

University of Waterloo | Faculty of Arts | Stratford School
Global Business and Digital Arts 303
Data & Society | Fall 2020

Course Director: Philip J. Boyle
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Mode of Delivery: Asynchronous remote delivery w/ synchronous options
Office hours (1-1): Tuesdays 1-3pm (EDT/EST) by appointment (click [here](#) to book)

Course Description

In this course students will examine different digital phenomena, such as big data, open data, data-driven innovation, the personal information industry, the sharing economy, and the internet of things. Students will also become familiar with national and international principles of privacy protection.

Course Goals and Learning Outcomes

- Students will, through a series of directed and self-selected topical analyses, become familiar with a series of analytical and topical themes pertinent to living and working in a time of rapid technological change
- Students will become familiar with the strengths and shortcomings of the fair information practice principles (FIPPs) in the context of the digital information economy
- Students will become familiar with the national and international frameworks for the regulation and enforcement of privacy protections

A Note on Course Delivery

This course is closer to a traditional academic course than a studio or skills acquisition course. What this means is that you are expected to read, think, debate, and communicate about ideas and issues rather than memorize facts or learn a technical skill. This typically occurs in a seminar setting in which I provide a framework of ideas for discussion and question-and-answer inquiry. With COVID-19 necessitating remote instruction, much of the spontaneity and back-and-forth I strive for in the classroom will be lost. However, I will still aim to provide a framework of ideas for you to think about and expand upon in your assessment deliverables. These deliverables will all be written, so giving yourself time to read, think, and craft your written deliverables is of utmost importance of succeeding in this course. Success will also require that you undertake efforts to show more than basic familiarity with course content but that you can elaborate, synthesize, and expand upon course material in your written work. Grades of 85%+ are reserved for students who exceed expectations for deliverables, not for merely meeting expectations.

Course content will be delivered on Learn and will consist of video lectures, Power Point slides, and links to other online content. Video lectures will be posted by mid-day on Mondays when indicated in the reading list; it is your responsibility to work through the course content before the take-home assignment at the end of each module. I will also maintain a FAQ for course logistics on Learn. **Please remember that with the exception of external content (e.g., links to news stories), all educational material posted to Learn is the intellectual property of the course instructor (me) and should not be disseminated/communicated outside of the course.**

Required Resources

All assigned reading materials for this course are available on Learn.

Course Assessment Deliverables

Students will be assessed through the following deliverables:

<u>Deliverable</u>	<u>Weight</u>	<u>Assignment Provided</u>	<u>Assignment Due</u>
Take-home assignment #1	20%	September 30 th	October 2 nd
Take-home assignment #2	20%	October 28 th	October 30 th
Take-home assignment #3	20%	November 25 th	November 27 th
Film Analysis	40%	N/A	Dec 9 th

Take-home assignments (1-3) – 20% each

You will be responsible for completing 3 take-home assignments over the semester. Typically, these will be written assignments where you will be required to choose a subset of questions from a wider selection (3 of 5, for example), though other formats may be used. The take-home assignments will be made available by 12pm (noon) on Wednesdays and your response due by the following Friday at 5pm, uploaded to Learn (please use the appropriate dropbox for each assignment). The assignments may draw upon any/all of the assigned reading material or extra content made available on Learn but will focus on what is covered in the video lectures and PowerPoint. Content from the films are not part of the assignments, and the assignments are not cumulative (i.e., they are module-specific). There are no make-ups or re-dos for missed take-home assignments. The assignments are 'open book' and you may work with others in the class to complete the assignments, but you must upload your own responses.

Film Analysis – 40%

You are required to write a 7-10 page (double-spaced) analysis of the *Terms and Conditions May Apply*, *CitizenFour*, and *The Great Hack*. All films are widely available on Netflix, Vimeo, YouTube, and other sources; please contact me if you are unable to access any of the films. Your analysis should NOT be a summary of the films; your analysis should focus on the socio-political themes about privacy and mass surveillance that are revealed by these films. Keep in mind that there is a timeline to these films that is important; we knew much less about mass government surveillance at the time that *Terms and Conditions* was made, and those filmmakers could only hint at the extent of mass government surveillance that was revealed by Edward Snowden a few years later. Also keep in mind that good reviews will identify and discuss themes that extend across all three films, not discuss each film independently. Some questions that you could consider answering based on what the films show are: Why should we care about privacy? If I have nothing to hide, do I have anything to fear? What's wrong with trading my privacy for some personalized ad content? What is the future of privacy in the context of surveillance capitalism? You are highly encouraged to make reference to the assigned reading material of the course in your analysis. Your analysis should be uploaded to the appropriate dropbox on Learn by the due date.

Office Hours

One-to-one video meetings can be arranged on Tuesdays from 1-3pm (EDT/EST). Meetings will be scheduled for 15-minute increments. Please use the Calendly link at the top of this course outline (also posted to Learn) for booking appointments. Feel free to arrange consultations as a group but please keep groups to five or less.

Voluntary Synchronous Discussion Time

There will be voluntary synchronous discussion times on Sept 28th, Oct 26th, and Nov 23th from 12 – 1:30pm. The purpose of this synchronous meeting time is to a) have a discussion of the assigned films in order to help you progress with that assignment, and 2) to answer any questions you have about the reading material in preparation for your take-home assignments later that week. These windows are not required but are intended to help you complete your deliverables.

Grading Rubric for Film Analysis

Superior 85%+	Analysis does a superior overall job of explicating common socio-political themes about surveillance and privacy that are present in the films. Summary of the films is minimal in favor of cross-cutting discussion and analysis. Subsection headers are used to organize body of analysis. At least five readings from the assigned reading material is incorporated in an interesting way into the assignment. Writing is clear and concise with few or no spelling/grammatical errors.
Very good 75-84%	Analysis does a very good job of identifying common socio-political themes about surveillance and privacy that are present in the films, but summary of the films is evident. Body contains subsection headers, but unity or purpose of subsections are unclear. Some course material is incorporated into the assignment. Writing is clear and concise with few or no spelling/grammatical errors.
Satisfactory 60-74%	Analysis is mostly independent summary of films but some examination of socio-political themes evident. Body of analysis is disorganized and paragraphs weak or unorganized. Incorporation of course material is superficial. Flaws in writing are apparent but overall message is understandable. Some grammatical and/or spelling errors are present.
<50%-	Mostly summarizes films and clear flaws in writing, grammar, and spelling. Deliverable misses spirit of assignment

Course Modules & Reading List

The course is arranged into three different modules that are distinct but related to each other. Each module begins on a Monday and ends with a take-home assignment that is due on a Friday. Other supplemental instructional material may be included on Learn for each video lecture.

Sept 8: Introduction to Course

Module I

Sept 14: Video Lecture: Surveillance Capitalism and the End of Privacy?

Zuboff, S. 2015. Big Other: Surveillance Capitalism and the Prospects of an Information Civilization. *Journal of Information Technology* 30: 75-89.

Levin, A. 2016. Has the Era of Privacy come to an End? *Canadian Journal of Law & Technology* 15(1): 17-25.

Haggerty, K. 2015. What's Wrong with Privacy Protections? Provocations from a Fifth Columnist. In A. Sarat (ed.), *A World Without Privacy? What Law Can and Should Do*, pgs. 190-232. Cambridge University Press.

Sept 21: Video Lecture: Privacy Basics & Principles

Bennett, C. & C. Raab. 2006. Chapter 1 of *The Governance of Privacy* (The Privacy Paradigm). MIT Press.

Hartzog (2017). The Invaluable, Inadequate Fair Information Practices. *Maryland Law Review* 76(4): 952-983.

Sept 28: Voluntary Synchronous Discussion Time: *Terms & Conditions May Apply*

The voluntary film discussion on Sept 28th will be from 12-1:30pm on Zoom. You must watch the film before the meeting (on the preceding weekend would be a good idea) and have some ideas about what the films reveals about surveillance capitalism.

Take-home assignment #1 will be distributed at 12pm (noon) on Sept 30th and is due by 5pm on Oct 2

Module II

Oct 5: Video Lecture: Institutionalizing Privacy in Canada & USA

Bennett, C. & C. Raab. 2006. Chapter 5 of *The Governance of Privacy* (Legal Instruments and Regulatory Agencies). MIT Press.

Levin, A. & M. Nicholson. 2005. Privacy Law in the United States, the EU and Canada: The Allure of the Middle Ground. *University of Ottawa Law & Technology Journal* 2(2): 357-395.

Oct 19: Video Lecture: Enforcing Privacy in Canada & USA

Bennett, C. 2008. The Privacy Commissioner of Canada: Multiple Roles, Diverse Expectations, and Structural Dilemmas. *Canadian Public Administration* 46(2): 216-242.

Keegan, C. & C. Schroeder. 2019. Unpacking Unfairness: The FTC's Evolving Measures of Privacy Harms. *Journal of Law, Economics, & Policy* 15(1): 19-40.

Oct 26: Voluntary Synchronous Discussion Time: *Citizenfour*

Required reading to go along with *Citizenfour*:

Bauman, Z., D. Bigo, P. Esteves, E. Guild, V. Jabri, D. Lyon, & R.B.J. Walker. 2014. After Snowden: Rethinking the Impact of Surveillance. *International Political Sociology* 8: 121-144.

The voluntary film discussion on Oct 26th will be from 12-1:30pm on Zoom. You must watch the film before the meeting (on the preceding weekend would be a good idea) and have some ideas about what the films reveals about surveillance capitalism.

Take-home assignment #2 will be distributed at 12pm (noon) on Oct 28th and is due by 5pm on Oct 30

Module III

Nov 2: Video Lecture: Privacy in the EU: The General Data Protection Regulation

Safari, B. 2017. Intangible Privacy Rights: How Europe's GDPR Will Set a New Global Standard for Personal Data Protection. *Seton Hall Law Review* 47: 809-848.

Nov 9: Video Lecture: Transnational Data Flows after Schrems I & II

Weiss, M. & K. Archick. 2016. *U.S.-EU Data Privacy: From Safe Harbor to Privacy Shield*. Congressional Research Service Report no. 7-5700.

Dhont, J. 2010. Schrems II. The EU Adequacy Regime in Existential Crisis? *Maastricht Journal of European and Comparative Law* 25(5): 597-601.

Nov 16: Video Lecture: The Future of Privacy & the Right to be Forgotten

Burkell, J. 2017. The Future of Privacy Lies in Forgetting the Past. *European Data Protection Law Review* 4: 435-437.

Nov 23: Voluntary Synchronous Discussion Time: *The Great Hack*

The voluntary film discussion on Oct 26th will be from 12-1:30pm on Zoom. You must watch the film before the meeting (on the preceding weekend would be a good idea) and have some ideas about what the films reveals about surveillance capitalism.

Take-home assignment #3 will be distributed at 12pm (noon) on Nov 25th and is due by 5pm on Nov 27

Film analysis due on Dec 9th by 11:59pm

University Policies

Academic Integrity

In order to maintain a culture of academic integrity, members of the University of Waterloo community are expected to promote honesty, trust, fairness, respect and responsibility. See the [UWaterloo Academic Integrity Webpage \(https://uwaterloo.ca/academic-integrity/\)](https://uwaterloo.ca/academic-integrity/) and the [Arts Academic Integrity Office Webpage \(http://arts.uwaterloo.ca/current-undergraduates/academic-responsibility\)](http://arts.uwaterloo.ca/current-undergraduates/academic-responsibility) for more information.

Grievance

A student who believes that a decision affecting some aspect of his/her university life has been unfair or unreasonable may have grounds for initiating a grievance. Read [Policy 70, Student Petitions and Grievances, Section 4 \(https://uwaterloo.ca/secretariat/policies-procedures-guidelines/policy-70\)](https://uwaterloo.ca/secretariat/policies-procedures-guidelines/policy-70). When in doubt please be certain to contact the department's administrative assistant who will provide further assistance.

Discipline

A student is expected to know what constitutes academic integrity to avoid committing academic offenses and to take responsibility for his/her actions. A student who is unsure whether an action constitutes an offense, or who needs help in learning how to avoid offenses (e.g., plagiarism, cheating) or about "rules" for group work/collaboration should seek guidance from the course professor, academic advisor, or the undergraduate associate dean. For information on categories of offenses and types of penalties, students should refer to [Policy 71, Student Discipline \(http://www.adm.uwaterloo.ca/infosec/Policies/policy71.htm\)](http://www.adm.uwaterloo.ca/infosec/Policies/policy71.htm). For typical penalties check [Guidelines for the Assessment of Penalties \(http://www.adm.uwaterloo.ca/infosec/guidelines/penaltyguidelines.htm\)](http://www.adm.uwaterloo.ca/infosec/guidelines/penaltyguidelines.htm).

Appeals

A decision made or penalty imposed under Policy 70, Student Petitions and Grievances (other than a petition) or Policy 71, Student Discipline may be appealed if there is a ground. A student who believes he/she has a ground for an appeal should refer to [Policy 72, Student Appeals \(http://www.adm.uwaterloo.ca/infosec/Policies/policy72.htm\)](http://www.adm.uwaterloo.ca/infosec/Policies/policy72.htm).

Note for Students with Disabilities

The Office for Persons with Disabilities (OPD), located in Needles Hall, Room 1132, collaborates with all academic departments to arrange appropriate accommodations for students with disabilities without compromising the academic integrity of the curriculum. If you require academic accommodations to lessen the impact of your disability, please register with the OPD at the beginning of each academic term.