HAMLINE UNIVERSITY SCHOOL OF LAW
INFORMATION PRIVACY LAW - Spring 2010
SYLLABUS (as of December 16, 2009)
Professors Carolyn M. Sandberg, Christopher K. Sandberg

Class Times: Mondays, 6:00 pm — 7:50 pm

Room: Law 04

Reading: *Information Privacy Law*, Solove & Schwartz , 3Rd. Ed. (Wolters Kluwer) ISBN 13: 978-0-7355-7641-4 ("the Casebook") and selected class hand-outs.

Coverage: With the advent of digital technology and commercial use of the Internet has come an increased focus on privacy issues. A new area of legal scholarship has emerged called "Information Privacy Law" (as distinguished from the law related to "decisional privacy.")

This course will review the history, development, and status of information privacy law in the United States. After considering the historical origins of privacy law, the course will explore "the four privacy torts" identified by William Prosser in his famous 1960 law review article, *Privacy*, and contrast that with Minnesota's case law on privacy. The course will also examine privacy laws in the United States and other means of protecting information in various contexts. The course will conclude with a brief examination of the European Union's approach to information privacy.

Anticipated Learning Outcomes:
A variety of substantive law related to privacy, including applicable cases and statutes; identification of the impediments to privacy protection that exist in the United States, including the competing interests of individuals, society, the media, and the data base industry; the development/refinement of the skill of legal problem solving; and the development/refinement of the fundamental legal skill of legal reasoning, analysis, and writing.

Grading: Grades will be assigned based on student performance on the final examination. Students who are prepared and participate during class may see their final grade increased; for a student on the margin (e.g., between a B and B+) participation may make a grade difference.

Students are expected to attend all class sessions in a timely manner, to be prepared on the assigned reading, and to participate in class discussions. A student who misses more than one class session may

have his/her final grade reduced. A student who misses more than two class sessions **will** see his/her final grade reduced. A student who misses more than three class sessions may be expelled from the class.

Exam: The final will be a self-scheduled, in-class, open-book exam consisting of 3 to 4 essay questions, of which each student must answer two.

Classroom Etiquette and Professionalism:

Students are expected to act in the classroom as they would in a court of law, i.e., as legal professionals. Among other things, this means that students must be attentive to and respectful of the Professors and their classmates. The use of technological devices (e.g. laptops, pagers and cellular phones) in a manner that detracts from the learning experience is prohibited. This includes the in-class use of technological devices for text-messaging, reviewing and sending e-mail, playing games, and viewing obscene or offensive material.

Contact Info: Carolyn Sandberg: cmsandberg@comcast.net
Christopher Sandberg: cksandberg@comcast.net
NOTE: emails sent on the day of a class meeting may not reach either Professor during the workday prior to class.

Weekly Assignments:

WEEK 1: January 25, 2010
INTRODUCTION: The Origins and Meaning of "Privacy"
Casebook pp.1-38 and pp. 63-69 (skip 39-62.) In the reading, pay particular attention to the questions posed at the top of page 2.

WEEK 2: February 1. 2010
PRIVACY AND THE MEDIA: The Four Privacy Torts (Part 1)
Casebook pp. 78-119 (skip 120-172.)

WEEK 3: February 8 2010
PRIVACY AND THE MEDIA: The Four Privacy Torts (Part 2)
Casebook pp. 173-186; 205-223 (skip 186-204.)

WEEK 4: February 15, 2010
PRIVACY OF MEDICAL INFORMATION
Casebook pp. 399-446

WEEK 5: February 22, 2010
CONSTITUTIONAL PROTECTION OF MEDICAL INFORMATION
Casebook pp. 447-482.

WEEK 6: February 25, 2008
PRIVACY & LAW ENFORCEMENT

Casebook pp. 233-288.

WEEK 7: March 1, 2010
GOVERNMENT SURVEILLANCE AND COMPUTER SEARCHES
Casebook pp. 294-345.

WEEK 8: March 8, 2010
PRIVACY OF ASSOCIATION, ANONYMITY, AND IDENTIFICATION
Casebook pp. 525-535; 546-591 (skip 536-545.)

WEEK 9: March 15, 2010
PUBLIC SECTOR RECORDS & COMPUTER DATABASES
Casebook pp. 597-655.

WEEK10: March 22, 2010
PRIVATE SECTOR RECORDS & COMMERCIAL DATA
Casebook pp. 715-756.

SPRING BREAK: March 29 - April 4

WEEK 11: April 5, 2010
PRIVATE VS. PUBLIC ENFORCEMENT OF PRIVACY POLICIES
Casebook pp. 757-810.

WEEK 12: April 12, 2010
PRIVACY AT HOME AND SCHOOL
Casebook pp. 881-921.

WEEK 13: April 19, 2010
PRIVACY AT WORK
Casebook pp. 922-936; 966-993 (skip 937-965)

WEEK 14: April 26, 2010
PRIVACY IN THE EUROPEAN UNION
Casebook pp. 995-1006; 1021-1049 (skip 1007-1020.)