Libera Università Internazionale
degli Studi Sociali Guido Carli

LUISS

# Syllabus

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| Academic Year | 2020/2021 |
| Program | Law, Digital innovation & Sustainability |
| course | Data Protection Law |
| Term | I semester |
| Year | 2 |
| SSD | IUS/01 |
| Credits | 6 |

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| INSTRUCTIONAL GOAL | The course promotes an in-depth analysis of one of the most challenging and multidisciplinary legal topics of the time. The course addresses students with different backgrounds such as law, economics, statistics, digital and engineering management, marketing and advertising, PR and further sectors intensely affected by the employment of personal data, who intend to develop the knowledge and the attitude of privacy compliance in their activities. There will be lectures, presentation of case studies, interviews to experts and professionals who deal on a daily base with both theoretical and practical issues produced by the implementation of data protection legislation in current market practices.<br><br>Data flows are nowadays the actual fuel of economical, political and social research and strategical planning, providing continuous and rich information about singular profiles of present or potential customers, electors and stakeholder and with a thorough detail and update degree. On the other hand, such a deepened scrutiny has its severe repercussion on the side of data subjects trying to defend private information about themselves against illegitimate excessive invasions. Innovation and technologies like big-data and AI represent unmissable chances for businesses and enterprises, but also a permanent menace towards the rights and the liberties of individuals. Contemporary data protection legislations are specifically aimed to balance the reasonable needs of the market with the impact of digital technologies over personalities.<br><br>The goal of the course is to give a thorough overview of the European General Data Protection Regulation (GDPR), its principles, its rules, its implementations method, its risk-based approach and the activity of the institutions it calls on. The analysis will focus on the pivotal concept of "accountability" of data controllers and processors, the very keystone of the brand-new data protection legal system, which specifically requires aware and responsible actors.<br><br>The confrontation with realities dealing with the necessity to manage the fulfillment of practical needs in term of data processing within a strict legal framework will grant the students the development of that then-intuitive sensitiveness to the data protection compliance as one of the most precious strategical assets of an enterprise. Data governance is made of the ability both of mining and interpreting salient information but most of all being able to give an account of one's choices when it comes to design data processing in order to minimize the risk of unnecessary or disruptive interference with another one's personal and intimate life.<br><br>Another goal of the class is to study and understand the different approaches towards data flows regulation held by Europe's commercial partners overseas and how the profound conceptual distinction between "privacy" and "data protection" still affects them. Comparison will be an integral part of the teaching method for this subject.<br><br>Evaluation will be based partly on a final written test, partly on a teamwork presentation of a problem solving challenge close to the end of the course. |
| INTENDED LEARNING OUTCOMES | **Knowledge and understanding:**<br>By the end of the course, students should be able to:<br>• know all the principles and concepts applying to data control and processing;<br>• follow-up the non-stop engineering innovation in data processing and comprehend the significant characteristics of relevant technologies such as the application of big-data and AI technologies in several business sectors;<br>• master the tools and the institutions compatible with the new legal framework regulating data |

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| | protection.<br><br>**Applying knowledge and understanding:**<br>Upon completing the study program, students will be able to:<br>• assess the impact of data processing towards the right and liberties of data subjects;<br>• elaborate and plan different privacy-by-design and privacy-by default solutions depending on specific processing purposes and situations;<br>• effectively communicate and work, as an expert in data protection issues.<br><br>**Making judgements:**<br>Upon completing the study program, students will be able to:<br>• apply the rules required by specifical data processing schemes;<br>• recognize data protection risks within a processing and identify proper and effective measures to minimize them;<br>• prepare original reports and impact assessment of specifical data processing simulations.<br><br>**Communications Skills:**<br>Upon completing the study program, students will be able to:<br>• develop the ability to communicate in written form through completing the assignment and oral form through the final exam and the class debate;<br>• use the notions and the communication of data protection law;<br>• develop the ability to provide legal advice to data controllers and processors.<br><br>**Learning skills:**<br>Upon completing the study program, students will be able to:<br>• build an analytic toolbox from data protection and privacy regulations;<br>• solve problems in dynamics settings and develop critical positions.<br>This ability will be acquired through: class participation, class debate, and research carried out for the drafting of the written assignment. |
| Pre-requisites | Students can easily follow the analytical content of this course if they have a basic knowledge in: Civil Law, Corporate Law, Labour Law, EU Law, Business and Administration, Marketing and Informatics. By basic knowledge we mean the command of the notions offered in the courses of the first University degree as well as the learning of the standard models of the forenamed subjects. |
| Course content | 1. Context and backgrounds of European Data Protection Law<br>• from the right to privacy to the right to personal data protection<br>• international legal frameworks<br>• interaction with other fundamental rights<br><br>2. Data Protection terminology<br>• “personal data”<br>• Special categories of data (“sensitive data”)<br>• “data processing”<br>• actors of data governace<br><br>3. Key principles of European Data Protection Law<br>• lawfulness, fairness and transparency of processing<br>• purpose limitation<br>• data minimization<br>• accuracy, storage limitation and security<br>• accountability<br><br>4. Rules of European Data Protection Law<br>• lawful grounds for processing data and special categories of data<br>• elements of data security<br>• management of personal data breach<br>• rules on accountability<br>• tools for compliance |

- data protection by design and by default
- DPIA

5. Institutional frameworks and independent supervision
   - supervision Authorities
   - powers and sanctions
   - the European Data Protection Board
   - the "consistency mechanism"

6. Data subjects' rights
   - the right to be informed
   - the rights to rectification, restriction and object
   - the "right-to-be-forgotten"
   - the rights against automated individual decision-making, including profiling
   - the enforcement of the subjects' rights

7. Rules on international personal data transfers
   - free flow of personal data between EU Member States
   - personal data transfers to third countries or to international organisations
   - different regulations in different jurisdictions

8. Specific types of personal data and their relevant protection rules
   - health data
   - genetic and biometric data
   - police and criminal justice
   - data processing for research and statistical purposes
   - electronic communications
   - financial data
   - employment data

9. Contemporary challenges in personal data protection
   - big-data, algorithms and AI
   - the web 2.0 and social networks
   - the web 3.0 and IoT
   - a constant balancing between benefits and risks

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| Reference Books | In order to have a general and analytical view on data protection law and the impact of digital technology on individual rights, students can refer to:<br><br>Council of Europe, European Court of Human Rights, European Data Protection Supervisor, European Union Agency for Fundamental Rights, 2018, Handbook on European Data Protection Law, EU Publications, Luxembourg, available at https://op.europa.eu/en/publication-detail/-/publication/5b0cfa83-63f3-11e8-ab9c-01aa75ed71a1/language-en<br><br>Mayer-Schönberger, V. and Cukier K., 2017, Big Data: A Revolution That Will Transform How We Live, Work, and Think, John Murray, London<br><br>Stephens-Davidowitz, S., 2017, Everybody Lies: Big Data, New Data, and What the Internet Can Tell Us about Who We Really Are, Dey Street Books, New York<br><br>Students are expected to read the papers/articles assigned each week as well as the EDPB Guidelines indicated during the lessons and selected case law of the European Court of Human Rights and the Court of Justice of the European Union |
| Teaching Methods | Slides will be available after the lesson covering each of the specific topics addressed in the course. |

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| | Experts and professionals of data protection will give lectures on their specific field of research and practical experience (names to be announced). |
| Assessment | The assessment of students learning will be centered on a final written exam (75% of the final grade) to verify the level of the acquired knowledge about data protection main topics and the familiarity with the legal framework, and class teamwork presentations of an impact assessment within a peculiar data processing simulation (25% of the final grade). |