

May 1, 2023 Version: Subject to Adjustments

**Loyola University Chicago School of Law
International Data Protection and Artificial Intelligence Law LAW 279
Professor Charlotte A. Tschider ('chai-dur')
Summer 2023
1 Credit**

Office Phone: (612) 644-2639 (personal cell – feel free to call or text: please identify yourself and the class)

Office Hours: Due to our short window together in Rome, I will not be holding office hours but am available after class.

Class: 10:30-12:00 PM, adjusted times according to Rome schedule

Email: ctschider@luc.edu

Date and Time of final exam: One writing assignment due two weeks after last day of class: June 30, 2023 (if this date is not attainable for you due to work or other obligations, please arrange an alternative due date with me before the last day of class).

Class Location: Rome Classroom

Required Text: Reading assignments are listed below. This course is a seminar, which means that the class will involve reading, limited lecture, and discussion.

Additional Materials: Readings and materials will be posted on Sakai and may be updated the week prior to class to ensure materials reflect current news and developments, as appropriate.

Course Overview:

Multi-national organizations, often organized under U.S. state law or operating in the United States, increasingly must comply with a myriad of international laws regulating virtually every aspect of their organization and operation with respect to their customers. While previously, geographic restrictions reduced compliance obligations for companies operating from the U.S., laws like the General Data Protection Regulation, the Brazilian Data Protection Regulation, and the Chinese Cybersecurity Law, have implemented long-arm jurisdiction to regulate organizations doing any business with residents of these countries, even without a physical presence in these locations.

In a seminar format, this course will introduce tenets of data protection law, as it is established in European Law, as well as discussion that apply to artificial intelligence technologies. This will include a discussion of issues relating to privacy and individual rights, technical requirements, and practical business strategies for implementing compliance programs to meet multi-national obligations. Legally, the focus of this course are the General Data Protection Regulation and the Artificial Intelligence Act, as well as recent decisions by Italy's data protection authority, the Garante per la protezione dei dati personali ('Garante'). We will also briefly explore U.S. privacy law as a point of contrast.

At the conclusion of this course, students will be able to identify the legal issues that are typically encountered by multi-national organizations and will be able to articulate practical strategies for implementing programs to comply with data protection laws.

The objectives of this course include learning how to:

- a) Navigate a different European regulatory framework to ensure and demonstrate compliance,
- b) Explain which provisions of the privacy and security law and rules apply to given situations and how to apply those provisions, and
- c) Describe contemporary technologies and challenges that trigger data protection requirements as well as mandate certain practices in developing and using artificial intelligence.

Educational Goals, Objectives, and Learning Outcomes:

The Loyola University of Chicago School of Law has carefully developed its academic program and classes so that its students achieve a specific set of educational goals, objectives, and student learning outcomes. This class will serve many of those goals, objectives, and outcomes.

At the conclusion of the course, students will be able to:

- Understand and apply key requirements of the General Data Protection Regulation;
- Articulate the difference between U.S. privacy law and European data protection law;
- Learn about complex technologies, such as artificial intelligence; and
- Apply these requirements to real-world applications of new technologies.

About Sakai:

Sakai is the online student resource center for this course. Using your Loyola username and password, all students will be able to access the full course materials and post assignments. Along with the syllabus, I will post any class slides, handouts, supplemental materials, assignments, or relevant web links. I will use Sakai exclusively to email the class and post announcements, so please ensure your Loyola email is set-up to receive emails and announcements posted to Sakai. Access Sakai at <https://sakai.luc.edu/>. Although the Rome program is principally in-person, your reading resources and assignment submission will occur on Sakai. Please print any resources you would like physically available to you prior to arriving in Rome.

Technology Expectations:

This course will require the use of technology. Students are required to use technology to access course content, to complete and submit assignments, and to communicate with me and other students. You are expected to use Loyola's email system to communicate electronically. Please check your Loyola email regularly and this course's Sakai site for announcements, as these will be the primary modes of communication outside of class time. Your Loyola ID and password is your main resource for accessing Loyola systems. The Password Self-Service systems allows students, faculty, and staff on the University network to reset their own network password quickly and independently.

Go to: <http://www.luc.edu/its/services/password-self-service.shtml> to learn more and to manage your password.

Students may require additional technology support. The Information Technology Services (ITS) Help Desk provides general technology support. Please note that while the ITS Help Desk provides extended hours of support, it is not a 24-hour service. To learn more about Help Desk services and the hours of operation please go to: <http://www.luc.edu/its/helpdesk/>.

Technology Use During Class:

It is in your best interest and the interest of your colleagues to focus on course material and participate in group activities while you are in class, so I encourage you to remove distractions whenever possible, such as device notifications, and that you restrict social media use during live class time. The idea behind a classroom community, whether face-to-face or virtual, is that we all must take part to make it successful. Participation is vital to the success of this class.

Students do not have permission to record classes for personal use unless valid accommodation has been issued by the law school administration. As this is a seminar, after a brief lecture, I expect much of our time together will be discussion. For this reason, I expect you to come to class prepared to share your thoughts and participate.

Course Evaluation & Grade:

Students will be graded on a final short paper.

(100%) Short Paper: Students will write one paper to apply class concepts to a real-world scenario. The paper should be a minimum of 10 pages, double-spaced, on a topic of your choosing from each portion of the semester. The paper should be generally framed as follows (detailed questions and instructions are on the assignment sheet):

- 1) Research a recent European Court of Justice or EU country-level case decided judicially or by a data protection authority (DPA) and describe the facts including the technology used and the practices deemed illegal,
- 2) Describe the current law as it applies to the issue/topic in question (specifically which provisions and how it applies to the technology assessed) and how the decision was made, and
- 3) Explain why (using the knowledge you have gathered in this class) you think or do not think that the decision was appropriate.

You can use cases and news we discuss in class, but I recommend choosing a topic that has a lot of information available, including detailed documents created by a DPA or court.

Class Participation:

Each day, two students will be assigned to present an “in the news.” Students will present one or more news articles each and explain what happened and why it is a potential issue or area of interest legally. I may ask the presenters questions or the class more broadly. This and your regular participation count towards the general expectations of the course.

I reserve the right to bump your grade up or down based on class participation. I expect you to be prepared for each class and have completed the reading. With small, specialized classes, it is crucial that you are ready to participate.

GRADING RUBRIC

Required Paper (100 pt):

Expression	Meets 10-page, double-spaced requirement, memo format, grammar and spelling (25 pt.)
Answers discussion question	Analyzes the case/controversy completely and answers all relevant questions completely (50 pt.)
References course materials or other sources	Explicitly cites assertions and references. Uses references in lecture, book, news articles, or other references to support your arguments (25 pt.)

How to Access Zoom:

We will be meeting exclusively in person. However, in the event we are required to change course due to unforeseen circumstances, the following information will be applicable.

You will access your Zoom meeting space through the course's Sakai page, described below. Alternatively, though not ideally, you may choose to use Zoom on your mobile device (phone or tablet) if you have a computer problem on a given day. If you have a computer problem that prohibits camera use, please inform me.

Please run through the following steps to prepare for class:

1. Confirm that your laptop has a webcam and microphone capabilities. Please alert the administration if you have any access or equipment problems promptly.
2. Download Zoom and familiarize yourself with it by thoroughly reading all of the materials and the step-by-step instructions provided to you and accessible on the Loyola Law webpage [here](#). Note that we will be accessing directly through Sakai in the Zoom tab rather than by email invitation.
3. If you have not used Zoom before, familiarize yourself with the features, including the mute, camera views, chat function, etc. I expect to “see” and “hear” all of you during our sessions unless you notify me of technical problems. Please reach out to computing services for help if you need it at helpdesk@luc.edu
4. Log into Sakai and access the course site. Confirm that there is a Zoom icon along the left side of the page (a head with two heads behind it). It should be directly above the “Help” icon. Each Wednesday class period will have a scheduled Zoom time for you to join.
5. While in Zoom for our class sessions, be prepared to be on mute while I or your colleagues are speaking to eliminate background noise.

In this class, software may be used to record live class lectures. As a student in this class, your participation in live class discussions will be recorded. These recordings will be made available only to students enrolled in the class to assist those who were not able to attend the live session, by the determination of the instructor.

Students will be required to turn on their cameras at the start of class. Students who have a need to participate via audio only must reach out to me to request audio participation only without the video camera enabled. The use of all video recordings will be in keeping with the University Privacy Statement shown below.

Logon to the Zoom through Sakai approximately 5 minutes ahead of schedule to avoid technical difficulty. The Zoom system automatically tracks attendance and your attendance is recognized by the credentials you use to sign on. If you join the class using your phone, then you will need to provide me with your phone number so I can associate your attendance with the number. It is preferable, if you have a mobile device, to download the Zoom App and log-in to join rather than calling in whenever possible. If you are unable to logon to your Zoom class at the start time, then please email me as soon as possible and reach out for technical support for assistance logging on.

Office Hours:

Please feel free to contact me if you would like to ask a question about the class material. I will be available during class and after class (and often when we are traveling to/from different sites) if you have any questions.

Privacy Statement:

Assuring privacy among faculty and students engaged in online and face-to-face instructional activities helps promote open and robust conversations and mitigates concerns that comments made within the context of the class will be shared beyond the classroom. As such, recordings of instructional activities occurring in online or face-to-face classes may be used solely for internal class purposes by the faculty member and students registered for the course, and only during the period in which the course is offered. Students will be informed of such recordings by a statement in the syllabus for the course in which they will be recorded. Instructors who wish to make subsequent use of recordings that include student activity may do so only with informed written consent of the students involved or if all student activity is removed from the recording. Recordings including student activity that have been initiated by the instructor may be retained by the instructor only for individual use.

Because we are meeting exclusively in person, we will not be recording courses unless a student requires this as part of their accommodations.

Excused Absences:

Students who are ill or have other unforeseen circumstances should seek an excused absence from me. Students who regularly miss class violate ABA rules and may be precluded from completing the final requirements for the course.

Responsible and Respectful Class Participation:

Loyola University Chicago School of Law is a responsible and respectful professional learning community. Responsible class participation requires regular and punctual attendance, as well as the use of the internet and social media only as a tool to assist in the learning that takes place in the class. Respectful class participation requires students to be open to the ideas and viewpoints expressed by others in the class, and to engage in a conversation that challenges those viewpoints and ideas based on legal and policy reasoning without personal attacks or demeaning comments. Law school classroom discussions often involve difficult and controversial topics.

In our learning community, students feel comfortable sharing different perspectives and experiences with each other, knowing that their classmates will respect those perspectives and experiences. I highly encourage students to listen respectfully and appropriately respond to their colleagues not only because it is a Loyola community expectation but also because your client or colleague in the future may share that perspective or experience. We are together precisely because we benefit collectively when we

learn from each other. Students are encouraged to discuss with me any concerns that arise about our classroom community, including how I manage the classroom environment. In the event that I feel your commentary or an interaction in class is not productive to the learning environment or disrespectful to the law school community, I reserve the right to address the situation directly or ask you to join me privately to discuss the matter. If the scenario warrants it, I may end class early.

As legal professionals, we must appreciate issues from multiple perspectives to be successful in the legal field. In some class sessions, I may ask you to explore a different perspective to better appreciate the multi-faceted and complex nature of many of the legal and policy issues we are expected to tackle as legal professionals. For example, I may frame a scenario by describing what a client has experienced or is looking to achieve and may ask you what options may be available for that client, including what arguments would be most successful. Although your personal opinion is important and worth sharing when we discuss many issues, your legal opinions are what matter to your clients in fulfilling their goals. This class will require you to challenge and cultivate both.

My Teaching Philosophy:

I see my role as your professor as a guide who will introduce material to you in a way that is reasonably clear, as well as push you to expand your thinking on specific topics. Your role as a student in my class is to come to class prepared, remain open to the learning environment, and apply yourself in teaching yourself the material, as well. We are partners in the educational experience. When you are practicing law, you will need to know how to perform your own learning and research processes. For this reason, I expect you to exert effort to understand the material yourself. I encourage you to meet with your colleagues outside of class to encourage each other and discuss the material. Remember that you will recall 90% of the material you teach others, so one tactic for doing well in this class is educating your colleagues, your friends, your family on the topics you are learning.

Diversity Statement:

At Loyola, it is our intent that students from all backgrounds and perspectives be well-served by this course, that students' learning needs be addressed both in and out of class, and that the diversity that the students bring to this class be viewed as a resource, strength and benefit. It is our intent to present materials and activities that are respectful of diversity: gender identity, sexuality, disability, age, socioeconomic status, ethnicity, race, nationality, religion, and culture. Your suggestions are encouraged and appreciated. Please let your lead instructor or workshop facilitator know ways to improve the effectiveness of the course for you personally, or for other students or student groups.

Pronouns and names:

Rather than referring to an individual as a pronoun or using honorifics., I refer to students by their first names or "your colleague." I will provide a placard for you to use each class period so that I and your colleagues know your name as you prefer it, not as provided to me in my class list. It is important to me to ensure you feel welcome and part of the classroom community, so please correct me if I pronounce your name incorrectly, either publicly or privately (however you feel comfortable). I may repeat your name back to ensure I have it right. If you desire me to know your pronouns, please feel free to discuss with me or email me directly. It is essential that you feel comfortable in this class, and I want you to feel valued and supported. If there is anything I can do to better accomplish this goal, please do not hesitate to let me know.

Code of Conduct:

The Loyola University Chicago School of Law Policies shall govern all aspects of this course. These include the class attendance policy, the Student Code of Conduct, and the plagiarism policy. See <http://www1.luc.edu/law/resources/schooloflawpolicies/>

Supportive Services for Students:

During the semester, if you find that health problems, life stressors or emotional difficulties are interfering with your academic or personal success, and you are therefore finding it difficult to cope or to complete your academic work, please consider contacting the Wellness Center. Healthcare services, crisis intervention, time-limited individual counseling, and group therapies are free of charge and strictly confidential, having nothing to do with your educational records. You can make an appointment online using the links provided at <https://luc.edu/wellness/about/hours/>. You may also call 773-508-2530 for counseling appointments or 773-508-8883 to speak with a nurse about medical concerns. More information is available at <http://www.luc.edu/wellness>. If your medical or mental health condition requires ongoing academic accommodations, please register with Student Accessibility Services [<https://www.luc.edu/sac/>] and provide me with a copy of your accommodation letter.

As an instructor, I am considered a Responsible Campus Partner (“RCP”) under Loyola’s *Comprehensive Policy and Equitable Resolution Procedures for Discrimination, Sexual Misconduct, and Retaliation* (located at www.luc.edu/equity). While my goal is for you to be able to share information related to your life experiences through discussion and written work, I want to be transparent that as a RCP I am required to report all disclosures of past or recent sexual assault, domestic violence, intimate partner/domestic violence, and/or stalking to the University’s Title IX Coordinator. The purpose of these reporting requirements is for the University to inform students who have experienced sexual/gender-based violence of available resources and support. Such a report will not generate a report to law enforcement (no student will ever be forced to file a report with the police). Furthermore, the University’s resources and support are available to all students even if a student chooses that they do not want any other action taken. Please note that in certain situations, based on the nature of the disclosure, the University may need to take additional action to ensure the safety of the University community. If you have any questions about this policy, you may contact the Office for Equity & Compliance at equity@luc.edu or 773-508-7766.

Accommodations for Students with Disabilities:

Loyola University provides reasonable accommodations for students with disabilities. Any student requesting accommodations related to a disability or other condition is required to register with the Student Accessibility Center (SAC), located in Sullivan Center, Suite 117. Students will provide professors with an accommodation notification from SAC, preferably within the first two weeks of class. Students are encouraged to contact their professor in order to discuss their accommodations. All information will remain confidential. For more information or further assistance, please call 773.508.3700.

Course Framework:

This course has been taught in a variety of previous formats. I have structured this course to introduce key concepts for international data protection law, though this is by no means a comprehensive review. Because you are most likely to be engaging with the General Data Protection Act and a few other international laws, we will be spending most of our time discussing it.

Course Topics, Assigned Readings, and Class Objectives:

Sakai will house all readings.

Week	Dates	Topic	Chapter/Readings/Supplemental Videos
1	6/5	Intro to Data Protection	Tschider, Chapter 1, up to Consent as a Lawful Basis, pg. 15
1	6/6	Intro to Data Protection, cont.	Tschider, Chapter 1, remainder
1	6/7	European Data Protection	Tschider, Chapter 2, 1-15, to 2.03
1	6/8	European Data Protection	Tschider, Chapter 2, 15-32, to 2.06
2	6/12	European Data Protection	Tschider, Chapter 2, 32-49, to [19] DPIA
2	6/13	European Data Protection	Tschider, Chapter 2, remainder
2	6/14	US Privacy Law	Tschider, Chapter 3, 1-21, to 3.08
2	6/15	US Privacy Law	Tschider, Chapter 3, 21-43, to 3.10