

Course Outline

COURSE:	LAWS 3501A – Law in the Information Society	
TERM:	Winter 2016	
PREREQUISITES:	1.0 credit from LAWS 2201, LAWS 2202, LAWS 2301, LAWS 2302, LAWS 2501, LAWS 2502.	
CLASS:	Day & Time:	Thursdays 6:05 – 8:55 pm
	Room:	Please check with Carleton Central for current room location
INSTRUCTOR: (CONTRACT)	Amy Conroy	
CONTACT:	Office:	Loeb B442
	Hours:	By appointment
	Email:	Amy.Conroy@carleton.ca

Academic Accommodations:

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://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://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://carleton.ca/pmc/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://carleton.ca/equity/>

Plagiarism

Plagiarism is presenting, whether intentional or not, the ideas, expression of ideas or work of others as one's own. Plagiarism includes 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. Examples of sources from which the ideas, expressions of ideas or works of others may be drawn from include but are not limited to: books, articles, papers, literary compositions and phrases, performance compositions, chemical compounds, art works, laboratory reports, research results, calculations and the results of calculations, diagrams, constructions, computer reports, computer code/software, and material on the Internet. Plagiarism is a serious offence.

More information on the University's **Academic Integrity Policy** can be found at: <http://carleton.ca/studentaffairs/academic-integrity/>

Department Policy

The Department of Law and Legal Studies operates in association with certain policies and procedures. Please review these documents to ensure that your practices meet our Department's expectations.

<http://carleton.ca/law/current-students/>

COURSE DESCRIPTION

This course examines legal responses to challenges of the information society. Topics include privacy, surveillance and monitoring, access to information, control of objectionable content, Charter and human rights issues, and security. The course will be delivered through lectures and seminar discussions. Regular attendance and participation are crucial to success in this course.

REQUIRED TEXTS

There is no required textbook. Course readings will be available online and/or through cuLearn. Cases can be accessed on CanLii or through Carleton's library resources.

EVALUATION

Case Brief #1	A case will be identified in class on January 28 th . A brief for that case (written according to instructions that will also be outlined in class) will be due at the beginning of class (i.e. by 6:10pm at the latest) on February 11 th . Late submissions will receive a deduction of 5% per day, including weekends.	20%
Case Brief #2	A case will be identified in class on March 10 th . A brief for that case (written according to instructions that will also be outlined in class) will be due at the beginning of class (i.e. by 6:10pm at the latest) on March 24 th . Late submissions will receive a deduction of 5% per day, including weekends.	30%
Take Home Examination	Instructions for this exam will be provided in the final class on April 7 th . Responses are due April 23 rd in the drop box at the Department of Law and Legal Studies. Late submissions must be supported by a formal extension (for which you must contact the University Registrar). Please note that no email submissions will be accepted.	50%

Please note:

*All components must be completed in order to get a passing grade.

**You are responsible for checking our course website on a regular basis. Any updates to be communicated outside of class hours will be posted on cuLearn. Please note that attendance in this course is crucial. Not all course content reviewed in class will be posted online.

***Standing in a course is determined by the course instructor subject to the approval of the Department and of the Faculty Dean. This means that grades submitted by the instructor may be subject to revision. No grades are final until they have been approved by the Department and the Dean.

****The final exam period will be April 11-23, 2016.

SCHEDULE

Date	Topic	Readings
Jan. 7 th	Introduction	N/A
Jan. 14 th	The Origins of the Right to Privacy	S. Warren & L. Brandeis. "The Right to Privacy" (1890) 4 Harv. L. Rev 193.
Jan. 21 st	Personality Rights in Canada and Ontario's Developing Privacy Tort	Conrad Nest, "From 'Abba' to Gould: A Closer Look at the Development of Personality Rights in Canada" (1999) 5 Appeal Rev. Current L. & L. Reform 12. Please familiarize yourself with the case of <i>Aubry v Editions Vice-Versa</i> [1998] 1 S.C.R. 591.
Jan. 28 th	Copyright in the Age of the Internet	Please read through the information on copyright made available by the Canadian Intellectual Property Office: http://www.ic.gc.ca/eic/site/cipointernet-internetopic.nsf/eng/h_wr02281.html?Open&wt_src=cipo-cpyrght-main&wt_cxt=learn#part1.7 . *In-Class Film: "RIP! A Remix Manifesto" (National Film Board of Canada, 2008).
Feb. 4 th	State Surveillance and International Legal Order following 9/11	Jeremy Waldron, "Torture and Positive Law: Jurisprudence for the White House" (2005) Columbia Law Review 105. *In class Film: "Prosecutor" (National Film Board of Canada, 2010).
Feb. 11 th	Forensic Technologies: From Branding to Phenotyping	Katherine Schwinghammer, "Fingerprint Identification: How "The Gold Standard of Evidence" <i>Could</i> Be Worth Its Weight" (2005) 32:2 Am. J. Crim. L. 265. Please familiarize yourself (through a media article or two) with the kidnapping case of Nicholas Barclay and its link with the modern use of ear print identification. Please review the facts and decision in <i>R v Stillman</i> [1997] 1 SCR 607.
Feb. 18 th	Winter Break – No classes	
Feb. 25 th	The Ownership of Genes	T. Caulfield & B. Knoppers. "Consent, Privacy, and Research Biobanks" (2010) Genome Canada Policy Brief No. 1, available online at:

		<p>http://www.genomecanada.ca/medias/pdf/en/GPS-Policy-Directions-Brief.pdf.</p> <p>Please familiarize yourself with the cases of <i>Moore v Regents of University of California</i> 51 Cal. 3d 120 (Calif. Sup. Ct. 1990) and <i>Harvard College v Canada (Commissioner of Patents)</i> 2002 SCC 76.</p>
Mar. 3 rd	Canada's Missing and Murdered Aboriginal Women: Statistical Gaps and Political Priorities	RCMP, "Missing and Murdered Aboriginal Women: A National Operational Overview" (2014) online: http://www.rcmp-grc.gc.ca/pubs/mmaw-faapd-eng.pdf
Mar. 10 th	Measuring, Understanding, and Addressing Racial Inequality in Canada	Tanovich, David M. "The Charter of Whiteness: Twenty-Five Years of Maintaining Racial Injustice in the Canadian Criminal Justice System" (2008) 40 S.C.L.R. (2d) 655.
Mar. 17 th	Transparency and the Emerging Open Government Era	Amy Conroy and Teresa Scassa, "Promoting Transparency While Protecting Privacy in Open Government in Canada" (2015) Alberta L. Rev. 53:1.
Mar. 24 th	New Models of Transparency in the Investigation of Sexual Assault	Amy Conroy and Teresa Scassa, "Balancing Transparency and Accountability with Privacy in Improving the Police Handling of Sexual Assaults" (forthcoming in the Canadian Journal of Women and the Law), available online at: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2696120 .
Mar. 31 st	Media Coverage of Legal Issues	<p>Please familiarize yourself with media coverage of the following (i.e. read 1-3 media articles on each case/development):</p> <ol style="list-style-type: none"> 1. The Supreme Court of Canada's decision in <i>Ministry of Community Safety and Correctional Services v Information and Privacy Commissioner (Ontario)</i> 2014 SCC 31; 2. The Supreme Court of Canada decision in <i>Carter v Canada (AG)</i> 2015 SCC 5; 3. The controversy that followed the release of information requested in an access to information request for location data on registered gun owners in New York; and 4. The "hate map" that was created through analysis of hateful 'tweets' across the United States.
Apr. 7	Course Wrap-up and Distribution of Final Exam Guidelines	