

Seminar Syllabus – Privacy Law
LAW6936, Section 15856
2 Credits – Spring 2019
Thursdays at 9:00 AM – 10:50 AM
Room 355A

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COURSE DESCRIPTION

This seminar will evaluate the development and current status of the law related to the privacy of individuals. This seminar will analyze the evolution of protection of personal information under the law and personal autonomy under the law and constitution. The course textbook is PRIVACY: THE LOST RIGHT by JON L. MILLS (Oxford Univ. Press, 2008).

Additionally, the efficacy of constitutional, tort and statutory remedies will be evaluated. Readings will include selected cases and articles.

The seminar will include a written research paper and an oral presentation to the class. We will be using guideline for Advanced Writing Certificate which is: 25 pages (exclusive of footnotes) on Letter-sized paper, 12-point Times New Roman, 1 inch margins (top, bottom & sides), and double-spaced text.

COURSE OBJECTIVES AND STUDENT LEARNING OUTCOMES

This seminar will provide an overview of privacy issues and laws. The students will participate in presentations on selected issues related to privacy. Students will write a paper that meets senior writing requirements on selected privacy topic.

At the conclusion of the course, you will:

1. Understand and label privacy as a constitutional principle.
2. Understand and distinguish remedies available for privacy intrusions.
3. Understand evaluate the differences in privacy laws in the United States and other countries.
4. Understand and analyze the evolution of privacy law in the context of societal and cultural shifts.

Expectations:

It is anticipated that you will spend approximately 2 hours out of class reading and/or preparing for in-class assignments. You will be devoting time to your readings for each class; please be prepared for about 70 pages of reading each week.

Attendance and Participation

Attendance will be taken at each class meeting. Students are allowed 6 absences during the course of the semester. Students are responsible for ensuring that they are not recorded as absent if they come in late. A student who fails to meet the attendance requirement will be dropped from the course and will not be allowed to take the final examination.

Student participation in class is encouraged, and will be considered in assigning a final grade. The degree of student participation will doubtless affect the quality and interest of class discussions. Students are expected to be prepared for each class.

Excused absences are consistent with university policies in the undergraduate catalog (<https://catalog.ufl.edu/ugrad/currnt/regulations/info/attendance.aspx>) and require appropriate documentation.

Courtesy

Please turn off your cell phone during class. I also request that you notify me if you know you must leave class early. Please do not play computer games or surf the Internet during class.

Final Examination

The final examination will be a **4-hour take home, open book and open notes essay** exam and will be distributed **online on CANVAS** on the designated exam schedule. The exam will consist of 5 or 6 hypotheticals with limited space for answers. The instructions of the examination will be announced later in the semester.

Grades

Your grade for this course will depend on how well you perform on your seminar paper. Each member of the class will present his or her paper to the class. Quality of participation counts. If I call on you to contribute to classroom discussion, and you decline, I will come back to you the following day and call on you again to participate.

Evaluation of Grades:

Percentage of Grade	Portion of Class
70%	Seminar Paper
20%	Presentation
10%	Participation

Grading Policy

Score	Percent	Grade	Grade Points
934-1000	93.4-100	A	4.00
900-933	90.0-93.3	A-	3.67
867-899	86.7-89.9	B+	3.33
834-866	83.4-86.6	B-	3.00

800-833	80.0-83.3	B-	2.67
767-799	76.7-79.9	C+	2.33
734-766	73.4-76.6	C	2.00
700-733	70.0-73.3	C-	1.67
667-699	66.7-69.9	D+	1.33
634-666	63.4-66.6	D	1.00
600-633	60.0-63.3	D-	0.67
0-599	0-599	E	0.00

For more details, see this information at <https://catalog.ufl.edu/ugrad/current/regulations/info/grades.aspx>

Course Evaluations

Students are expected to provide feedback on the quality of instruction in this course by completing online evaluations at <https://evaluations.ufl.edu>. Evaluations are typically open during the last two or three weeks of the semester, but students will be given specific times when they are open. Summary results of these assessments are available to students at <https://evaluations.ufl.edu/results/>.

Requesting Accommodations

Students with disabilities requesting accommodations should first register with the Disability Resource Center (352-392-8565, www.dso.ufl.edu/drc/) by providing appropriate documentation. Once registered, students will receive an accommodation letter which must be presented to the instructor when requesting accommodation. Students with disabilities should follow this procedure as early as possible in the semester.

University Honesty Policy

UF students are bound by The Honor Pledge which states, "We, the members of the University of Florida community, pledge to hold ourselves and our peers to the highest standards of honor and integrity by abiding by the Honor Code. On all work submitted for credit by students at the University of Florida, the following pledge is either required or implied: "On my honor, I have neither given nor received unauthorized aid in doing this assignment." The Honor Code (<https://www.dso.ufl.edu/sccr/process/student-conduct-honor-code/>) specifies a number of behaviors that are in violation of this code and the possible sanctions. Furthermore, you are obligated to report any condition that facilitates academic misconduct to appropriate personnel. If you have any questions or concerns, please consult with the instructor or TAs in this class.

Counseling and Wellness Center

Contact information for the Counseling and Wellness Center: <http://www.counseling.ufl.edu/cwc/Default.aspx>, 392-1575; and the University Police Department: 392-1111 or 9-1-1 for emergencies.

COURSE SYLLABUS

01/7/19 Week #1 – History and Perspective page 1 - 27

“The Right to Privacy” — Warren and Brandeis (1890 Harvard Law Review),
available at http://www-swiss.ai.mit.edu/6805/articles/privacy/Privacy_brand_warr2.html
Griswold v. Connecticut, 381 U.S. 479 (1965)

01/14/19 Week #2- Defining Privacy in Today’s Society page 27 - 77

Supplemental readings:

Olmstead v. United States, 277 U.S. 438 (1928) (Brandeis, J. dissenting)

Whalen v. Roe, 429 U.S. 589 (1977)

State v. Rolling, 22 Med.L.Rep. 2264 (Fla. 8th Cir. Ct. 1994)

01/22/19 Week #3 – Global Privacy Issue page 77 - 105

01/28/19 Week #4 – Legal Tools – The Constitution page 105 - 130

Supplemental readings:

Loving v. Virginia, 388 U.S. 1 (1967)

Lawrence v. Texas, 539 U.S. 558 (2003)

Perkins v. Principal Media Group, (www.drslawfirm.com:16080/perkinsbrf.pdf)

Bartnicki v. Vopper, 532 U.S. 514 (2001) - focus on Rehnquist dissent)

02/04/19 Week #5 – Statutes & State Protection page 130 - 170

02/11/19 Week #6 – Discussion on Torts page 170 - 194

Supplemental readings:

Intrusion upon Seclusion

Plaxico v. Michael, 735 So.2d 1036 (Miss. 1999)

Allstate Insurance v. Ginsberg, 2003 WL22145227 (Fla. 2003)

Public Disclosure of Private Facts

Cason v. Basin, 20 So.2d 243 (Fla. 1945)

False Light

Romaine v. Kallinge, 537 A.2d 284 (N.J. 1988)

Appropriation of Name or Likeness

Tyne v. Time Warner Entertainment, 336 F.3d 1286 (11th Cir. 2003)

