



STUDY PROGRAMME

(1) European Legal Studies Programme

(2) Transatlantic Affairs

ACADEMIC YEAR

2019-20

SEMESTER

Second

COURSE TITLE

EU Data Protection Law

COURSE PROFESSORS

P. Nemitz

COURSE ASSISTANT

Z. Gulczyńska

NATURE OF COURSE (COMPULSORY, OPTIONAL)

Optional

LANGUAGE OF INSTRUCTION

English

ECTS CREDITS

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1. COURSE OBJECTIVES

The course focuses on European law and policy concerning data protection.

The main aim is to equip the students with the necessary knowledge to apply the law as it stands. Relevant jurisprudence will be jointly, slowly read and analyzed. The course also aims to provide tools for criticism, to enable students to assess legal developments against elements of "Realpolitik", value-based and socio-economic parameters and to contribute to the development of the law. Such tools will be linked with primary and secondary law and landmark jurisprudence, the balance of interests and proportionality.

2. LEARNING OUTCOMES

The course objectives tie in with a number of learning outcomes of the programme in **European Legal Studies**. The aim of the course is to ensure that the student

- 1.1. possess advanced knowledge of the European Union (EU), its institutions, competences, substantive principles and legal doctrines,
- 1.2. Possess general knowledge on the main elements of the EU's law and policy at large,
- 1.3. Possess in-depth, scientific knowledge on specific areas of EU law,
- 2.1. will be able to think analytically, correctly analysing complex legal problems in a multi-level legal



- consider, the various sources of law, legal instruments and actors, and to formulate a scientifically sound position on the basis of logical reasoning,
- 2.2. will be able to think dynamically, to understand the constantly changing and evolving nature of the European integration process and to provide constructive commentary on its possible future development,
 - 2.3. will be able to think critically, formulating an independent opinion and interpretation of complex legal problems, contextualising findings and weighing a multitude of different factors, including findings from other disciplines,
 - 2.4. will be able to process a large amount of information within a short amount of time and to deliver accurate and reflective outcomes,
 - 2.5. will be able to work with primary sources of law, such as judgments and legislation, and to reflect independently on their significance and interpretation,
 - 2.6. will be able to work in a multi-cultural context, understanding and mediating different legal systems, legal traditions and normative frameworks in a constructive way,
 - 2.7. will be able to develop, research, discuss and critically answer questions regarding a scientific research question of EU law in a scientifically responsible way,
 - 2.8. will have a pro-active attitude towards self-development, through self-study, lifelong learning and professional growth, particularly through preparatory reading for group discussion in the courses
 - 2.9. can draft a clear legal scientific text in the area of EU law,
 - 2.10. can present and defend orally an issue relating to EU law on the basis of legal argumentation or a personal position,
 - 2.11. will be able to study and work in the area of EU law in English and French, including through interaction with native speakers.

The course objectives tie in with the following learning outcomes of the programme in **Transatlantic Affairs** :

- 1.1 The graduate masters the most important theoretical approaches and concepts of, depending on his or her disciplinary focus, Economics, International Relations and Diplomacy Studies, Legal Studies and/or Political Science relevant for the analysis of transatlantic affairs.
- 1.3 The graduate has good knowledge of, depending on his or her disciplinary focus, the political and/or legal systems, the decision-making processes, the economic structures and the main internal and external policies of the European Union and the United States.
- 2.4 The graduate is capable of processing a large amount of information and appropriately analyse relevant sources depending on his or her disciplinary focus within a short period of time and of suggesting possible actions that contribute to problem-solving in a creative way.
- 2.5 The graduate has the intellectual maturity and skills to take responsibilities and function autonomously in a professional environment at national or international level, and especially in a transatlantic context, and to work efficiently and effectively through planning, organizing, setting priorities, meeting deadlines, cooperating across cultural boundaries and networking.

3. COURSE CONTENTS

Brief introduction on the Right to privacy and Data Protection

I- Data Protection within EU law

Definition of personal data and fundamental principles of Data Protection law; the distinguished right to privacy; rights of individuals; obligations of data controllers; independence of data protection authorities; powers of data protection authorities; national “implementation” of the GDPR.

Processing of personal data and the protection of privacy in the electronic communications sector.

III- International aspects of data protection (International Transfers)

Principle of adequacy; privacy shield; GDPR and California Online Privacy Act; United States–European Union Agreement on Passenger Name Records; Terrorist Finance Tracking Program (TFTP),

IV- European Law and mass surveillance

Court's and legislator's reactions facing large scale surveillance by security services.

4. TEACHING METHOD

The course consists of lectures by the Professor and oral ppt-based presentations by the students, followed by class discussion.

Students are provided with a short syllabus containing a brief outline of each block of teaching and the materials covered, containing key legislation, case-law and academic literature. These must be prepared ahead of the class. A reader containing all the relevant case-law and legislation will also be accessible to the students, online or in printed version.

Students are strongly encouraged to participate in class discussions.

5. FURTHER DETAILS ON THE TEACHING METHOD

Each student prepares an oral presentation of 20 - 25 minutes with power point slides on an assigned Topic, which can either be a judgement of relevance or a specific concept of data protection as present in primary or secondary law.

6. COURSE MATERIAL

Syllabus and reader.

7. EVALUATION

The final evaluation is based on the oral presentation (24% of the final grade), active participation in class (14%) and a 2 hours open book written exam (62%).

Participation in all evaluation forms (permanent and periodic evaluation) is compulsory and a prerequisite to receive an exam mark. In case of non-compliance the final score will automatically be reduced to the highest non-passing and non-compensable grade.

Exams organised in second session period are 100% written exams.