Syllabus

Privacy Law
1 credits/ 2 ECTS

Prof. Dr. Thomas Fetzer

Video lecture by
Prof. Dr. Thomas Fetzer

July 10- July 31, 2025

Short Course Description

The course will acquaint the students with the origins and basic principles of privacy law mainly in Europe. Furthermore, it will contrast the European privacy foundations with the U.S. approach. At the core of this course stands the European General Data Protection Regulation (GDPR) and its applicability to specific cases and basic principles. Moreover, the course will cover current challenges to the existing privacy paradigms by big data and big data analytics.

Course Objectives

By the end of the course, students will…
- have a basic knowledge on the foundations of privacy law in Europe and the U.S.;
- have an understanding why privacy issues are treated differently in Europe and the U.S.;
- have a basic knowledge on the applicability of the General Data Protection Regulation (GDPR) and its basic principles;
- be aware of privacy issues and potential legal limitations when processing data;
- be aware of current challenges to the existing privacy paradigms by big data and big data analytics;
- be aware of currently discussed new approaches to privacy (e.g. privacy by design).

Prerequisites

None.

Class Structure and Course Concept

This is an online course using a flipped classroom design. It covers the same material and content as an on-site course but runs differently. In this course, you are responsible for watching video-recorded lectures and reading the required literature for each unit prior to participating in mandatory weekly one-hour online meetings where students have the chance to discuss the materials from a unit with the instructor.

Although this is an online course where students have more freedom in when they engage with the course materials, students are expected to spend the same amount of time overall on all activities in the course – including preparatory activities (readings, studying), in-class-activities (watching prerecorded videos, attending the live online meetings), and follow-up activities (working on assignments and exams) – as in an on-site course. As a rule of thumb you can expect to spend approximately 1h/week on in-class-activities and 3 hours per week on out-of-class activities (preparing for class, readings, assignments, projects, studying for quizzes and exams). Therefore, the workload in all courses will be approximately 4h/week. Please note that the actual workload will depend on your personal knowledge.

Mandatory Weekly Online Meetings

Section 1: Thursdays, 1 pm EDT/7 pm CEST, July 10- July 31, 2025

Meetings will be held online through Zoom. Follow the link to the meeting sessions on the course website on https://umd.zoom.us/ If video participation via Internet is not possible, arrangements can be made for students to dial in and join the meetings via telephone.

In preparation for the weekly online meetings, students are expected to watch the lecture videos and read the assigned literature before the start of the meeting. In addition, students are encouraged to post questions about the materials covered in the videos and readings of the week in the forum before the meetings (deadline for posting questions is Thursday, 1 PM E(D)T/7:00 PM CE(S)T).

Students have the opportunity to use the BigBlueButton feature in Canvas to connect with peers outside the scheduled weekly online meetings (e.g., for study groups). Students are not required to use BigBlueButton and can of course use other online meeting platforms such as Google Hangouts, Skype or Microsoft Teams.

Look carefully at the times of meetings and deadlines! If in doubt, please consider the CET Time (e.g. in Frankfurt) is the OFFICIAL time for all meetings and deadlines.

Grading

Grading will be based on:

- Participation in discussion during the weekly online meetings and submission of questions to the weekly discussion forums demonstrating understanding of the required readings and video lectures (10% of grade)
- Three online quizzes reviewing specific aspects of the material covered (60% of grade) ● A final open-book online exam (30% of grade)

A+   100 - 97
A   96 - 93
A-   92 - 90
B+   89 - 87
B   86 - 83
B-   82 - 80
Etc.
 Variations for grading on a scale are at the discretion of the instructor.

The final grade will be communicated under the assignment "Final Grade" in the Canvas course. Please note that the letter grade written in parentheses in Canvas is the correct final grade. The point-grade displayed alongside the letter grade is irrelevant and can be ignored. Dates of when assignment will be due are indicated in the syllabus. Extensions will be granted sparingly and are at the instructor's discretion.

Technical Equipment Needs

The learning experience in this course will mainly rely on the online interaction between the students and the instructors during the weekly online meetings. Therefore, we encourage all students in this course to use a web camera and a headset. Decent quality headsets and web cams are available for less than $20 each. We ask students to refrain from using built-in web cams and speakers on their desktops or laptops. We know from our experience in previous online courses that this will reduce the quality of video and audio transmission and therefore will decrease the overall learning experience for all students in the course. In addition, we suggest that students use a wire connection (LAN), if available, when connecting to the online meetings. Wireless connections (WLAN) are usually less stable and might be dropped.

Long Course Description

The course will start with an introduction to the historical and constitutional roots of privacy law in Europe. It will contrast those foundations with the concepts of privacy under U.S. law in order to demonstrate why privacy issues sometimes create tensions or at least misunderstandings between Europe and the U.S. The course deals with informational privacy law only, which mainly in Europe is also called "data protection law". Data protection law addresses the question who might process personal data (collect, use, store, and transfer personal data to third parties). This points to two important limitations: First, data protection law is overlapping with data security law but has a different scope: While data protection law deals with the question under which

circumstances personal data can be processed legally, data security law regulates how the integrity of data against manipulation and data theft must be secured. Data security law will only be covered in the course as far as security measures are demanded by data protection laws Second, data protection law deals only with personal data, meaning any kind of information that can be linked to a human being, but not with pure machine data. However, it should be noted that due to new data processing capabilities arguably the majority of data can be linked to human beings and is, therefore, potentially within in the scope of data protection laws.

In a second part, the course will cover the European General Data Protection Regulation. The course will introduce the students to general principles of the GDPR: Under which circumstances is it applicable? This question is relevant in a geographical regard as well as in respect to which data is personal data for the purpose of the regulation. Who is responsible for complying with the GDPR? This is especially important if third parties are involved in the processing of personal data. Moreover, the course will deal with three most relevant ways to process personal data legally: Anonymization/pseudonymization, consent by the individual and statutory permissions. In this part, the course will also deal with individual's private enforcement rights and public enforcement of data protection law.

Finally, the course will also introduce the students to current challenges to the established privacy paradigms posed by big data and big data analytics. The course will also give an overview on currently discussed alternative privacy concepts (e.g. privacy by design and enhancing digital sovereignty).

Readings

Mandatory Readings
- Decision by the German Constitutional Court ("Bundesverfassungsgericht") "Census Act", BVerfGE 65,1
- *Whitman, The Two Western Cultures of Privacy*, 113 Yale Law Journal 1151

Complementary Readings
List of required and recommended readings for each class are provided below for each specific unit.

Academic Conduct

Clear definitions of the forms of academic misconduct, including cheating and plagiarism, as well as information about disciplinary sanctions for academic misconduct may be found at

https://www.president.umd.edu/sites/president.umd.edu/files/documents/policies/III-100A.pdf (University of Maryland)

Accommodations for Students with Disabilities

In order to receive services, students at the University of Maryland must contact the Accessibility & Disability Service (ADS) office to register in person for services. Please call the office to set up an appointment to register with an ADS counselor. Contact the ADS office at 301.314.7682; https://www.counseling.umd.edu/ads/.

Course Evaluation

In an effort to improve the learning experience for students in our online courses, students will be invited to participate in an online course evaluation at the end of the course. Participation is entirely voluntary and highly appreciated.

Sessions

Week 1: Introduction to Privacy Law and Fundamental Principles

Video lecture: available Thursday, July 3, 2025

Online meeting: Thursday, July 10, 2025, 1:00 PM EDT/7:00 PM

CEST

Online quiz unit 1: due Saturday, July 12, 2025, 1:00 PM

EDT/7:00 PM CEST

Required Readings:
Whitman, The Two Western Cultures of Privacy, 113 Yale Law Journal 1151
http://digitalcommons.law.yale.edu/cgi/viewcontent.cgi?article=1647&context=fss_pa
pers

Decision by the German Constitutional Court ("Bundesverfassungsgericht") "Census
Act", BVerfGE 65,1 https://freiheitsfoo.de//files/2013/10/Census-Act.pdf

Recommended Readings:
Schwartz/Pfeiffer, Transatlantic Data Privacy Law, 106 Geo. L.J. 115 (2017)
https://scholarship.law.berkeley.edu/cgi/viewcontent.cgi?article=3913&context=facpu
bs

Warren/Brandeis, The right to privacy, 4 Harvard Law Review 193 (1890)
http://www.cs.cornell.edu/~shmat/courses/cs5436/warren-brandeis.pdf

Week 2: GDPR I

Video lecture: available Thursday, July 10, 2025

Online meeting: Thursday, July 17, 2025, 1 PM EDT / 7 PM CEST

Quiz 2 due Saturday, July 19, 2025, 1 PM EDT/7 PM CEST

Required Readings:
Art. 288 TFEU https://eur-lex.europa.eu/legal-
content/EN/TXT/?uri=celex%3A12012E%2FTXT

Art. 1-4 GDPR https://eur-
lex.europa.eu/legalcontent/EN/TXT/PDF/?uri=CELEX:32016R0679&from=EN

Week 3: GDPR II

Video lecture: available Thursday, July 17, 2025

Online meeting: Thursday, July 24, 2025,1 PM EDT/7 PM CEST

Quiz 3 due Saturday, July 26, 2025, 1 PM EDT/7 PM CEST

Required Readings:
Art. 5-23 GDPR https://eur-lex.europa.eu/legalcontent/EN/TXT/PDF/?uri=CELEX:32016R0679&from=EN

6

Week 4: Privacy Law and current challenges

Video lecture: available Thursday, July 24, 2025

Online meeting: Thursday, July 31, 2025, 1 PM EDT/7 PM CEST

Required Readings:
Art. 24-59 GDPR https://eur-lex.europa.eu/legalcontent/EN/TXT/PDF/?uri=CELEX:32016R0679&from=EN

Recommended Readings:
Lane/Stodden/Bender/Nissenbaum, Privacy, Big Data, and the Public Good: Frameworks for Engagement (2014)

Project/Homework/Final exam

Take-home essay.
Due: Thursday, August 7, 2025, 1 PM EDT / 7 PM CEST