

**IT 801 -- INFORMATION LAW AND POLICY
TENTATIVE SYLLABUS
FALL 2001**

Professor Leslie Ann Reis
(312) 987-1425
7reis@jmls.edu
Office hours: Open Door Policy

Welcome to Information Law and Policy. This seminar meets on seven Saturdays during the Fall 2001 Semester (please note dates and times listed below). We will explore this ever-changing area of law through discussions, hypotheticals, student presentations and perhaps a guest lecture or two. Your participation is essential.

To receive credit for this seminar, you will need to (1) prepare and deliver an in-class presentation, (2) complete a research project or paper of publishable quality, and (3) make a personal information inquiry.

COURSE DESCRIPTION

This seminar considers the historical foundation and current status of information law and policies. We will examine a variety of issues concerning the gathering, use, dissemination and protection of information about individuals and organizations held by third parties. Topics include the right of access to information; the free flow and use of information; the creation and value of an individual's "digital persona" and the roles of government and the private sector in protecting informational privacy.

COURSE MATERIALS

There is no textbook for this class. Course materials will be distributed prior to each class. Occasionally, on-line materials will be assigned. Topics and materials may be adjusted according to students' experience with and interests in information technology and privacy law.

Recommended texts:

Marc Rotenberg, *The Privacy Law Sourcebook 2000: United States Law, International Law, and Recent Developments* (Electronic Privacy Information Center, 2000). Available at the JMLS Bookstore.

How To Use The Federal FOI Act. Available at the JMLS Bookstore.

Anne Wells Branscomb, *Who Owns Information?* (Basic Books 1994).

Simson Garfinkel, *Database Nation: The Death of Privacy in the 21st Century* (O'Reilly & Associates, Inc. 2000).

GRADES AND COURSE REQUIREMENTS

Grades will be based on class participation (20%), an in-class presentation (15%), a personal information inquiry (15%), and a research paper/project (50%).

IN-CLASS PRESENTATIONS -- Each student will be expected to present an outline and lead an in-class discussion (approximately 15 minutes in length) on the current issues and controversies surrounding a specific topic. Each presentation should take the class a step beyond the course materials and discuss items in the news, pending legislation (federal and state), any current cases of interest, and identifiable trends. Creativity is greatly appreciated and handouts are strongly encouraged.

TOPICS FOR IN-CLASS PRESENTATIONS: A list of suggested topics will be distributed in class. Please pick your top three choices for your in-class presentation and return the questionnaire at the beginning of the second class meeting. You may propose additional topics (subject to the instructor's approval).

PERSONAL INFORMATION INQUIRY -- Each student must make a personal record inquiry from either a government agency or a private sector entity (e.g., a credit bureau, a former employer, an educational institution, an Internet advertising agency, etc.), and submit a brief written report explaining the process and the general results of the inquiry, including a critique of the agency or

company's disclosure practices. Specific details of the records obtained should not be submitted. Creativity is encouraged. The reports are due on or before the last class session, so students should not wait until late in the semester to make the inquiry.

RESEARCH PAPERS/PROJECTS -- Each student must complete an original research project that expresses a novel idea or approach to some area of information law and policy. The paper must be submitted in publishable form-- i.e., fully edited, with correct grammar and spelling, proper citations, and supporting materials (statutes, appendices, etc.) if appropriate. While there is no length requirement, most topics will likely require at least 4,000 words (15 to 20 pages) to adequately address. Quality is more important than quantity.

- Papers will be evaluated on the basis of clarity of analysis, persuasiveness of argument, depth of research, originality of thought, readability, and understanding of the course materials. Proper use of authority is required (footnotes are preferred to endnotes).
- Students may present projects of equivalent depth and magnitude in other formats with prior approval of the instructors.
- Students will submit a thesis statement at the beginning of the third class meeting.
- The instructor is available to discuss questions regarding papers/projects.
- Papers/projects are due December 10, 2001.

SYLLABUS

Class #1 (September 8, 2001 - 1:30pm) INTRODUCTION

In this session, we will explore the various definitions and concepts of "information"-- who needs it, who wants it, and who can protect it. We will discuss the history and development of information policy in the United States and examine the regulatory mechanisms, applicable statutes, and the right of access to information. We will begin an ongoing analysis of "informational privacy"--an individual's right to control his or her personal information held by others.

Class #2 (September 15, 2001 – 9:00am) ACCESS TO GOVERNMENT INFORMATION

This session will focus on information about the government and information collected, maintained and used by the government. Among the topics that will be

addressed are public records and Federal and state Open Meetings Acts, Freedom of Information Acts and the federal Privacy Act.

Class #3 (September 29, 2001 – 9:00am) PRIVATE SECTOR

This class will focus on the impact of technology on information exchange, transactions and security. We will discuss methods of collecting information including voluntary disclosure, transactional trails, and physical trails.

Class #4 (October 6, 2001 – 1:30pm) “PERSONAL INFORMATION”

This session will delve into the balancing of interests: information as a commodity v. personal privacy.

Class #5 (October 20, 2001 – 1:30pm) CONSUMER PROTECTION

Here, we will look at Profiling, FCRA, Fair Information Practices and Privacy Policies.

Class #6 (November 10, 2001 – 9:00am) SPECIAL PROBLEMS WITH FINANCIAL AND MEDICAL INFORMATION

Class #7 (December 1, 2001 – 9:00am) HOT TOPICS AND WRAP UP