

Privacy
University of Florida Levin College of Law
Fall 2023 | LAW 6930 | 3 Credits

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Office Hours: Monday/Wednesday 2:30–3:30

MEETING TIME: Monday/Wednesday 4:30–5:55

LOCATION: Holland 355C

COURSE DESCRIPTION AND OBJECTIVES

Welcome to Privacy! This class will serve as an introduction to the law of privacy—an extremely dynamic field that grows in importance every day. From the very beginning of privacy law and scholarship, privacy concerns have seemed to parallel—and react to—technological developments. Changing social attitudes have likewise influenced privacy concerns through the years. We will discuss the development of some of the many facets of privacy law with particular attention to a couple of core questions: whose privacy concerns are being addressed; and, when privacy is not protected, who benefits?

The answers to these questions are complex and vary widely across the different areas of privacy. The class will begin with some of the foundational works on privacy law and discussion of philosophical perspectives on the need for privacy. From there, we will survey several privacy topics: privacy and the media; consumer privacy and data protection; law enforcement; government surveillance; government records; health privacy; and international approaches to privacy protection.

STUDENT LEARNING OUTCOMES

At the end of this course, students should be able to:

- Understand the goals of privacy protection;
- Understand the evolution of privacy law in connection with technological and social change;
- Understand the many challenges privacy poses for individuals, governments, and public and private enterprises; and
- Further develop their skills as advocates and client counselors by practicing how to analyze privacy issues and working through how to address them.

REQUIRED READING MATERIALS

The required text for this course is *Information Privacy Law* (7th ed. 2021) by Solove and Schwartz. Please be sure to register for the Canvas course and have any required materials with you in print or easily accessible electronic form in class. You are responsible for checking your Canvas page and the email connected to the page on a regular basis for any class announcements or adjustments.

COURSE EXPECTATIONS AND GRADING EVALUATION

Attendance, preparation, and participation are vital not only to your own understanding of the material but to your classmates' as well. The class will be divided into groups, with each group on call for a designated class on a rotating basis. Although you are expected to have completed the reading for each class, it is particularly

important that you are prepared when your group is on call. I encourage you to volunteer even when your group is not on call.

Students will be evaluated based upon class participation and a final exam. The final exam is worth 80% of your grade. The remaining 20% of your grade is based on class participation. Factors that influence your participation grade include preparedness when called upon, willingness to volunteer in class discussions, attendance, and activity in class exercises.

CLASS ATTENDANCE POLICY

Regular attendance is required. If you will be absent from class, or unprepared on a day that your group is on call, please email me in advance to let me know. You will have two free passes over the course of the semester; after that, absence or lack of preparation will negatively affect your participation grade. Viewing class recordings later does not count as attendance. A student who fails to meet the attendance requirement will be dropped from the course. The law school's policy on attendance can be found [here](#).

UF LEVIN COLLEGE OF LAW STANDARD SYLLABUS POLICIES

Other information about UF Levin College of Law policies, including compliance with the UF Honor Code, Grading, Accommodations, Class Recordings, and Course Evaluations can be found at this link:

<https://ufl.instructure.com/courses/427635/files/74674656?wrap=1>.

ABA OUT-OF-CLASS HOURS REQUIREMENTS

ABA Standard 310 requires that students devote 120 minutes to out-of-class preparation for every “classroom hour” of in-class instruction. Each weekly class is approximately 3 hours in length, requiring at least **6 hours of preparation** outside of class including reading the assigned materials, preparing for class, and preparing for the exam.

COURSE SCHEDULE OF TOPICS AND ASSIGNMENTS

Reading will generally be assigned on a weekly basis. The assignments will be posted on Canvas. Unless specifically indicated in the assignment, it is not necessary to read the notes and questions contained in the casebook. I will, from time to time, post suggested readings. These readings are *optional* and will be marked as such. Suggested readings are intended to provide additional context on the topics we cover for students interested in delving deeper into privacy law, whether during the semester or in the future.

For the first two weeks of class, we will cover the origins of privacy law, including philosophical and theoretical bases for privacy protection and the common law of privacy. The reading assignments are:

- 8/21: Introduction, Course Overview, and Privacy's Common Law Origins
 - o pp. 1–7, 10–23
 - o Optional: *Where Are They Now? April Fool!* (Canvas)
- 8/23: Philosophies and Theories of Privacy
 - o pp. 41–43 and the excerpts from Solove, Cohen, Allen, Schwartz, Simitis, Posner, Cate, Siegel, Citron, Bedoya, and Bridges in sections II.B–II.F
- 8/28: Media and the Privacy Torts
 - o pp. 88–106 (including p. 89 note 1, pp. 92–94 notes 3–6, pp. 100–02 notes 1–3, and p. 106 note 1)
 - o Skim pp. 106–13
- 8/30: Media and the Privacy Torts (cont.)
 - o pp. 114–30 (skim the notes after *Graham* on pp. 123–27), 139–46 (including notes 1–2 following *Bonome* on pp. 145–46)

Subsequent parts of the course will cover consumer privacy; privacy and the government (including law enforcement, surveillance, and government records); health privacy; and enforcement regimes (including GDPR).