

Privacy & Data Protection Law
University of Houston Law Center
Matt Todd, Adjunct Professor
Spring 2018
Mondays and Wednesdays 6:00 – 7:30 p.m.
Room: TBA
Exam: TBA

Office: TBA

E-mail: mtodd@polsinelli.com

Office hours: By appointment.

Course Website: This course will have a site on Blackboard. You should register for the course on Blackboard as soon as possible, and include an e-mail address that you check frequently.

Course Objectives: This introductory course will provide the student and future practitioner with the tools necessary for dealing with the dynamic and growing area of privacy and data security law, including a review of its foundations, an examination of the life cycle of data, compliance, enforcement and overall data security management principles. The goal of both the course and the readings will be to place the practical issues of legal compliance and counseling at the forefront. The emphasis will be more on the practitioner than the policy maker and will include discussions of current events and recent exploits as they occur. Where applicable, the course will also examine non-US regulatory regimes and may include guest speakers on certain specific topics.

Course Materials: William McGeveran, *Privacy and Data Protection Law* (Foundation Press 1st ed. 2016) (the “Casebook”).

Additional Materials will be identified for download at least one week in advance of sessions requiring them.

Course Requirements:

Attendance: Please plan to arrive for each class on time.

Class participation: For the class to proceed in optimum fashion, student preparation and participation is required.

Mobile phones: Please set to vibrate/silent mode for all classes.

Grading Policy: Grading will be based on a 2.5-hour in class final examination. The examination will be open book.

Reading Assignments:

CLASS #	TENTATIVE DATE	TOPIC	PAGES
1.	Jan. 17	Constitutional Law 1 (Fourth Amendment)	1-43
2.	Jan. 22	Constitutional Law 2 (First Amendment; Substantive Due Process)	43-66
3.	Jan. 24	Constitutional Law 3 (Other Constitutional Systems)	66-86
4.	Jan. 29	Tort Law 1 (Foundations; Intrusion)	87-111
5.	Jan. 31	Tort Law 2 (Disclosure; False Light)	111-129; 140-147
6.	Feb. 5	Tort Law 3 (Other Torts; Limitations)	129-140; 147-163
7.	Feb. 7	Consumer Protection 1 (Self-Regulation and Consumer Suits)	165-180; 188-199; <i>Spokeo v. Robins</i>
8.	Feb. 12	Consumer Protection 2 (FTC Privacy Regulation)	200-226
9.	Feb. 14	Consumer Protection 3 (FTC Security Regulation; State Regulation)	226-256
10.	Feb. 19	Data Protection 1 (EU Law Foundations)	257-282
11.	Feb. 21	Data Protection 2 (EU Law Frontiers; COPPA)	282-323
12.	Feb. 26	Collection 1 (Cookies Case Study, Wiretap Act)	325-363
13.	Feb. 28	Collection 2 (SCA); Processing 1 (Big Data Case Study)	364-380; 381-389
14.	Mar. 5	Processing 2 (FCRA; EU Processing); Security 1 (PCI Case Study)	389-411; 413-421

15.	Mar. 7	Security 2 (Civil Suits; Best Practices; Branch Notification)	421-455
16.	Mar.19	Disclosures and Transfers	475-519
		SPRING BREAK [March 12-16]	
17.	Mar. 21	National Security 1 (Foundations)	549-578
18.	Mar. 26	National Security 2 (The Communications Metadata Controversy)	578-610
19.	Mar. 28	Employment 1 (Screening)	665-689
20.	Apr. 2	Employment 2 (Monitoring; Public Sector)	689-730
21.	Apr. 4	Medical 1 (Evidentiary Privileges; Torts)	731-751
22.	Apr. 9	Medical 2 (HIPAA)	752-774
23.	Apr. 11	Medical 3 (Genetic Information)	774-788
24.	Apr. 16	Financial Information	789-818
25.	Apr. 18	Education 1 (School Searches)	861-883
26.	Apr. 23	Education 1 (Education Records)	883-908

Counseling and Psychological Services (CAPS): CAPS can help students who are having difficulties managing stress, adjusting to the demands of a professional program, or feeling sad and hopeless. You can reach CAPS (www.uh.edu/caps) by calling 713-743-5454 during and after business hours for routine appointments or if you or someone you know is in crisis. No appointment is necessary for the “Let's Talk” program, a drop-in consultation service at convenient locations and hours around campus.

http://www.uh.edu/caps/outreach/lets_talk.html