

**CARLETON UNIVERSITY
DEPARTMENT OF LAW AND LEGAL STUDIES**

COURSE OUTLINE

**LAWS 3501A
Law in the Information Society**

Winter 2013

PREREQUISITES

1.0 credit from LAWS 2003 [1.0] (no longer offered), LAWS 2004 [1.0] (no longer offered), LAWS 2005 [1.0] (no longer offered), LAWS 2201, LAWS 2202, LAWS 2301, LAWS 2302, LAWS 2501, LAWS 2502

TERM

Winter 2013

Day & Time:

Monday: 8:35 A.M. – 11:25 A.M.

Room:

Please check Carleton Central for up to date Room Allocation

INSTRUCTOR:

Michael Mac Neil

D598 Loeb

613-520-2600 x 3684

michael_macneil@carleton.ca (best way to contact me!)

OFFICE HOURS: Monday: 12:00 PM - 2:00 PM

Or by appointment. Many issues can be dealt with before or after class, but if you want to set up a more formal appointment, contact me by email (preferred) or by phone.

Email: Because of the spam filtering tools I use, I would greatly prefer if any email communication with me either comes from your Carleton Connect email address or has "3501" in the Subject line of the email. Unless one of these two conditions is met, there is a possibility that your email will end up in a junk folder, and may not be seen.

ACADEMIC ACCOMMODATION

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows:

Pregnancy obligation: write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details visit the Equity Services website: <http://www2.carleton.ca/equity/>

Religious obligation: write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details visit the Equity Services website: <http://www2.carleton.ca/equity/>

Academic Accommodations for Students with Disabilities: The **Paul Menton Centre** for Students with Disabilities (PMC) provides services to students with Learning Disabilities (LD), psychiatric/mental health disabilities, Attention Deficit Hyperactivity Disorder (ADHD), Autism Spectrum Disorders (ASD), chronic medical conditions, and impairments in mobility, hearing, and vision. If you have a disability requiring academic accommodations in this course, please contact PMC at 613-520-6608 or pmc@carleton.ca for a formal evaluation. If you are already registered with the PMC, contact your PMC coordinator to send me your **Letter of Accommodation** at the beginning of the term, and no later than two weeks before the first in-class scheduled test or exam requiring accommodation (*if applicable*). After requesting accommodation from PMC, meet with me to ensure accommodation arrangements are made. Please consult the PMC website for the deadline to request accommodations for the formally-scheduled exam (*if applicable*) at <http://www2.carleton.ca/pmc/new-and-current-students/dates-and-deadlines/>

You can visit the Equity Services website to view the policies and to obtain more detailed information on academic accommodation at <http://www2.carleton.ca/equity/>

COURSE DESCRIPTION (from University Undergraduate Calendar)

Legal responses to challenges of the information society. Topics may include privacy, surveillance and monitoring, access to information, freedom of expression, control of objectionable content, Charter and human rights issues, and security.

COURSE OVERVIEW

The idea that we live in an information society correlates with the development and increasing ubiquity of communication technologies, the economic and social importance of information, and the angst ridden debates about what to do about issues such as privacy, surveillance and controlling Internet content, etc. The Internet, in particular, has given rise to a new set of possibilities and concerns, or raised old concerns to a new level because of its power to facilitate cheap, virtually instantaneous, and global communications.

This course will focus on privacy, surveillance and the regulation of Internet content. It will assess the potential of new technologies for realizing goals such as greater equality, maximizing expressive freedom and promoting democratic participation, as well as address the fear that law will be unable to control the bad things made possible by Internet communications. Some questions to be considered throughout the course include:

- What role can and should law play in the regulation of the Internet and Internet activity?
- How does law interact with other regulatory mechanisms that have a significant impact on the shape of the Internet and practices in Internet communications?
- Does cyberspace pose a challenge to the foundations of law?
- Can state sovereignty through law be maintained over activity that is difficult to localize?
- How can privacy, surveillance, and undesirable Internet activity be regulated in a globalized environment?
- How is Canada, in particular, addressing Internet regulatory and governance issues?

COURSE OBJECTIVES

- Identify characteristics of the information society that pose challenges for law
- Develop an understanding of the legal framework governing the information society
- Gain an understanding of a diverse set of scholarly opinions concerning the interaction of law and information society
- Develop abilities to critically analyze scholarly literature
- Improve skills in assessing legal, regulatory and governance policy options
- Assess comparative approaches to information society issues, especially in a globalized social and economic environment
- Enhance communicative skills through classroom participation, group work, and in class presentations
- Refine research skills
- Facilitate collaborative learning and teamwork through classroom participation, group projects and online discussion groups

REQUIRED TEXTS

There is no single required text for this course. Hypertext links will be provided in cuLearn to a diverse range of material. If you want a good overview of many issues arising in the context of law, internet and cyberspace, you may want to read

Lawrence Lessig, *Code, Version 2.0*, (New York, Basic Books: 2006).

The book is also accessible online under a Creative Commons licence at <http://codev2.cc/download+remix/Lessig-Codev2.pdf>.

Two of the chapters of this book are included in the assigned readings, so anything beyond those two assigned chapters are optional.

Students are expected to read assigned material before coming to class. Analysis of the assigned material will take the form of classroom discussion in which everyone is expected to participate, supplemented by lecturing. Problems may be assigned from time to time for review in class, and all students are expected to prepare answers in advance. Only by participation in class discussions combined with advanced preparation can you expect to obtain maximum benefits from the course.

cuLearn

This course will make extensive use of the new online cuLearn course management system. cuLearn will be replacing WebCT for all courses in 2013-2014, but for this academic year some faculty members will use cuLearn while others will continue to use WebCT. cuLearn provides a facility whereby a course website is maintained, allowing me to provide you with links to relevant readings, to post course notes, commentary, and assignments, to facilitate the electronic submission of assignments, and to provide you with access to your grades. It is absolutely essential that you regularly check the cuLearn site for the course. cuLearn is accessible through the Internet from off-campus or through the University's computer labs, using compatible web browsers. The URL for cuLearn is <http://culearn.carleton.ca>.

cuLearn can be accessed using your MyCarletonOne account, with the same ID and password.

In addition, because of the spam filtering tools I use, I would greatly prefer if any email communication with me comes from cuLearn or from your official Carleton account and with LAWS 3501 in the title line of the Email. If it does not come from that address and with this header, there is considerable risk that it may not get through to me.

EVALUATION

		Due Date
Participation	10%	Weekly
Group Assignment	20%	Feb 4
Policy Position Paper	30%	March 11
Final Exam	40%	To be Scheduled

In order to obtain a passing grade in this course, the Final Exam must be written.

1. **Participation** (Contribution to Final Grade: 10%) (Weekly submission)

- a) In advance of each class, you are required to read assigned readings and submit a short (200- 300 words) response to a question. The response must be submitted by 10 PM on the day before the class. No exceptions permitted.
- b) For each response submitted, you will get one point, to a maximum of ten for the term, if and only if:
 - i) the response is original (not copied from anywhere else, and especially not copied from another student), and
 - ii) the response demonstrates that you have read assigned material. Your answer does not have to be right, it just must demonstrate that you have grappled with the question asked and that you have read assigned material.

2. **Group Project** (Contribution to Final Grade: 20%: Due Feb. 4)

Students will work in groups on a project related to privacy. Details to be distributed in class and through cuLearn.

3. **Policy Position Paper** (Contribution to Final Grade: 30%) (Distributed to class in late January, and due on March 11th.)

You are asked to take the role of a policy advisor advising a legislative committee examining the need to reform legislation regulating some aspect of privacy. In the position paper, you will clearly identify the reform that you believe to be necessary and the reasons why it is necessary. Expected length: 2500-3000 words. Further details will be supplied through cuLearn at a later date.

4. **Final Exam** (40% of final grade) (Scheduled during Formal Examination Period)

The final exam will be a three hour exam. It may contain a variety of short answer, problem and essay questions. Students will be permitted to bring into the exam two sheets (no larger than 8 1/2" x 11") with notes they you have made yourself. You can write on both sides of the sheets. More precise details as to the format will be discussed in class later in the term. Note that final exams are not returned to students. They are retained by the instructor. Contact me if you want to review it.

CLASS SCHEDULE (Subject to Change – List of required readings will be posted in cuLearn)

Class 1	Jan 7	Introduction
Class 2	Jan 14	The Value of Privacy
Class 3	Jan 21	Privacy and the Charter
Class 4	Jan 28	Privacy and Technology
Class 5	Feb 4	Video Cameras
Class 6	Feb 11	Privacy and Surveillance: Lawful Access
	Feb 18	Winter Break – No class
Class 7	Feb 25	Privacy, Personal Information and PIPEDA
Class 8	Mar 4	What is Freedom of Expression
Class 9	Mar 11	Censorship/Filtering
Class 10	Mar 18	Anonymity and Encryption
Class 11	Mar 25	Freedom of Expression and Child Pornography
Class 12	Apr 1	Freedom of Expression and Hate Speech
Class 13	Apr 8	Review

GENERAL GUIDELINES ON ASSIGNMENTS FOR THIS COURSE

Late Policy

Weekly participation assignments will not be accepted after the deadline. The Policy Position Paper must be submitted electronically through cuLearn. Late assignments will be penalized **one grade point per day (or part day)** that they are late (i.e. B to B-, B- to C+, etc). See the departmental policy regarding assignment referred to in the next section.

LAW DEPARTMENT POLICY AND PROCEDURES

The Law Department outlines its general policies in its [Policy and Procedure Statement](#) which is hereby incorporated as part of this syllabus. You should be familiar with these regulations. If you require any clarification please ask me.

ACADEMIC INTEGRITY

The University Senate defines plagiarism as “presenting, whether intentional or not, the ideas, expression of ideas or work of others as one’s own.” This can include:

- reproducing or paraphrasing portions of someone else's published or unpublished material, regardless of the source, and presenting these as one's own without proper citation or reference to the original source;
- submitting a take-home examination, essay, laboratory report or other assignment written, in whole or in part, by someone else;
- using ideas or direct, verbatim quotations, or paraphrased material, concepts, or ideas without appropriate acknowledgment in any academic assignment;
- using another's data or research findings;
- failing to acknowledge sources through the use of proper citations when using another's works and/or failing to use quotation marks;
- handing in "substantially the same piece of work for academic credit more than once without prior written permission of the course instructor in which the submission occurs."

Plagiarism is a serious offence which cannot be resolved directly with the course instructor. The Associate Dean of the Faculty conducts a rigorous investigation, including an interview with the student, when an instructor suspects a piece of work has been plagiarized. Penalties are not trivial. They can include a final grade of "F" for the course.

Please consult the complete [Academic Integrity Policy](http://www1.carleton.ca/senate/ccms/wp-content/ccms-files/Academic-Integrity-Policy.pdf) at <http://www1.carleton.ca/senate/ccms/wp-content/ccms-files/Academic-Integrity-Policy.pdf>