

6.11 Module 11: International Privacy and Data Protection Law

6.11.1 Headline Information about the Module

Module title	International Privacy & Data Protection Law
Module NFQ level (only if an NFQ level can be demonstrated)	Level 9
Module number/reference	MIBL- IPDP
Parent programme(s) the plural arises if there are embedded programmes to be validated.	LLM in International Commercial Law
Stage of parent programme	1
Semester (semester1/semester2 if applicable)	2 (elective)
Module credit units (FET/HET/ECTS)	ECTS
Module credit number of units	10
List the teaching and learning modes	Full-time, part-time
Entry requirements (statement of knowledge, skill and competence)	Learners should normally hold an approved honours degree in business, law or related discipline or equivalent qualification from an approved tertiary/or professional institution.
Pre-requisite module titles	Not Applicable
Co-requisite module titles	Not Applicable
Is this a capstone module? (Yes or No)	No
Specification of the qualifications (academic, pedagogical and professional/occupational) and experience required of staff (staff includes workplace personnel who are responsible for learners such as apprentices, trainees and learners in clinical placements)	Lecturers qualified to at least a level 9 legal qualification (LLM), preferably with a third level teaching qualification (e.g. Certificate in Training and Education).
Maximum number of learners per centre (or instance of the module)	60
Duration of the module	12 weeks
Average (over the duration of the module) of the contact hours per week (see * below)	2.5
Module-specific physical resources and support required per centre (or instance of the module)	Normal lecture room with internet access and good-quality audio-visual equipment.

Analysis of required learning effort		
Effort while in contact with staff	Minimum ratio teacher / learner	Hours
Classroom and demonstrations	1:60	30
Monitoring and small-group teaching		
Other		
Independent Learning		
Directed e-learning (hours)		
Independent Learning (hours)		220
Other hours (group project)		
Work-based learning hours of learning effort		
Total Effort (hours)		250

Allocation of marks (within the module)					
	Continuous assessment	Supervised project	Proctored practical examination	Proctored written examination	Total
Percentage contribution	50			50	100%

6.11.2 Module aims and objectives

We are living with an ever-increasing societal and commercial dependence on technology. This brings with it many advantages but also disadvantages. One such disadvantage relates to the issue of data protection of natural persons. This was at the forefront of the European Commission when it proposed the need to update the European Union's ("EU") approach to data protection. The growth in technology, development of cloud-based solutions, the international use of technology products and the fact that there were vast differences amongst member states in implementing the EU Data Protection Directive of 1995 ("1995 Directive") highlighted why the 1995 Directive was quickly becoming out of date.

The EU General Data Protection Regulation ("Regulation") is revolutionary in that it aims to connect the approach of the EU member states to data protection and it is for this reason the Regulation is deemed as "one continent – one rule" as regards to data protection. This makes it a very powerful instrument from a legal and regulatory standpoint as this "one continent – one rule" approach means, for the most part, that the Regulation is implemented on a unified basis across member states. Thus, enabling more efficient cooperation between member states in regard to enforcement of the Regulation. It also works in favour of supporting businesses with international reach after all it aims to avoid differences between EU member states when it comes to data protection thereby making compliance efforts on this issue more efficient.

This module provides an explanatory overview to data protection and privacy law, taking an international perspective that encompasses Irish and EU law. The module will consider theoretical and practical approaches in understanding the power and significance of handling personal information securely. Attention is given to the General Data Protection Regulation ("GDPR") and understanding will be provided as to its key principles and what these principles mean in practice. Furthermore, the module will investigate how the GDPR is changing not just the EU approach to data protection and privacy but also the global approach.

6.11.3 Minimum intended module learning outcomes

On successful completion of this module, learners are able to:

- (i) demonstrate an advanced grounding in concepts, principles and rules of data protection, consent, and privacy
- (ii) present specialised knowledge on the approaches to data protection and privacy law in Europe and Ireland and other key international countries
- (iii) design and communicate both legal and non-legal responses to data protection and privacy challenges
- (iv) interpret and assess the overlaps and differences between data protection and privacy rules
- (v) critically analyse emerging issues in data protection
- (vi) demonstrate a critical awareness of, and the ability to evaluate legal and regulatory actions taken in response to the failure to protect data and ensure confidentiality
- (vii) apply and communicate fundamental principles of data protection and privacy law to factual situations.

6.11.4 Rationale for inclusion of the module in the programme and its contribution to the overall MIPLOs

Due to the General Data Protection Regulation 2016/679, Data Protection Act 2018 technology evolution learners should become familiar with the legislation, principles and requirements relating to the area of privacy and data protection within Ireland and the EU from both a theoretical and practical perspective.

6.11.5 Information provided to learners about the module

Learners will receive the following resources and materials in advance of commencement:

- module descriptor with module learning outcomes
- class plan
- assignment and project brief with assessment strategy
- reading materials
- notes.

Additionally, this material will be made available through Moodle, the college VLE, along with other relevant resources and activities.

6.11.6 Module content, organisation and structure

Privacy and data protection is a 10 ECTS credit module taught and assessed over 12 weeks. The module is delivered over 12 lecture sessions of 2.5 hours' duration for learners.

Privacy vs data protection

- What is privacy?
- What is meant by data protection?
- Privacy and its interplay with data protection
- History and context of privacy and data protection rights
- Sources of privacy and data protection rights

Evolution of privacy and data protection within EU

- Privacy Directive 1995
- GDPR 2016
- Directive 2002/58/EC – Electronic Privacy Directive
- Directive 2009/136/EC – Cookies Directive
- Directive 2006/24/EC (Communications (Retention of Data) Act 2011)
- Data Protection Acts 1988/2003/2018

Understanding fundamentals of privacy and GDPR

- Data protection and related legislation, including full coverage of the provision of the GDPR
- Definitions-for example personal data, sensitive data, data processor etc.
- The eight data protection rules
- Rights of the data subject
- Office of the data protection commissioner
- Offences & liability
- Overseas data transfer
- The role of the data protection officer
- International data transfers
- Data protection impact assessments
- Data protection in the workplace
- Data security

Data protection & privacy compliance

- Data protection compliance
- CCTV
- Consent
- Direct marketing
- Cookies, the cloud
- Outsourcing
- Drones, biometrics, wearable technology
- Emerging technologies
- Best practice models
- Privacy by design
- Privacy by default
- Training
- Measuring privacy and data protection compliance
- Physical security of data
- Virtual security of data

International perspective to privacy & data protection

- US current Approach and growing trends
- Asia Pacific Approach and growing trends
- How is the EU approach to data protection and privacy viewed?
- Overview of recent data protection issues

Electronic privacy and cybersecurity

- EPrivacy regulation and its interplay with GDPR
- Proposed changes to cybersecurity governance
- The crucial role of leadership in managing cyber risk
- Brexit and its effects on privacy and data protection

Emerging issues in data protection

This will be updated annually, as required. Typical issues may include:

- Big Data, social media, data matching, data anonymisation, tracking, data access controls, state and commercial surveillance, blurred boundaries among clinical, research, administrative uses of personal information (genetic exceptionalism, biobanks, electronic health records, client and ethnic profiling).

6.11.7 Module teaching and learning (including formative assessment) strategy

The module is delivered by means of structured and participative style lectures. The learners are assigned reading the week previous to each class, and some learners are asked to lead the discussion of the material. The lecturer regularly encourages small group formation to discuss nascent research questions and appropriate methodology strategies. Feedback is also provided through formative assessment which supports learners taking control of their own learning.

6.11.8 Work-based learning and practice-placement

There is no practice-placement element within this module.

6.11.9 E-learning

Moodle, the college VLE, is used to disseminate notes, advice, and online resources to support the learners.

6.11.10 Module physical resource requirements

Normal lecture room with internet access and good-quality audio-visual equipment. All learners have access to an extensive range of 'actual' and 'remote access' library resources. The library monitors and updates its resources on an ongoing basis, in line with the college's Library Acquisition Policy.

6.11.11 Reading lists and other information resources

Primary Reading

Leenes R. van Brakel R. Gutwirth S. De Hert P. (ed.'s) (2018) *Data Protection and Privacy – The Internet of Bodies*. Bloomsbury, Oxford, United Kingdom.

Secondary Reading

Alsmadi, I. Burdwell, R. Aleroud, A. Wahbeh, A. Qudah, M. & Al-Omari, A., (2018) *Practical Information Security*. Springer, United States

Kelleher, D. (2015) *Privacy and Data Protection Law in Ireland*. 2nd ed. Bloomsbury Professional

Kelleher, D. and Murray K. (2018) *EU Data Protection Law*. Bloomsbury, London

Kunar, (2017) *International Data Privacy Law*. Oxford, OUP

Massey, S. (2017) *The Ultimate GDPR Practitioner Guide: Demystifying Privacy & Data Protection*. Fox Red Risk, United Kingdom

Millard, C. (2013) *Cloud Computing Law*. Oxford. United Kingdom

Murray, A. (2019) *Information Technology Law*. 4th ed. Oxford

Solove, P. Schwartz, (2012) *Privacy, Information, and Technology*. 3rd ed. Aspen Publishing Co

Voigt, P. von dem Bussche, A. (2017) *The EU General data Protection Regulation (GDPR) – A Practical Guide*. Springer, US

Westin, A.F. (1967) *Privacy and Freedom*. NY: Atheneum (1967).

6.11.12 Specifications for module staffing requirements

Lecturers qualified to at least a level 9 legal qualification (LLM) and preferably a third level teaching qualification (e.g. Certificate in Training and Education).

6.11.13 Module summative assessment strategy

The module is assessed through 35% essay (plus a 15% presentation of the essay material) with the remainder 50% forming an essay and problem question examination paper.

Within the 50% assessment learners will be required to construct an essay on their chosen privacy/data protection issue. Learners also present their essay material to the class by means of an oral presentation. Learners will present in groups of two/three a 20-minute presentation followed by a question and answer session, which may also involve the attendance of an outside expert on privacy law and data protection.

The remainder of the module assessment will be dealt with by problem and essay questions within a summative end of semester exam. Essentially the intention here is to encourage learners to consider how we can regulate technology appropriately and to question the uses of particular technologies. While at present there has often been reluctance to regulate, the aim here is to challenge learners to think about how we can improve the law for the benefit of society.

No.	Description	MIMLOs	Weighting
1	Individual essay	(ii), (vii)	35%
2	Presentation	(iii)	15%
3	Closed book examination	(i), (iv), (v), (vi)	50%

6.11.14 Sample assessment materials

Please see Sample Assessment Handbook.