Big Data and the Law

PLSC 597D
Professor Christopher Zorn
Pennsylvania State University
Fall 2013

Contact Information

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Course Time: Wednesday, 2:00-5:00 p.m. ET
Course Location: Ford Hall 202
Office Hours: By appointment

Course Description

This graduate-level course examines the social, political, and legal implications of ‘big data.’ Topics will include questions of agency and consent regarding personal information, privacy and confidentiality, and ethical issues raised by ubiquitous, real-time digital information. We will also discuss legal and judicial responses to big data, including its implications for standards of proof and liability, rules of evidence, criminal procedure, and intellectual property. Finally, we’ll consider the impact of advances in data and analytics on the operation of law enforcement, the judicial system, and the legal services industry.

Items listed under “Materials” are effectively required reading for the course; those under “Of Interest” can be thought of as optional.
Grading, Etc.

Grading will be based on a collaborative class project. More details will be provided during class.

Academic Dishonesty

The Department of Political Science, along with the College of the Liberal Arts and the University, takes violations of academic dishonesty seriously. Observing basic honesty in one’s work, words, ideas, and actions is a principle to which all members of the community are required to subscribe.

All course work by students is to be done on an individual basis unless an instructor clearly states that an alternative is acceptable. Any reference materials used in the preparation of any assignment must be explicitly cited. Students uncertain about proper citation are responsible for checking with their instructor.

In an examination setting, unless the instructor gives explicit prior instructions to the contrary, whether the examination is in class or take home, violations of academic integrity shall consist but are not limited to any attempt to receive assistance from written or printed aids, or from any person or papers or electronic devices, or of any attempt to give assistance, whether the one so doing has completed his or her own work or not.

Lying to the instructor or purposely misleading any Penn State administrator shall also constitute a violation of academic integrity.

In cases of any violation of academic integrity it is the policy of the Department of Political Science to follow procedures established by the College of the Liberal Arts. More information on academic integrity and procedures followed for violation can be found here. More generally, if you are unfamiliar with general standards regarding plagiarism, learn them; a good place to start is here. The professor is not responsible for students’ lack of understanding of standards regarding academic misconduct.

Statement on Disabilities

Penn State welcomes students with disabilities into the University’s educational programs. If you have a disability-related need for reasonable academic adjustments in this course, contact the Office for Disability Services (ODS) at 814-863-1807 (V/TTY). For further information regarding ODS, please visit their web site here. Instructors should be notified as early in the semester as possible regarding the need for reasonable accommodations.
Course Schedule

August 28 – Introduction: What Are We Talking About?

Materials (read for background):


- Doctor Decade, “Big Data” (warning: seizure risk).

September 4 – Foundations: “Big Data”

Materials:


Of Interest:

September 11 – Foundations: “The Law” (Privacy)

Materials:


• Facebook. 2013. “Statement of Rights and Responsibilities” (Terms of Service).

Of Interest:


• Gormley, Kenneth. 1992. “100 Years of Privacy.” University of Wisconsin Law Review 1335-.

• Instagram. 2013. Terms of Use.

• Privacy International (NGO).

Materials:

Evidence


• Federal Rules of Evidence, Articles I, VII, IX, and X (skim Notes).


IP


The Legal Profession


Of Interest:


• “Intellectual Property Law and Policy” page at the USPTO.


• Mimi and Eunice, a web comic about intellectual property.

September 25 – First Amendment Matters

Materials:


Of Interest:

- “This Case Matters For You.” (IMS Health’s PR site for the Sorrell litigation.)

October 2 – Privacy: Data Collection

Materials:


Of Interest:

• *Clapper v. Amnesty International USA* 133 S. Ct. 1138 (2013).


• Electronic Frontier Foundation. 2013. *Do Not Track*.

• The Surveillance Self-Defense Project at EFF.

**October 9 – No class.**

No Readings Assigned
October 16 – Discussion of Class Project.

October 23 – Privacy: Data Processing/Analysis

Materials:


Of Interest:


October 30 – Privacy: Data Dissemination

Materials:


Of Interest:


November 6 – Challenges of Medical / Bio / Genetic Data

Materials:


Of Interest:


- Open Source Electronic Health Record Agent.

- 23AndMe.
November 13 – Big Data and the Legal Services Industry

Materials:


Of Interest:


- “E-Discovery Rules.” *E-Discovery Resource Database*.

- Computational Legal Studies blog.

- *Legal Language Explorer*.

- The ReinventLaw Laboratory.

- TyMetrix and the RateDriver app.

November 20 – Big Data and Intellectual Property

November 27 – No Class – Fall Break.

No Readings Assigned
December 4 – Big Data, Courts, and the Judicial System

December 11 – Big Data: Social Implications