

COURSE SYLLABUS - LAW 542

PRIVACY LAW – SPRING 2022

INSTRUCTOR: Prof. Jennifer Brobst; Office 244, jbrobst@siu.edu, 618-453-8702

CLASS TIME/ROOM: T/Th 3:00 – 4:15 pm / Room 108 (courtroom)

OFFICE HOURS: by appointment on zoom and some walk-in availability

COURSE DESCRIPTION: This three-credit upper division course examines the law relating to informational privacy as it runs through many different practice areas, including, but not limited to, tort law, media law, criminal law, health law, election law, education law, and the laws regulating the financial and credit industries. Informational privacy, the focus on this course, differs from the decisional privacy cases studied in Constitutional Law. Here, the focus is on how the law regulates access to, and dissemination of, personal information, whether by the government or a third party. The course satisfies an elective course requirement for the Health Law Specialization.

LEARNING OBJECTIVES: In this advanced elective, students will learn to identify and apply key statutory, regulatory, constitutional, and common law privacy rules of law in the overlapping areas of constitutional, property, torts, contracts, remedies, evidence, and criminal law. Applications will be tailored both to answering related bar exam questions, as well as to learning how to craft practical, experiential documents. Students will also learn to assess the social policy implications of privacy laws and technology in the United States, including disparate social and financial impacts on certain segments of society and the monetary incentives and disincentives related to privacy regulation. Competing state and federal policies will be discussed, including differing geographic interests. Finally, students will learn to understand the impact of interdisciplinary, philosophical, and social science research on human wellbeing as a result of evolving privacy laws.

PREPARATION FOR THE FIRST CLASS: For the first day of class, please read and be prepared to discuss the following pages in the assigned textbook (Solove & Schwartz): pages 10 – 40 (introduction to legal sources of privacy law). As always, take notes to draw out the relevant rules of law for your final exam outline, and consider the weight of authority and how the sources may or may not apply in other jurisdictions.

GRADED ASSIGNMENTS:

- Class Participation (10%)**
- WAC/Bar Exam In-class Essay (10%)**
- Drafting Exercise (20%)**
- Comprehensive Final Exam (60%)**

REQUIRED TEXTBOOK:

- DANIEL J. SOLOVE & PAUL M. SCHWARTZ, INFORMATION PRIVACY LAW (7th ed., Aspen Casebook Series, Wolters Kluwer 2021) (ISBN 978-1-5438-1372-2)

ATTENDANCE: Students may miss up to a maximum of four (4) classes. There is no excused or unexcused absence policy at SIU and the professor does not need to know the reason for the absence. If you are absent, I trust your decision. If there is an emergency, please contact Dean Judi Ray. Late arrival should be rare and may be counted as an absence at the professor's discretion and/or the student may be asked to leave class that day if it causes an interruption in the class. Students who are called on and are

wholly unprepared, including arriving to class without their book, may be marked absent for the day. This course is taught in person and requires active participation as it is a smaller seminar.

WORKLOAD EXPECTATIONS: According to the American Bar Association guidelines, a student should study and prepare for approximately 2 hours before each 50 minute class. This includes taking time *after* each class to re-read and clarify detailed in-class notes and outlines. As each class in Privacy Law is essentially 1.5 hours, a student should prepare 3 hours before/after class.

ADDITIONAL COURSE ADMINISTRATION MATTERS

INTERNET, LAPTOP, AND PERSONAL DEVICE POLICY: Use of laptops, tablets, smartphones, and other devices that provide internet access will be permitted in this course during lectures solely for academic use. If a student is found to be misusing this policy -- using electronic devices for nonacademic purposes or which distract other students -- the student may be asked to leave the class and may be counted as absent. The professor reserves the right to change this policy at any time, including prohibiting use of all electronic devices in the classroom.

CLASS RECORDINGS: Unauthorized recording or distribution of class recordings will be prohibited.

CLASS EMAIL AND TWEN: Per the law school regulations, students must regularly check and be responsive to email communications with faculty. Students are expected to regularly check the TWEN course page.

ACADEMIC INTEGRITY: Students must adhere to the SIU Student Conduct Code policies prohibiting plagiarism, cheating on examinations, false statements regarding assignment completion and authorship, false assertions regarding attendance, and other forms of dishonesty in academic performance.

STUDENT SERVICES: SIU has multiple resources through the law school and Saluki Cares for students with personal needs for support, including mental health, medical and other disability needs, as well as anti-discrimination, financial, legal, and other services (see <http://www.law.siu.edu/about/student-experience/support-services.html>). These support services are subsidized by your tuition dollars for a good reason. Law school is renowned for being academically difficult, but law students are also adults who frequently have other demands on their time, such as outside employment and family. It is a professional strength, not a weakness, to seek additional support to cope with law school if you need. The purpose of Saluki Cares is to develop, facilitate and coordinate a university-wide program of care and support for students in any type of distress—physical, emotional, financial, or personal. By working closely with faculty, staff, students and their families, SIU will continue to display a culture of care and demonstrate to our students and their families that they are an important part of the community. For Information on Saluki Cares: (618) 453-5714, or siucares@siu.edu, <http://salukicare.siu.edu/index.html>. At the School of Law, Assistant Dean Judi Ray is also available to help you access university resources. Her email is judiray@siu.edu, and her phone number is 618-453-3135.

EMERGENCY PROCEDURES: We ask that you become familiar with Emergency Preparedness at SIU. Emergency response information is available on posters in buildings on campus, on the Emergency Preparedness at SIU website and through text and email alerts. To register for alerts, visit: <http://emergency.siu.edu/>.

DISABILITY SUPPORT SERVICES. SIU Carbondale is committed to providing an inclusive and accessible experience for all students with disabilities. Disability Support Services coordinates the implementation of accommodations. If you think you may be eligible for accommodations but have not yet obtained approval, please contact DSS immediately at 618-453-5738 or disabilityservices.siu.edu. You may request accommodations at any time, but timely requests help to ensure accommodations are in place when needed. Accommodations and services are determined through an interactive process with students and may involve consideration of specific course design and learning objectives in consultation with faculty. Upon completion of a Disability Accommodation Agreement with DSS, students should use the DSS Student Portal to notify their faculty members and the School of Law Registrar's Office of their accommodations.

SALUKI CARES. The purpose of Saluki Cares is to develop, facilitate and coordinate a university-wide program of care and support for students in any type of distress—physical, emotion, financial, or personal. By working closely with faculty, staff, students, and their families, SIUC will continue to display a culture of care and demonstrate to our students and their families that they are an important part of the community. For Information on Saluki Cares: (618) 453-2461, or siucares@siu.edu, <https://salukicare.siu.edu/index.php>. At the School of Law, Assistant Dean Judi Ray is also available to help students access university resources. Her email is judiray@siu.edu and her phone number is 618- 453-3135.

COVID-19. SIUC’S policy on face masks and social distancing is consistent with the guidance from the Centers for Disease Control and Prevention and the Illinois Department of Public Health. For up-to-date information, students, faculty, and staff should visit SIUC’s COVID website (siu.edu/coronavirus), which includes the Saluki Safety Plan. People can also send an email to pandemicinfo@siu.edu.