

*HC 158 Ethics and Law of Internet Privacy*

**Syllabus  
Winter Quarter, 2007**

**Faculty:** David Morris, 773-290-8155, [dmorris@condor.depaul.edu](mailto:dmorris@condor.depaul.edu)  
**Location:** O'Hare Campus  
**Hours:** Quarter Hours: 4

*Notes: This syllabus is subject to change; an updated version will be provided on the first day of class. The class requirements, however, will not change.*

*Competencies offered:*

**A-3-C: Can examine a social issue from an ethical perspective.**

Identifies or describes a social situation. Identifies an ethical perspective relevant to that issue or situation. Uses that perspective to raise or explore questions about this issue or situation.

**A-4: Can analyze a problem using two different ethical systems.**

Identifies or describes an ethical issue or problem. Describes the two distinctive assumptions of two different ethical systems. Analyzes the problem by comparing and contrasting how these two different systems would apply to that particular ethical issue or problem.

**H-1-X: Communities and societies.**

This emphasizes the ideas and abilities that will help individuals thrive in a global culture.

**S-1-X: Experiencing science.**

Science is the systematic exploration of the universe – from the commonplace to the invisibly small or invisibly distant. This competency encourages students to engage directly in scientific investigation, relating experience and observations to scientific concepts, models, principles, and theories.

**F-X: Focus Area**

Please ensure that I know what your focus area is, so that we can think ahead, explore your paper topic, and formulate a proper competence statement.

We as American citizens enjoy a time-tested “right to privacy.” Surprisingly, this “right” is not embedded in the Constitution, but rather is woven through 20<sup>th</sup> century case law and draws its power from certain amendments to the Constitution. Many believe that the rise of the Internet has challenged this right. Concerns abound about the prospects of web or email snooping by employers, web hosts, or the government. It is possible, for example, for an Internet Service Provider to track the sites a person surfs on the web. It is possible for an employer to track an individual's e-mails and to keep a log of every website the employee visits. The FBI's "Carnivore" program, which some view as myth and some as reality, can track all mouse clicks an individual makes on the Web. Web businesses drop "cookies" onto an individual's computer, and can thereafter track the individual's behavior on that site to create an online "profile" of the individual's interests, shopping and reading habits. Regulations have also changed how government can obtain information from individuals via the Internet.

These concerns raise questions that this class will address. Do individuals have a right of privacy that should be protected? If so, how? What sorts of information and activity do we think should be shielded from others' view, and why? What, if any, information should be shielded from marketers, government agencies or database-keepers? Should the government be asked to create privacy rules that protect privacy interests? Or, should consumers be left to negotiate their own privacy protections? Ultimately, have technology and regulatory changes put our privacy rights and interests at risk?

*Note to students:* The class will be taught primarily through a legal/social framework, rather than a technological one, although we will address relevant technology issues.

### **Attendance**

More than one absence may adversely affect your ability to pass this course. To make up for the absence, students will be required to write a brief essay on an additional reading assignment. Please see me with respect to any situation that threatens your attendance or performance in this class. Late essays will be accepted after the due date on *rare occasions* and *only with a valid reason*.

### **Learning Materials**

**You do not need any books for this class.** On the first day of class, all materials will be provided for you on BlackBoard for download on the first day of class. I strongly suggest that you purchase a three-ring binder, however, to help you organize the materials.

### **Learning Strategies**

1. Lecture/discussion
2. Readings
3. Collaborative work
4. Written assignments
5. Written and oral feedback
6. Individual Meetings

Each student will meet with me during Week Nine for approximately 45 minutes. This will provide extra contact time for each student to discuss/address class related issues as well as the final paper.

### **Class Participation**

Your success in this class will depend on your active, committed, and open-minded participation. Some in-class assignments are collaborative. As a result, a lack of preparedness not only diminishes your learning experience, but may also diminish the learning experiences of your peers. Consistent lack of preparation may result in failing this class.

### **Weekly Blackboard Postings**

In order to record your impressions and develop your ideas about the materials you read, as well as to encourage discussion, you will be occasionally asked to post responses on our Blackboard site. I will provide instructions for each posting.

**Postings are due by 3 p.m. on the Tuesday before class.** Credit for these assignments will be awarded for completing the assignment. Passing the class requires providing a response for every reading that requires one.

### **Plagiarism**

For the University's policy on plagiarism, see the "Academic Integrity Policy" in the *Student Handbook*, <<http://condor.depaul.edu/~handbook/code17.html>>.

**Graded Assignments** will include *two papers*. Papers should be five to seven pages in length for those taking two competencies and three to four pages in length for those taking one competence. We will discuss paper topics as the quarter progresses.

### **Grades will be based on:**

- |  |       |
|--|-------|
| 1. Class participation and BlackBoard postings | (40%) |
| 2. Paper #1                                    | (30%) |
| 3. Paper #2                                    | (30%) |

### **Class Schedule**

#### **Week One: introductory examination of the varied concept of "privacy."**

- A. How it has been defined, i.e. the right to make decisions for yourself, the right to travel anonymously, the right to be left alone, and the right to control the dissemination of information about yourself.
- B. Where has it been applied in contemporary life, i.e. health care, to credit reports, and search and seizure
- C. What values does it protect?
- D. Introductory discussion on the legal background of privacy.

**Weeks Two and Three: Privacy Law - A History**

Constitutional Cases on Informational Privacy

1. Olmstead v. U.S.
2. Katz v. United States
3. Griswold v. Connecticut
4. NAACP v. Alabama and Whalen v. Roe (time permitting)

Other Reading Material

1. *One Hundred Years of Privacy*, Ken Gormley
2. *Privacy: Circa 2003*, John Nockleby

**Week Four: 1984 (movie)**

**Week Five: Online Profiling (Meet in computer lab)**

**Week Six: E-mail Tapping and Encryption: Electronic Communications Protection and Privacy Issues (First Paper Due)**

**Week Seven: Privacy in the Workplace**

Emphasis on Regulations and Cases

**Week Eight: Governmental Collection of Data (First Paper Due)**

Examination of the relationship between the Constitutional requirement that the government have probable cause before "searching" an individual's communications and the statutory frameworks that have been enacted to permit government agents to engage in cybersurveillance; focus on key features of the Fourth Amendment requirements; applications of the Fourth Amendment and Statutes to Cyberspace.

**Week Nine: Governmental Collection of Data - Part II: USA Patriot and Foreign Intelligence Surveillance:**

Examination of key features of the statute enacted in the wake of the September 11 tragedy known as USA Patriot Act, and how that Act has altered the requirements for U.S. government surveillance of internet traffic. Examination of the Foreign Intelligence Surveillance Act (FISA), and how recent amendments to that statute may transform governmental power to tap web traffic not only domestically but internationally as well.

**Week Ten: International Privacy Considerations; Wrap Up**

**Second Paper Due on Sunday by 5:00 p.m., March 11 (the weekend after our last class)**