’s End Run Around Procedural Privacy Protections*](https://cacm.acm.org/magazines/2014/11/179832-big-datas-end-run-around-procedural-privacy-protections/fulltext), 57 CACM 31-33 (2014)  Fred Cate, [*The Failure of Fair Information Practice Principles*](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1156972) in CONSUMER PROTECTION IN THE AGE OF THE “INFORMATION ECONOMY” (2006).  Lorrie Cranor, [P3P: Making Privacy Policies More Useful](https://www.ida.liu.se/~TDDC03/literature/Cronor-P3P.pdf), 1 IEEE Security & Privacy 50-55 (2003).  Jeff Blagdon, [Do Not Track: An Uncertain Future for the Web's Most Ambitious Privacy Initiative](http://www.theverge.com/2012/10/12/3485590/do-not-track-explained), THE VERGE (Oct. 12, 2012).  Paul Ohm, [The Broken Promises of Privacy: Responding to the Surprising Failure of Anonymization](http://paulohm.com/classes/infopriv13/files/week8/ExcerptOhmBrokenPromises.pdf), 57 UCLA L. Rev. 1701 (2010).  **Class discussion:** Each of the principles has become controversial as it has been bent by technology over time. We will go through each and then focus on the reliance on notice and choice. We will also discuss the problem with relying on the distinction between personally identifiable and anonymous information. Does any of this actually harm anyone? Is it the type and severity that the law should punish or compensate?  **Discussion prompt:** Research the Cambridge Analytica – Facebook fiasco from spring 2018. Look at how Canada, the UK, the EU, and US approached the issue. Then try to spend some amount of time (or stick to some schedule) reading the terms of service/privacy policy for each site you visit (or have open). How tedious is it really? Do you understand the terms? Would you change your behavior based on the terms? Is there a better way to provide you notice? Can consent be culturally distinct? Can these problems of consent be culturally distinct?  **In-class Lab:** Introduce Lab HW2: Experience  **Due:** (no Lab HW due this class)  **Assigned:** readings and discussion post, Experience 2-1 |
| 5  10/1 | Privacy regimes, players, & jurisdiction | **Readings:**  Lee Andrew Bygrave, Oversight and Enforcement of Data Privacy Law, in Data Privacy Law: An International Perspective 169-204 (2013).  “[Privacy Activism in Latin America](https://www.eff.org/deeplinks/2012/09/privacy-activism-latin-america),” EFF (2014).  Abdi Latif Dahir, “[Africa isn’t ready to protect its citizens personal data even as EU champions digital privacy](https://qz.com/africa/1271756/africa-isnt-ready-to-protect-its-citizens-personal-data-even-as-eu-champions-digital-privacy/),” Quartz Africa (May 8, 2018).  Matthew Lasar, “[Nazi Hunting: How France First ‘Civilized’ the Internet](http://arstechnica.com/tech-policy/2011/06/how-france-proved-that-the-internet-is-not-global/),” Arstechnica (June 22, 2011).  Yahoo! v. LICRA, 433 F.3d 1199 (9th Cir. 2006) ([excerpt](http://files.grimmelmann.net/cases/Yahoo.pdf)).  Recommended:  Kate Klonick, [*The New Governors: The People, Rules, and Processes Governing Online Speech*](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2937985), 131 Harv. L. Rev. 20-74 (2017).  Lee Andrew Bygrave, Oversight and Enforcement of Data Privacy Law, in Data Privacy Law: An International Perspective 169-204 (2013).  Collin Bennett, The Actors, in The Privacy Advocates 63-93 (2008).  Paul M. Schwartz, [*The E.U.-U.S. Privacy Collision: A Turn to Institutions and Procedures*](http://cdn.harvardlawreview.org/wp-content/uploads/pdfs/vol126_schwartz.pdf), 126 Harv. L. Rev. 1966 (2013).  Daniel J. Solove & Woodrow Hartzog, *The FTC and the New Common Law of Privacy*, 114 Columbia L. Rev. 583 (2013).  Kenneth Bamberger & Deirdre K. Mulligan, [*Privacy on the Books and on the Ground*](http://scholarship.law.berkeley.edu/cgi/viewcontent.cgi?article=2305&context=facpubs), 63 Stan. L. Rev. 247 (2011) & [*Privacy in Europe: Initial Data on Governance Choices and Corporate Practices*](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2328877), 81 George Washington L. Rev. 1529 (2013).  **Class discussion:** After clarifying the different structures laid out in the first reading, we will talk about how these structures have managed thus far. When and how is force exerted within this structure? Does jurisdiction matter in light of geolocation technology? Should the 9th circ have enforced France’s order? Should a US statute be passed for or against such enforcement?  **Discussion prompt**: comparative  **In-class lab:** Discuss Experience 2-1 and introduce Experience 2-2  **Due:** Experience 2-1  **Assigned:** readings and discussion post, Experience 2-2 |
| **6**  **10/8** | Government surveillance: the police | **Readings:**  Sadiq Reza, *Islam’s Fourth Amendment: Search and Seizure in Islamic Doctrine and Muslim Practice*, 40 Georgetown Journal of International Law 783-806 (2009).  Carpenter case:  Lily Hay Newman, “[Verizon – Yes, Verizon – Just Stood Up for Your Privacy](https://www.wired.com/story/verizon-privacy-location-data-fourth-amendment/),” Wired (Aug. 16, 2017).  Sabrina McCubbin, “[Summary: The Supreme Court Rules in Carpenter v. United States](https://www.lawfareblog.com/summary-supreme-court-rules-carpenter-v-united-states),” Lawfare (June 22, 2018).  Police body cameras:  Josh Siegel, [“Why Police Say Body Cameras Can Help Heal Divide With Public.”](http://dailysignal.com/2016/07/18/why-police-say-body-cameras-can-help-heal-divide-with-public) Daily Signal (Jul 18, 2016).  Timothy Williams, et al. [“Police Body Cameras: What Do You See?”](http://www.nytimes.com/interactive/2016/04/01/us/police-bodycam-video.html) New York Times (Apr 1, 2016).  Martin Kaste, “[Should the Police Control Their Own Body Camera Footage](http://www.npr.org/2017/05/25/529905669/should-the-police-control-their-own-body-camera-footage),” NPR (May 25, 2017).  Recommended:  Excerpt from Orin Kerr, [Searches and Seizures in a Digital World](http://paulohm.com/classes/infopriv10/files/Excerpt%20Kerr%20Harv%20L%20Rev.pdf), 119 HARV. L. REV. 531 (2005).  David C. Gray and Danielle Keats Citron, [*A Shattered Looking Glass: The Pitfalls and Potential of the Mosaic Theory of Fourth Amendment Privacy*](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2287972), 14 North Carolina J. L. & Tech. 381 (2013) (381- 398 read, skim rest).  Joh, Elizabeth E. Joh, *Beyond Surveillance: Data Control and Body Cameras*, 14 Surveillance & Society133-137 (2016).  **Class discussion**: what is the difference in Islamic and American rights to privacy as they relate to the police? What is “privacy” trying to achieve as a limitation on police surveillance? Does surveillance of the police work the same way to achieve similar ends?  **Discussion prompt**: comparative  **In-class lab:** Discuss Experience 2-2 and introduce Lab HW3: Teardown  **Due:** Lab HW2: Experience (complete)  **Assigned:** readings and discussion post, Teardown 3-1 |
| 7  10/15 | Government surveillance: the state | **Readings:**  Joel R. Reidenberg, [*The Data Surveillance State in the US and Europe*](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2349269), 49 Wake Forest L. Rev. 49 (2014).  Daniel Solove “[Why Privacy Matters Even if You Have ‘Nothing to Hide](http://chronicle.com/article/Why-Privacy-Matters-Even-if/127461/),’” The Chronicle (May 15, 2011).  Dani Deahl, [Russia Bans Anonymous Web Surfing Tools](https://www.theverge.com/2017/7/31/16070934/russia-ban-proxies-vpns-prevent-access-censored-websites-november),” The Verge (July 31, 2017).  “[Shining Light on the Encryption Debate: A Canadian Field Guide](https://citizenlab.ca/2018/05/shining-light-on-encryption-debate-canadian-field-guide/),” Citizen Lab (May 2018) ([video](https://www.youtube.com/watch?v=atAx24J1pQE)).  Eric Geller, “[A Complete Guide to the New ‘Crypto Wars,’](https://www.dailydot.com/layer8/encryption-crypto-wars-backdoors-timeline-security-privacy/)” The Daily Dot (Apr 26, 2016).  Danielle Kehl, “[The Lessons of the Crypto Wars](http://www.slate.com/articles/technology/future_tense/2015/06/safe_act_the_right_to_strong_encryption_almost_became_law_in_the_90s.html),” Slate (June 23, 2015).  Recommended:  Peter Swire, Jesse Woo, and Devin Desai, *Nationality and Surveillance*, forthcoming (CPDP 2018 panel video).  [Cypto Wars 2.0: The European Front](https://www.newamerica.org/oti/events/crypto-wars-20-european-front/), New America event video (May 25, 2017).  Paul Schwartz, [*German and U.S. Telecommunications Privacy Law: Legal Regulation of Domestic Law Enforcement Surveillance*](http://heinonline.org/HOL/LandingPage?handle=hein.journals/hastlj54&div=30&id=&page=) 54 Hastings L.J. 751 (2002-2003).  **Class discussion**: does/should anyone have a complete right to encryption? If a warrant has been issued, why shouldn’t decrypted information be turned over? Are you team Apple or team DOJ?  **Discussion prompt**: comparative  **In-class lab**: Discuss Teardown 3-1 and introduce Teardown 3-2  **Due:** Teardown 3-1  **Assigned:** readings and discussion post, Teardown 3-2 |
| 8  10/22 | Marginalization, bias, and transparency | **Readings:**  Kaveh Waddell, “[Encryption is a Luxury](https://www.theatlantic.com/technology/archive/2016/03/the-digital-security-divide/475590/),” The Atlantic (Mar 28, 2016).  Alvaro Bedoya, “[The Color of Surveillance](http://www.slate.com/articles/technology/future_tense/2016/01/what_the_fbi_s_surveillance_of_martin_luther_king_says_about_modern_spying.html),” Slate (Jan 18, 2016).  Aarti Shahani, [“Smartphones Are Used to Stalk, Control Domestic Abuse Victims,”](http://www.npr.org/sections/alltechconsidered/2014/09/15/346149979/smartphones-are-used-to-stalk-control-domestic-abuse-victims) *All Things Considered* (Sep 15, 2014).  Karen Levy, “[Rape is Not a Data Problem](https://www.theatlantic.com/technology/archive/2014/10/rape-is-not-a-data-problem/381904/),” The Atlantic (Oct. 30, 2014).  Cade Metz, “[Artificial Intelligence is Setting Up the Internet for a Huge Clash with Europe](https://www.wired.com/2016/07/artificial-intelligence-setting-internet-huge-clash-europe/),” Wired (July 11, 2016).  Frank Pasquale, “[Secret Algorithms Threaten the Rule of Law](https://www.technologyreview.com/s/608011/secret-algorithms-threaten-the-rule-of-law/),” MIT Technology Review (June 1, 2017).  Recommended:  Solon Barocas and Andrew Selbst, [*Big Data’s Disparate Impact*](https://pdfs.semanticscholar.org/1d17/4f0e3c391368d0f3384a144a6c7487f2a143.pdf), California Law Review ONLY 672-693 (2016).  Margot Kaminksi, *The Right to Explanation, Explained*, forthcoming 2018.  **Class discussion**: How should marginalization and discrimination be combatted? Is this a problem law can solve? How can designers and the design process be altered for inclusivity? How can we ensure that those in power do not abuse information technologies to further oppress groups?  **Discussion prompt**: comparative  **In-class lab:** Moral Landscape activity and introduce Teardown 3-3  **Due:** Teardown 3-2  **Assigned:** readings and discussion post, Teardown 3-3 |
| 9  10/29 | Speech versus/and privacy | **Readings:**  [Fla. Star v. B.J.F.](http://www.law.cornell.edu/supremecourt/text/491/524), 530. So. 2d 286  Suzanne Samin, “[A 7-Year-Old Rape Victim in Ardmore, Oklahoma was Publicly Identified by the Internet](http://www.bustle.com/articles/48410-a-7-year-old-rape-victim-in-ardmore-oklahoma-was-publicly-identified-by-the-internet),” Bustle (Nov. 10, 2014).  Jeffrey Toobin, “[Gawker’s Demise and the Trump-Era Threat to the First Amendment](http://www.newyorker.com/magazine/2016/12/19/gawkers-demise-and-the-trump-era-threat-to-the-first-amendment),” The New Yorker (Dec 2016).  Lyombe Eko, *The Law of Privacy in the United States and France: One President’s Impeachable Offense is Another’s Invasion of Privacy*, 22 Comm. & L. 1 (2000).  African [Charter](http://www.achpr.org/instruments/achpr/#a9) on Human and Peoples’ Rights (where is privacy?)  Recommended:  Nobody Speak: Trials of Free Speech, 2017 Netflix documentary about Hogan v. Gawker case.  Paul Schwartz and Karl-Nikolaus Peifer, [*Prosser's Privacy and the German Right of Personality: Are Four Privacy Torts Better than One Unitary Concept*](http://scholarship.law.berkeley.edu/cgi/viewcontent.cgi?article=2755&context=facpubs), 98 Cal. L. Rev. 1925 (2010).  Gavin Phillipson, *The ‘Right’ of Privacy in England and Strasbourg Compared in* New Dimensions in Privacy Law: International and Comparative Perspectives, 184-228 (2010).  **Class discussion**: Our discussion will revolve around choices and balancing speech (what does the public have a right to know and is the judiciary’s role – or the media’s – to decide?) with privacy interests and rights (what exactly is protected by choosing to limit the speech of others?). Focus on the different ways in which these are established and enforced across countries.  **Discussion prompt**: comparative  **In-class lab:** Discuss Teardown 3-3, Tarot Testing, and introduce Lab HW4: Histories  **Due:** Lab HW3: Teardown (complete)  **Assigned:** readings and discussion post, Histories 4-1 |
| 10  11/5 | Shame, lies, and the right to be forgotten | **Readings:**  Dan Solove, The Future Of Reputation: Gossip, Rumor, And Privacy On The Internet (2007) ([Chapter 5](http://paulohm.com/classes/infopriv10/reading/week2/SoloveReputationExcerpt.pdf)).  Danielle Citron, [Cyber Civil Rights](http://paulohm.com/classes/infopriv10/files/ExcerptedCitronCyberCivilRights.pdf), 89 BOSTON L. REV. 61 (2009).  Meg Leta Jones, [*Forgetting Made Too Easy*](https://cacm.acm.org/magazines/2015/6/187309-forgetting-made-too-easy/fulltext), 58 CACM 34 (June 2015).  Alexandra Ma, “[China has started ranking citizens with a creepy 'social credit' system](https://www.businessinsider.com/china-social-credit-system-punishments-and-rewards-explained-2018-4),” Business Insider (Apr. 8, 2018).  Recommended:  Tejinder Singh, “[Opinion analysis: Stolen Valor Act violates the First Amendment](http://www.scotusblog.com/2012/06/opinion-recap-stolen-valor-act-violates-the-first-amendment/),” SCOTUS Blog (June 28, 2012).  Data Retention in Latin America http://www.americasquarterly.org/content/privacy-human-right-data-retention-violates-right  [Google v. AEPD](http://curia.europa.eu/juris/document/document_print.jsf?doclang=EN&docid=152065), Court of Justice of the European Union, Case C‑131/12 (May 13, 2014).  **Class discussion**: We will begin by continuing to discuss policy approaches to truthful information, then the evolution of shaming online, and finally defamation. Comparative topics will include removal of information online, intermediary liability, and multiple versus single publication rules.  **Discussion prompt**: comparative  **In-class lab:** narratives & showcase workshop  **Due:** Histories 4-1  **Assigned:** readings and discussion post, Histories 4-2 and Showcase prep |
| 11  11/12 | Technologies of privacy exercise | **Class discussion**: Lab lightning round showcase featuring student presentations and exhibitions of research.  **Due:** Lab HW4: Histories and Project Showcase |
| 12  11/19 | Controlling Design | **Readings:**  Woodrow Hartzog, Privacy’s Blueprint [Video](https://www.youtube.com/watch?v=Rz-86jLbwaM) (2017).  Mireille Hildebrandt, *The Other Side of Privacy: Agency and Privacy in Japan*, in Smart Technologies and the End(s) of Privacy, Ch. 6: (2015).  Luke Stark, “[The Long History of Computer Science and Psychology Comes Into View](https://slate.com/technology/2018/03/cambridge-analytica-and-the-long-history-of-computer-science-and-psychology.html),” Slate (Mar 18, 2018).  Woodrow Hartzog and Evan Sellinger, “[Facial Recognition is the Perfect Tool for Oppression](https://medium.com/s/story/facial-recognition-is-the-perfect-tool-for-oppression-bc2a08f0fe66),” Medium (Aug 2, 2018).  Recommended:  Seda Gürses and Claudia Diaz, [*Two Tales of Privacy in Online Social Networks*](https://www.esat.kuleuven.be/cosic/publications/article-2270.pdf), *IEEE Security & Privacy* 11.3 (2013): 29-37.  Lee Bygrave, [*Data Protection by Design and by Defaults: Deciphering the EU’s Legislative Requirements*](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3035164), 4 Oslo Law Rev (2017).  **Class discussion**: We will finish the course by discussing three forms of governance currently popular around the world: design restrictions, sectorial versus horizontal privacy regulations, and international arrangements. For the first, privacy by design, focus on how different cultures would view telling technologists how to build their innovations.  **Discussion promp**t: comparative |
| 13  11/26 | Sectorial vs/& horizontal treatment | **Readings:**  Choose one group  Health:   * [Your Rights Under HIPAA](https://www.hhs.gov/hipaa/for-individuals/guidance-materials-for-consumers/index.html), HHS. * Wayne Kondro, “[Canada’s New Genetic Privacy Law is Causing Huge Headaches for Justin Trudeau](http://www.sciencemag.org/news/2017/03/canada-s-new-genetic-privacy-law-causing-huge-headaches-justin-trudeau),” Science (Mar. 10, 2017). * Gina Kolata and Heather Murphy, “[The Golden State Killer Is Tracked Through a Thicket of DNA, and Experts Shudder](https://www.nytimes.com/2018/04/27/health/dna-privacy-golden-state-killer-genealogy.html),” NYTimes (Apr 27, 2018). * [Maryland v. King](https://www.oyez.org/cases/2012/12-207), 133 S. Ct. 1958 (2013) (oral argument). * Sharon Begley, “[House Republicans Would Let Employers Demand Workers’ Genetic Test Results](http://www.pbs.org/newshour/rundown/house-republicans-let-employers-demand-workers-genetic-test-results/),” PBS (Mar. 11, 2017).   Work:   * Ifeoma Ajunwa, Kate Crawford, & Jason Schultz, [*Limitless Worker Surveillance*](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2746211), 105 Cal. L. Rev. 735 (2017). * Solon Barocas, Solon and Karen Levy, [“What Customer Data Collection Could Mean for Workers](https://hbr.org/2016/08/the-unintended-consequence-of-customer-data-collection),” Harvard Business Review (Aug. 31, 2016). * Dan Ackerman, “[Employees Offered RFID Chip Implants… It’s Voluntary, For Now](https://www.cnet.com/news/employees-offered-rfid-chip-implants-its-voluntary-for-now/),” CNet (July 25, 2017).   National ID/census:   * “[Three months of final Aadhaar hearing in Supreme Court: Here’s All you Need to Know](https://economictimes.indiatimes.com/news/politics-and-nation/three-months-of-final-aadhaar-hearing-in-supreme-court-heres-all-you-need-to-know/articleshow/63925478.cms).” India Times (April 26, 2018). * Amiya Bhatia and Jacqueline Bhabha. “India’s Aadhaar scheme and the promise of inclusive social protection.” Oxford Development Studies 45.1 (2017): 64-79. * “[The Census and Privacy](https://www.epic.org/privacy/census/),” EPIC. * Larry Frohman, *Only Sheep Let Themselves be Counted: Privacy, Political Culture, and 1983/87 West German Census Boycott*, 52 Archiv für Sozialgeschichte 335-379 (2012).   **Class discussion**: Read one of the three groupings. Students will lead discussion of their topic and guide debate about whether the area should be treated with its own privacy rules or be part of a universal set of privacy rules. Focus your attention on how different cultures might have a unique history as it relates to certain areas of information collection and use.  **Discussion prompt**: comparative  **Due:**  **Assigned:** readings and discussion post |
| 14  12/3 | Future of Privacy | **Readings:**  Meg Leta Jones, Internet of Other People’s Things  Ian Kerr, Schrödinger's Robot: Privacy in Uncertain States, 20 Theoretical Inquires L. (2019 Forthcoming).  Anupam Chander and Uyen P. Le, [*Breaking the Web: Data Localization vs. the Global Internet*](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2407858), Emory L. J. (2014).  Recommended:  Paul De Hert & Vagelis Papakonstantinou, [*Three Scenarios for International Governance of Data Privacy: Towards an International Data Privacy Organization*](http://moritzlaw.osu.edu/students/groups/is/files/2013/08/7-Hert-Papakonstantinou.pdf), 9 I/S: A Journal of Law and Policy for the Information Society 271 (2013).  Maria Los, *Looking Into the Future: Surveillance, Globalization, and the Totalitarian Potential* in Theorizing Surveillance, 69-94 (2006).  Center for Democracy and Technology, “[Civil Society Must have Voice at ITU Debates the Internet](https://cdt.org/insight/civil-society-must-have-voice-as-itu-debates-the-internet/),” (Mar. 16, 2012).  **Class discussion**: Can we ever have a universal definition of privacy and a universal set of protections? If privacy is a human right, why not? Is national privacy simply moral relativism?  **Discussion prompt**: would your region of choice be for or against universal privacy regulation? Under what terms?  **Due:** none  **Assigned:** final paper |
| Final | Comparative paper due | Due to me via email and Canvas |