

**IT 801 -- INFORMATION LAW AND POLICY
SPRING 2001**

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Welcome to Information Law and Policy. This seminar meets on Tuesday afternoons from 1:00pm – 4:00pm for 11 weeks. 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 and protection of information about individuals and organizations held by third parties, including 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 are included in this packet and additional readings may be distributed prior to each class. Occasionally, on-line materials will be assigned.

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 instructors' 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 instructors are available to discuss questions regarding papers/projects.
- Papers/projects are due April 10, 2001.

SYLLABUS

Class #1 (January 16, 2001) -- 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 (Jan. 23) – ACCESS TO INFORMATION ABOUT THE GOVERNMENT

This session will focus on information about the government . Among the topics that will be addressed are public records and Federal and state Open Meetings Acts and FOIA.

Class #3 (Jan. 30) – ACCESS TO INFORMATION THE GOVERNMENT HAS ABOUT INDIVIDUALS

Here, we will explore information collected, maintained and used by the government.

Class #4 (Feb. 6) – 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 #5 (Feb. 13) – PRIVATE SECTOR AND CONSUMER PROTECTION

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

Class #6 (Feb. 20) – CONSUMER PROTECTION

Class #7 (Feb. 27) – IDENTITY THEFT

Class #8 (Mar. 6) – MEDICAL INFORMATION

Class #9 (Mar. 13) -- SPECIAL PROBLEMS IN CYBERSPACE

Class #10 (Mar. 27) -- USING, ABUSING, AND PROTECTING INFORMATION

In this session, we will examine the economic implications of information exchange, application of intellectual property laws and principles (copyright, trade secret, etc...) We will also take a practical look at litigation and other practice concerns in this area.

Class #11 (Apr. 3) – HOT TOPICS AND WRAP-UP
