

HAMLIN UNIVERSITY SCHOOL OF LAW
INFORMATICS POLICY SEMINAR
FALL 2010

Syllabus & Policies
Professor Jon M. Garon

1. Course Objectives:

Informatics is “the art and science of information.” The field represents the study of information systems and how these system store, process, access and communicate information. The seminar steps back from the field to look at the laws used to regulate the creation, storage, processing and usage of information.

Information comes to us in the form of patents, copyrights, trademarks, databases, photographs, and information stored in our GPS tracker, our Google search and our health records. In years (or weeks) to come, consumer devices such as PDAs will collect and communicate usage information about the device owner’s activities.

- To what extent do the laws allow advertisers, employers and insurers to use this data when setting rates or making hiring decision?
- Are there times when a person photographed in public has more rights to the picture than does the photographer? What if the photograph was taken in private?

The seminar will enable students to develop an understanding of the underlying jurisprudential policies and regulatory intersection of informatics through intellectual property, privacy, data and metadata regulations, and telecommunications policy.

While the particular topics will emphasize the interests of the seminar participants, the course will include a comparative review of U.S., European and international approaches to the use of information however derived, stored, aggregated or transacted. Students will select topics of interest for their independent scholarly research and presentation.

The learning outcomes for the student are:

- (i) to introduce you to the primary U.S. and European laws affecting legal regimes governing data (e.g., copyright, database protection, trade secrets, privacy) and subject matter data laws (HIPAA, GLBA, FERPA, etc.);
- (ii) to introduce you to the primary contractual duties and obligations regarding transactions in data;
- (iii) to produce useful and effective feedback for your colleagues;
- (iv) to master the techniques for scholarly writing, including development of a strong thesis, comprehensive research, a consistent logical argument, careful and effective drafting, and technical compliance with The Bluebook; and
- (v) to develop the ability to become a subject matter expert on a discrete topic through the production of a scholarly paper, classroom presentation and critiques of colleagues’ work.

2. Texts & Materials:

All materials assigned for the course will be available electronically at one of the two sites listed below. Students must bring the assigned materials to class each session – either in paper or electronic form. I recommend bringing a laptop to class with the assignments downloaded to avoid printing a large quantity of material. In addition, students are required to use the Internet and have an e-mail address to participate in the course.

TWEN - Course Website, <http://lawschool.westlaw.com/twen/default.asp>

An open resource site: **Informatics Law and Policy – Analysis of the Information Ecosystem**, <http://jmgaron.wordpress.com/>

3. Course Requirements and Grading:

This seminar is designed to emphasize topics of students' interest. You are responsible for selecting a topic and presenting it to the class for discussion, then using the discussion and additional research to prepare a complete, scholarly work. The paper should be approximately 30-40 pages in length (certainly not less than 30 nor more than 50 pages long) in law review format. The paper should have a clear thesis, strong research and compelling logic in a form conforming to The Bluebook: A Uniform System of Citation (18th ed. 2005). Students will receive a letter grade for the course. Due to the nature of the assignments, anonymous grading may not be utilized in this class.

A. Course Obligations and Mechanics¹

1. Students will choose when presentations will be made by drawing numbers August 29th; students then will have two week – until September 12th – to trade dates amongst themselves. Topics must be submitted by September 12th for approval.
2. Each student must post the preliminary research paper (the “green paper”) on TWEN on the Sunday one week prior to the scheduled presentation for distribution to the class, along with any additional materials the presenter would like the class to read in preparation for the week. Plan to have three presentations per session, allowing approximately 40 minutes for the presentation and question and answer period. Class may sometimes run a few minutes late, so please plan to be flexible with schedules.
3. Papers will be available on TWEN during the week before they will be presented in class. You must review and submit written comments (typically one page long; never more than two) to provide insight, suggestions and critique to benefit the presenter on the Thursday prior to the Sunday presentation. Your critiques count toward the final grade.
4. The presentation will consist of leading a class discussion of the green paper, which the class will have read, along with whatever other material you have assigned.
5. Following your presentation, you must hold a conference with me to discuss the paper. It is your responsibility to schedule the conference. I will read multiple versions of your paper. All pre-final drafts submitted for feedback must be turned in before December 13th.
6. Final submission of your paper is due no later than 5:00 p.m. on Monday, December 20th, submitted via TWEN.

¹ Adapted from policies of Professor Ken Salzberg.

B. Final grades will be determined approximately as follows:

Class participation and critiques	15%
Green paper	15%
Presentation of paper topic	20%
Final paper.....	50%

The seminar grading is not curved. With sufficient engagement and diligence, each student is capable of earning an “A” course grade. You should plan to edit and revise your final paper sufficiently to achieve publishable or near publishable quality.

4. Schedule Changes & Office Hours:

I will be available for office hours after class, Tuesdays from 11:00 a.m. to Noon or by appointment. Feel free to stop in at my office whenever I am on campus. You may contact me at 651-523-2535 or e-mail jgaron@hamline.edu.

5. Attendance and Participation:

Attendance and participation are required for all classes. You are expected to arrive at class on time (subject to emergencies) and to remain in class throughout the session. Failure to be prepared will count as an absence. Laptop use is required for class, but must only be used in furtherance of the course activities. Unrelated use of your laptop or other electronic devices may result in your dismissal from the class session, which will constitute an absence for that day. You can be absent no more than one session. In rare circumstances, a student may make up an absence caused by an extraordinary situation through non-classroom participation. Students who miss more than two sessions will be academically dis-enrolled from the course and receive a “W” or a “F” on their transcript as provided under the applicable attendance policies, based on the time of such dis-enrollment during the semester.

6. Website Usage:

A. Use of the TWEN and other websites:

The course materials and posts are hosted at TWEN and the Informatics Policy website (collectively “Website” or “Site”) that provides references and resources for this course. This syllabus, current reading assignments, Internet resources, law review articles and cases available on the Website can be linked to the e-mail postings you place on the Website using an open discussion forum. Many of the course handouts and materials will be made available through the Website. To use it, you must agree to abide by the user agreement and the requirements set out in this syllabus. Failure to abide with these policies may result in a lowered grade or academic dismissal.

Students may also be assigned additional websites or publicly hosted listserves and electronic communities. This syllabus applies to course-related postings and conduct in any medium, whether hosted through TWEN, Websites, or other electronic resources, or through any other venue.

B. Protocol & Decorum:

Messages sent to the Website are automatically made available to everyone who visits the Website. The list is monitored but not moderated. This means any message you send to the list will be immediately available for all list members without human intervention. I will read the list and participate in discussions from time to time, but the list is designed to be your vehicle to explore some of the ideas first addressed in class.

The Internet is an extension of the classroom. As such, the decorum and professionalism expected of you in class extends to all postings made regarding the course or its content. I expect that you will extend the same courtesy to your fellow students on the list as you do in class. Feel free to disagree with the ideas expressed, but work to keep the discussions polite and focused on the ideas.

C. Attribution of Postings:

Always include your name and email address in the body of your message so that others may reply to you directly. Personal messages should be sent directly rather than the list as a whole. Please do not send your e-mail anonymously. Attributed postings encourage both thoughtfulness and professionalism. If you have a question or other item that you would like posted without attribution, send the message to me directly and I will forward it to the list if appropriate. If you send e-mails directly to me or ask questions that are of general interest, I will also edit those questions (and my response when applicable) and forward them to the class.

D. Protection of Copyright:

The Law School, its students and its faculty are all required to abide by copyright law. This is both as a matter of law and law school policy. Please respect this. The Website provides an excellent vehicle for sharing information, particularly information gleaned from other electronic resources (such as the Internet, Lexis or Westlaw). While this is an appropriate use of the Website, please be very conservative with respect to the amount of material that is reproduced in the e-mail. When appropriate, please post cites rather than significant portions of text from any source. A fair use defense to copying should be used sparingly, if ever.

E. Nonexclusive Assignment of Copyright:

To facilitate the development of a wiki, website, or other publications resulting from the coursework associated with this class, as a condition of enrollment you hereby grant an irrevocable, nonexclusive assignment of the copyright in all material you post to TWEN or other websites created for or posted to on behalf of this class. You remain the owner of your copyrighted work and this nonexclusive assignment does not preclude you from utilizing the manner in any fashion on a nonexclusive basis.

7. Reading Assignments:

Below is the preliminary schedule of reading assignments. Expect to cover between 50-75 pages each week. The table below will serve as a guide for the semester. Students are responsible for staying current with the reading assignments, which may vary as we continue through the semester. The reading assignments reflect only the casebook materials. Be sure to read the associated materials in the supplement; students are responsible for additional statutory and supplementary reading in the casebook supplement or listed in the syllabus.

Be sure to check the TWEN website for readings for each of the unit assignments.

This preliminary outline is tentative and subject to change.

Week		Topic	Assignments
8/15	1	Introduction and Overview	Garon, Implications of Informatics on Data Policy. Blown to Bits, Chaps. 1-2
8/22	2	Privacy	
9/29	3	Privacy; Data Integrity	Select order of Presentations
9/5	4	Copyright	
9/12	5	Database Protection	Confirm date of presentation and turn in topic
9/19	6	RFID and GPS Data	
9/26	7	Data Contracting, EULA and Cloud Computing	
10/3	8	Metadata and the Law (Ethics rules, etc.)	
10/10	9	3 student presentations	
10/17	10	3 student presentations	
10/31	11	3 student presentations	
11/7	12	3 student presentations	
11/14	13	3 student presentations	
11/21	14	TBD	
		Final papers due 5:00 p.m. on Monday, December 20th via TWEN	