

Privacy & Data Protection Law
University of Houston Law Center
Matt Todd, Adjunct Professor
Spring 2021
Tuesdays and Thursdays 9:00 – 10:30 a.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 McGeeveran, *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. This class will be taught via internet-based videoconference (most likely by Zoom®). As a result, there are a number of requirements you, as the student, must meet:

- (i) you must be connected to the internet videoconference when class starts;
- (ii) your computer must have a working video camera and quality audio capability, joining by audio-only due to your lack of video capability may be

treated as an absence (you may need an external mic or headset for sufficient audio quality);

(iii) if your computer is a laptop, you must not be distracted by traveling or other activities when you join the internet videoconference;

(iv) you may not join the class session internet videoconference from a phone;

(v) you must listen closely and speak loud and clear, as hearing students speak in the class room and classmates ability to hear the remote presence student may not be optimal;

(vi) you must identify yourself with your class roll name in the internet videoconferencing software;

(vii) you must present your face and upper body area professionally in the video stream, eating “on-camera” is not a professional presentation;

(viii) you must be able to fulfill your responsibilities if called on to discuss a case or course materials; and

(ix) you must manage the “mute button” when remote to keep a professional demeanor.

Recording of Class. Students may not record all or part of class, livestream all or part of class, or make/distribute screen captures, without advanced written consent of the instructor. If you have or think you may have a disability such that you need to record class-related activities, please contact the Center for Students with Disabilities. If you have an accommodation to record class-related activities, those recordings may not be shared with any other student, whether in this course or not, or with any other person or on any other platform. Classes may be recorded by the instructor. Students may use instructor’s recordings for their own studying and notetaking. Instructor’s recordings are not authorized to be shared with *anyone* without the prior written approval of the instructor. Failure to comply with requirements regarding recordings will result in a disciplinary referral to the Dean of Students Office and may result in disciplinary action.

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

Grading Policy. Grading will be based on a 2.5-hour final examination. The examination will be open book. The University’s S/U Election Option will be available for students who select it.

Syllabus Changes. Due to the changing nature of the COVID-19 pandemic, please note that the instructor may need to make modifications to the course syllabus and may do so at any time. Notice of such changes will be announced as quickly as possible through (*specify how students will be notified of changes*).

Reading Assignments:

CLASS #	TENTATIVE DATE	TOPIC	PAGES
1.	Jan. 19	Constitutional Law 1 (Fourth Amendment)	1-20 Supp. 1-23
2.	Jan. 21	Constitutional Law 2 (First Amendment; Substantive Due Process)	43-66
3.	Jan. 26	Constitutional Law 3 (Other Constitutional Systems)	66-86
4.	Jan. 28	Tort Law 1 (Foundations; Intrusion)	87-111
5.	Feb. 2	Tort Law 2 (Disclosure; False Light)	111-129; 140-147
6.	Feb. 4	Tort Law 3 (Other Torts; Limitations)	129-140; 147-163
7.	Feb. 9	Consumer Protection 1 (Self-Regulation and Consumer Suits)	165-180; 188-199; <i>Spokeo v. Robins</i>
8.	Feb. 11	Consumer Protection 2 (FTC Privacy Regulation)	200-226 Supp. 24-33
9.	Feb. 16	Consumer Protection 3 (FTC Security Regulation; State Regulation)	226-256
10.	Feb. 18	Data Protection 1 (EU Law Foundations)	257-262 Supp. 34-54
11.	Feb. 23	Data Protection 2 (EU Law Frontiers; COPPA)	274-283; 300-302
12.	Feb. 25	Collection 1 (Cookies Case Study, Wiretap Act)	325-363
13.	Mar. 2	Collection 2 (SCA); Processing 1 (Big Data Case Study)	364-380; 381-389

14.	Mar. 4	Processing 2 (FCRA; EU Processing); Security 1 (PCI Case Study)	389-411; 413-421
15.	Mar. 9	Security 2 (Civil Suits; Best Practices; Branch Notification)	421-455
16.	Mar.11	Disclosures and Transfers	475-519
		SPRING BREAK [March 12-16]	
17.	Mar. 23	National Security 1 (Foundations)	549-578
18.	Mar. 25	National Security 2 (The Communications Metadata Controversy)	578-610
19.	Mar. 30	Employment 1 (Screening)	665-689
20.	Apr. 1	Employment 2 (Monitoring; Public Sector)	689-730
21.	Apr. 6	Medical 1 (Evidentiary Privileges; Torts)	731-751
22.	Apr. 8	Medical 2 (HIPAA)	752-774
23.	Apr. 13	Medical 3 (Genetic Information)	774-788
24.	Apr. 15	Financial Information	789-818
25.	Apr. 20	Education 1 (School Searches)	861-883
26.	Apr. 22	Education 1 (Education Records)	883-908
27.	Apr. 27	Overflow	
28.	Apr. 29	Review	

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