



Styre: Fakultetsstyret ved Det juridiske fakultet
Styresak: 37/23
Møtedato: 21.03.2023
Journalnummer: 2023/1803

NEDLEGGING AV JUS294-2-A PRIVACY AND DATA PROTECTION - GDPR OG OPPRETNING AV 2303 PRIVACY AND DATA PROTECTION - GDPR OG 3503 PRIVACY AND DATA PROTECTION - GDPR

Bakgrunn

I sak 76/22 til fakultetsstyret 27.9.2022 vedtok fakultetsstyret ny modell for engelskspråklege emne ved fakultetet der dei engelskspråklege emna som hovudregel skal finnast i to variantar med ulike emnkodar: Den eine versjonen av emnet skal ha læringsutbyteskildring i samsvar med bachelornivået i nasjonalt kvalifikasjonsrammeverk, og den andre versjonen av emnet skal ha læringsutbyteskildring i samsvar med masternivå i nasjonalt kvalifikasjonsrammeverk.

Som oppfølging av dette vedtaket har dei emneansvarlege for engelskspråklege spesialemne blitt bedne om å utarbeida nye emneskildringar. Emneansvarleg Malgorzata Cyndecka har utarbeidd dei to emneskildringane som ligg ved.

Som vedlegg følgjer saka slik ho vart presentert for studietvalet, inkludert ei oppsummering av skilnadene på bacheloremnet og masteremnet, samt emneskildringar for begge emna.

Handsaming i studietvalet

Studietvalet handsama saka i sitt møte den 08.03.2023 og oversender saka til fakultetsstyret med følgjande uttale:

«Studietvalet oppfordrar fakultetsstyret til å leggja ned emnet JUS294-2-A Privacy and Data protection – GDPR etter studieåret 22/23 og i staden oppretta JUS2303/JUS3503 Privacy and Data protection – GDPR som skal undervisast første gong vårsemesteret 2024, og til å vedta overgangsordningar og tal på vurderingsforsøk som skildra.»

Merknader frå dekan og fakultetsdirektør

Dekan og fakultetsdirektør sluttar seg til forslaget frå Studietvalget.

På denne bakgrunn blir det sett fram følgjande:

forslag til vedtak:

1. JUS294-2-A Privacy and Data Protection - GDPR blir lagt ned etter studieåret 2022/2023.
2. Emna JUS2303 Privacy and Data Protection - GDPR og JUS3503 Privacy and Data Protection - GDPR blir oppretta og skal undervisast første gong vårsemesteret 2024.
3. Overgangsordning for studentar som treng å gjennomføra vurdering i gamalt emne JUS294-2-A Privacy and Data Protection - GDPR etter studieåret 2022/2023: Studentane avlegg i staden eksamen i nytt emne JUS3503 Privacy and Data Protection - GDPR.

[Skriv her]

4. Studentar har tre vurderingsforsøk samla både for det gamle emnet JUS294-2-A i kombinasjon med eitt av dei to nye emna, og samla for dei to nye emna i kombinasjon.

Karl Harald Søvig
dekan

Øystein L. Iversen
fakultetsdirektør

10.03.2023
INTØ

Vedlegg:

1. Sak 11/23-12 til Studieutvalet
2. Emneskildring JUS2303 Privacy and Data Protection - GDPR
3. Emneskildring JUS3503 Privacy and Data Protection - GDPR

[Skriv her]

Nedlegging av JUS294-2-A Privacy and Data protection – GDPR og oppretting av JUS2303/JUS3503 Privacy and Data protection – GDPR

I sak 76/22 til fakultetsstyret 27.9.2022 vedtok fakultetsstyret ny modell for engelskspråklege emne ved fakultetet der dei engelskspråklege emna som hovudregel skal finnast i to variantar med ulike emnecodar: Den eine versjonen av emnet skal ha læringsutbyteskildring i samsvar med bachelornivået i nasjonalt kvalifikasjonsrammeverk, og den andre versjonen av emnet skal ha læringsutbyteskildring i samsvar med masternivå i nasjonalt kvalifikasjonsrammeverk.

Som oppfølging av dette vedtaket har dei emneansvarlege for engelskspråklege spesialemne blitt bedne om å utarbeida nye emneskildringar.

Førsteamanuensis Malgorzata Cyndecka, emneansvarleg for JUS294-2-A Privacy and Data protection – GDPR som vart oppretta i sak 70/20 til fakultetsstyret 15. september 2020, har utarbeidd dei to emneskildringane som ligg ved.

Mål og innhald er likelydande for dei to emna, mens det forventast læringsutbytet (kunnskap, ferdigheter og generell kompetanse) er ulikt formulert og tilpassa høvesvis studentar på 3. studieår (bachelornivå) og studentar på 5. studieår (masternivå).

Hovudlitteraturen for bachelorvarianten av emnet er på totalt 465 sider, medan hovudlitteraturen for mastervarianten av emnet er på totalt 543 sider.¹ Begge emna har i tillegg innføringslitteratur, og bachelorvarianten har tilleggslitteratur.²

I bacheloremnet er det ikkje obligatoriske arbeidskrav, medan det i masteremnet er obligatorisk å delta på ei forelesing der studentar frå TekLab/Media City Bergen legg fram prosjekt, og å delta på dei to master classes som blir brukt til rettleiing knytt til gruppeoppgåva som skal skrivast i masteremnet.

Bacheloremnet har fire timar skuleeksamen som vurderingsform, medan masteremnet har to deleksamenar i form av ei gruppeoppgåve som skal løysast heime og ein individuell munnleg eksamen.

¹ SU vedtok i sak 54/16 at for det integrerte masterprogram i rettsvitenskap ved Det juridiske fakultet gjeld følgjande sidetalsnorm: Hovudlitteraturen skal ha eit omfang på mellom 30 og 60 tekstsider pr. studiepoeng. I same sak uttalte også SU at «Det skal vidare tas hensyn til hvor i studiet emnet er plassert, sånn at hovudlitteraturen i emner som er plassert mot slutten av studiet normalt vil være mer omfattende enn emner tidlig i studiet.» Ut frå dette reknar studiedekanen at eit spesialemne på 5. studieår bør ha opp mot 60 sider hovudlitteratur per studiepoeng, og at eit valemne på 3. studieår bør ha kring 45 sider hovudlitteratur per studiepoeng.

² I [ansattwikien](#) blir dei ulike kategoriane litteratur skildra slik: «Litteraturen kan deles i tre kategorier:

- **Innføringslitteratur**
Elementær; i dybde og/eller bredde ikke dekkende for læringskravene, men kan være nyttig som introduksjon til emnet.
- **Hovedlitteratur**
Dekker læringskravene, men ikke mer.
- **Tilleggslitteratur**
Går utover læringskravene.»

[Skriv her]

Om forholdet til det norske valemnet informasjons- og personvernrett

Dei to emneskildringane som ligg ved vart utarbeidde og leverte allereie til den første fristen 10. november. Studiedekan og studieadministrasjonen har likevel venta med å leggja fram emneskildringane for studieutvalet fordi ein såg at det var naudsynt å samanhalda innhaldet i desse emna med det norske valemnet informasjons- og personvernrett som også er planlagt på 3. studieår. Emneskildringa for det norske emnet er framleis ikkje ferdigstilt. Emneskildringane for dei to engelskspråklege emna blir likevel lagt fram for studieutvalet no, slik at emna kan inngå i informasjonen om emnetilbodet til innreisande studentar studieåret 2023/2024.

Då JUS294-2-A vart oppretta vart det peika på den moglege konflikten mellom det norske valemnet og det engelske emnet: «På den nye studieordningen vil det som sagt være enkelte såkalte «semi-obligatoriske» emner på 3. studieår, og ett av de fire emnene som skal ligge der er nettopp personvernrett. Det presiseres derfor at selv om det nå opprettes et spesialemne på 5. studieår som i stor grad angår personvern, er det ikke gitt at et emne om dette temaet det vil bli videreført både på 3. og på 5. studieår i ny studieordning.» (sjå sak 70/20 til fakultetsstyret og dekanbeslutning av 24. august i orienteringssak 64/20-h-2).

Sidan spesialemnereforma av 2007 har fakultetet hatt eit prinsipp om at same faginnhald ikkje skal undervisast både på norsk og på engelsk. Studentar kan heller ikkje oppnå nye studiepoeng ved å ta ulike emne med same faginnhald. Eventuell fagleg overlapp og studiepoengreduksjon må difor opplysast i emneskildringane. Det kan ikkje utelukkast at ein på eit seinare tidspunkt vil måtta komma tilbake til forholdet mellom det norske valemnet og dei to engelske emna.

Overgangsordning og tal på eksamensforsøk

§3-2-4 i Forskrift om opptak, studier, vurdering og grader ved Universitetet i Bergen (UiB-forskrifta) seier: «Ved nedlegging av studieprogram, studieretninger og emner skal vedtaksorganet fastsette overgangstid for undervisning og vurdering. Studenter som er tatt opp til studieprogram som vedtas nedlagt, har rett til å fullføre dette i samsvar med vedtak om overgangstid. Ved nedlegging av emner skal det normalt avholdes vurdering i emnet i ett eller to påfølgende semestre etter siste undervisningssemester.»

I dette tilfellet er emna på masternivå så like at studentar som treng å gjennomføra vurdering i gamalt emne JUS294-2-A etter vårsemesteret 2023, i staden vil bli viste til å avlegga eksamen i nytt emne JUS35XX Privacy and Data protection – GDPR.

§ 6-8-1 i UiB-forskrifta seier følgjande om antall vurderingsforsøk: «Ved Universitetet i Bergen gjelder det ordinært en øvre grense på tre vurderingsforsøk for det enkelte emne. Begrensningen i antallet vurderingsforsøk gjelder også dersom emnet har skiftet emnekode, inngår med ulik kode i flere studieprogrammer eller inngår i ny form i et studieprogram i tilknytning til en overgangsordning.

I medhald av dette gjeld at studentar har tre vurderingsforsøk samla både for det gamle emnet JUS294-2-A og kvart av dei to nye emna, og samla for dei to nye emna i kombinasjon. Ein student som tidlegare har nytta alle vurderingsforsøka i emnet på 3. studieår, kan ikkje få nye høve til å greia emnet ved å i staden melda seg til den andre utgåva av emnet på 5. studieår.

SU uttalar

Studieutvalet oppfordrar fakultetsstyret til å leggja ned emnet JUS294-2-A Privacy and Data protection – GDPR etter vårsemesteret 2023 og i staden oppretta JUS2303/JUS3503 Privacy and

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Data protection – GDPR som skal undervisast første gong vårsemesteret 2024, og til å vedta overgangsordningar og tal på vurderingsforsøk som skildra.

Vedlegg: Emneskildringar

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Emnebeskrivelse for Privacy and Data protection – GDPR, bachelornivå

Emnenavn (bokmål)	Privacy and Data protection - GDPR
Emnenavn (nynorsk)	Privacy and Data protection - GDPR
Emnenavn (kortversjon)	
Emnenavn (engelsk)	Privacy and Data protection - GDPR
Antall studiepoeng	10
Om studienivå, læringsmål og utbyttebeskrivelser	Nivået gjenfinnes i emnets læringsmål, og må henge sammen med forkunnskapskravene. Et emne på masternivå kan inngå i en bachelorgrad, men ikke omvendt – emner på masternivå stiller store krav til fordypning.
Studienivå	- BA (bachelornivå)
Type emne	- Valgemne 3. studieår
Studierett	The course is available for the following students: <ul style="list-style-type: none">• Admitted to the five-year master programme in law• Granted admission to elective courses at the Faculty of Law• Exchange students at the Faculty of Law The pre-requirements may still limit certain students' access to the course.
Forkunnskapskrav	Two years of law studies.
Anbefalte forkunnskaper	Good level of English language.
Faglig overlapp	Combined with JUS294-2-A Privacy and Data Protection – GDPR or JUS3503 Privacy and Data Protection – GDPR, this course will generate no new credits.
Emnet er særlig godt egnet i kombinasjon med*	JUS23XX/JUS35XX Legal Technology: Artificial Intelligence and Law JUS2305/JUS3505 Law, Regulation, and Technology
Emneansvarlig(e)	Malgorzata Agnieszka Cyndecka
Undervisere	Malgorzata Agnieszka Cyndecka
Emnets mål og innhold	The course studies legal rules on data protection, that is a set of norms that govern the processing of personal data with the view of protecting the privacy of individuals whose data is being processed. The EU General Data Protection Regulation 2016/679 (GDPR) defines personal data as any information relating to an identified or identifiable natural person such as a name, an identification number, location, an online identifier or any factor specific to the physical, physiological, genetic, mental, economic, cultural, or social identity of that natural person. Given the digital technologies' encroachment into our lives, the right to privacy and the protection of personal data have become crucial to both individuals, communities and businesses. A proper understanding of the rules governing data protection is now also necessary when working with other fields of law such as administrative law, EU/EEA Privacy and Data Protection - GDPR,

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public procurement, intellectual property law, health law or labour law.

As regards the rules governing data protection, this course focuses on the GDPR, a landmark in both data protection law and EU/EEA law, the European Convention on Human Rights and Fundamental Freedoms (ECHR) Article 8, the EU ePrivacy Directive (Directive 2002/58/EC) and the relevant case law from the Court of Justice of the EU and the European Court of Human Rights. Students are also made aware of the necessity of consulting national legislation that supplements the GDPR.

The course provides students with a thorough knowledge of the principles governing the processing of personal data, the GDPR's territorial and material scope, rights and obligations of data subjects (i.e. individuals whose personal information is processed), controllers (natural or legal persons determining the purposes and means of the processing of personal data), processors (natural or legal person that processes personal data on behalf of the controller), Data Protection Authorities in the EU/EEA, such as the Norwegian Data Protection Authority (Datatilsynet) and the European Data Protection Board (EDPB), that issues guidelines on interpreting the GDPR.

Students will learn about the legal grounds for processing personal data, including sensitive types of such data, special considerations regarding the processing of personal data of children, data protection rules applicable in the context of employment, exceptions concerning academic, journalistic and research activities, and requirements concerning transfers of personal data to third countries, that it outside EU/EEA.

Special attention is also given to data protection issues raised by the use of Artificial Intelligence, such as the legality of technologies involving automated individual decision-making and profiling. The course also covers such topics as freedom of speech and the "right to be forgotten", global surveillance in situations such as the outbreak of COVID-19 or data protection risks raised by such technologies as face recognition.

During the course the students are encouraged to identify privacy and data protection issues that are raised in other fields of law such as the above-mentioned administrative law, EU/EEA Privacy and Data Protection - GDPR, public procurement, intellectual property law, health law or labour law.

Læringsutbytte

Knowledge

By the end of the course, the students have a general knowledge and understanding of legal policies on privacy and data protection, particularly in the context of the rapid process of digitalization, implementing Artificial Intelligence solutions in both public and private sectors, not to mention the distributed computer networks such as the Internet.

The students have a general knowledge and understanding of the principles, rules and logic governing the GDPR.

The students are familiar with the role of the GDPR in the EU's digital agenda.

The students can update the acquired knowledge by using different resources.

Skills

Given the two-fold aim of the GDPR, that is the protection of personal data and contributing to the accomplishment of the EU/EEA internal market, the students are able to correctly balance the right to data protection with other rights, freedoms and interests.

The students can elaborate on different topics in the field of data protection.

The students are able to apply the GDPR provisions in different situations when personal data are processed.

The students can communicate their findings both orally and in writing.

General competencies

By the end of the course, the students can identify and discuss the relevant legal framework and provide its critical assessment.

The students can solve varied assignments alone or in a group while providing arguments for the chosen conclusions.

[Skriv her]

The students can see the relevance of the acquired knowledge to other fields of law.

Beskriv sammenhengen mellom læringsutbyttet, undervisningen og prøvingen.

The course is based on lectures during which the students are presented with theory and its application through solving short assignments (alone or in a group). In this way, the students acquire knowledge of the legal framework and learn to apply it in practice.

Litteratur

Innføringslitteratur

"Handbook on European data protection law: 2018 edition", Publications Office of the European Union, Luxembourg

Hovedlitteratur

Hovedlitteratur

Docksey, Christopher; Bygrave, Lee A.; Kuner, Christopher; Drechsler, Laura, "The EU General Data Protection Regulation (GDPR): a commentary", 2020.

The students are obliged to read the following pages:

- Introduction: "Background and Evolution of the EU General Data Protection Regulation (GDPR)", Kuner/Bygrave/Docksey, pp. 1-43 (43 pages).
- Chapter I: "Article 2. Material scope", Kranenborg, pp. 63-72 (10 pages).
- Chapter I: "Article 3. Territorial scope", Svantesson, pp. 76-96 (21 pages).
- Chapter I: "Article 4. Definitions", Bygrave/Tosoni, pp. 105-114, 118-121, 121-131, 133-136, 139-143, 146-155, 157-161, 176-186, 197-204, 208-215, 218-223, 227-236, 258-263, 266-270, 273-278, 280-286, 294-301 (117 pages).
- Chapter II: "Principles" de Terwangne, pp. 311-319 (9 pages).
- Chapter II "Article 6. Lawfulness of processing", Kotschy, pp. 325-343 (19 pages).
- Chapter II "Article 7. Conditions for consent", Kosta, pp. 347-353 (7 pages).
- Chapter II "Article 8. Conditions applicable to child's consent in relation to information society services", Kosta, pp. 356-362 (7 pages).
- Chapter II "Article 9. Processing of special categories of personal data", Georgieva/Kuner, pp. 369-382 (14 pages).
- Chapter II "Article 10. Processing of personal data relating to criminal convictions and offences", Geogjeva, pp. 386-390 (5 pages).
- Chapter III "Rights of the Data Subject. Transparency and Modalities. Article 12. Transparent information, communication and modalities for the exercise of the rights of the data subject", Polčák, pp. 401-411 (11 pages).
- Chapter III "Rights of the Data Subject. Information and access to personal data. Article 13. Information to be provided where personal data are collected from the data subject", Zafir-Fortuna, pp. 415-431 (17 pages).
- Chapter III "Rights of the Data Subject. Article 14. Information to be provided where personal data have not been obtained from the data subject", Zafir-Fortuna, pp. 436-447 (12 pages).
- Chapter III "Rights of the Data Subject. Article 15. Right of access by the data subject", Zafir-Fortuna, pp. 451-467 (17 pages).
- Chapter III "Rights of the Data Subject. Article 16. Right to rectification", de Terwangne, pp. 471-474 (4 pages).
- Chapter III "Rights of the Data Subject. Article 17. Right to erasure ("right to be forgotten")", Kranenborg, pp. 477-483 (7 pages).
- Chapter II "Rights of the Data Subject. Article 21. Right to object and automated individual decision-making", Zafir-Fortuna, pp. 509-520 (12 pages)
- Chapter II "Rights of the Data Subject. Article 22. Automated individual decision-making, including profiling", Bygrave, pp. 526-540 (15 pages).
- Chapter IV "Controller and processor. Article 24. Responsibility of the controller", Docksey, pp. 557-568 (12 pages).
- Chapter IV "Controller and processor. Data protection by design and by default", Bygrave, pp. 573-580 (7 pages).
- Chapter IV "Controller and processor. Article 26. Joint controllers", Millard/Kamarinou, pp. 583-587 (5 pages).
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- Chapter IV "Controller and processor. Article 28. Processor", Millard/Kamarinou, pp. 601-610 (10 pages).
- Chapter IV "Controller and processor. Article 32. Security of processing", Burton, pp. 631-637 (7 pages).
- Chapter IV "Controller and processor. Article 33. Notification of a personal data breach to the supervisory authority", Burton, pp. 641-651 (11 pages).

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- Chapter IV "Controller and processor. Article 34. Communication of a personal data breach to the data subject", Burton, pp. 655-662 (8 pages).
- Chapter IV "Controller and processor. Article 35. Data protection impact assessment" Kosta, pp. 668-677 (10 pages).
- Chapter IV "Controller and processor. Article 37. Designation of the data protection officer", Alvarez Riguadías/Spina, pp. 689-698 (10 pages).
- Chapter V: "Transfers of Personal Data to Third Countries or International Organisations. Article 44. General principle for transfers", Kuner, pp. 756-766 (11 pages).
- Chapter V: "Transfers of Personal Data to Third Countries or International Organisations. Article 45. Transfers on the basis of an adequacy decision", Kuner, pp. 774-792 (19 pages).

- "Article 83. General conditions for imposing administrative fines", Kotschy, pp. 1184-1191 (8 pages).

Tillegslitteratur:

Chapter III "Rights of the Data Subject. Article 18. Right to restriction of processing", González Fuster, pp. 486-491 (6 pages).
Chapter III "Rights of the Data Subject. Article 19. Notification obligation regarding rectification or erasure of personal data or restriction of processing", González Fuster, pp. 492-496 (5 pages).
Chapter III "Rights of the Data Subject. Article 20. Right to data portability", Lynskey, pp. 499-506 (8 pages).
Chapter IV "Controller and processor. Article 27. Representatives of controllers or processors not established in the Union", Millard/Kamarinou, pp. 590-598 (8 pages).
"Article 68. European Data Protection Board", Docksey, pp. 1042-1052 (11 pages).
"Article 88. Processing in the context of employment", van Eeckel/Šimkus, pp. 1230-1238 (9 pages).
"Article 89. Safeguards and derogations relating to processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes", Wiese/Svanberg, pp. 1242-1250 (9 pages).

Undervisningssted

Faculty of Law, University of Bergen

Undervisningssemester

-Spring

Undervisningsspråk

English

Undervisningsformer og -metoder

Lectures

Teaching involves 10 lectures during which students are presented with theory and its application (short assignments).

Emnet har obligatorisk oppgave

- Nei

Andre obligatoriske undervisningsaktiviteter

None

Vurdering

Vurderingsformen(e) må henge sammen med undervisningen og det generelle læringsutbyttet.

Vurderingssemester

- Spring

Vurderingsform(er)

- Skoleeksamen, 4 timer

Begrunnelse for vurderingsform

The exam consists of two theoretical questions that test the knowledge of the core notions, principles and theories in the field, and a practical question: an assignment that presents data protection issues. The latter verifies the understanding of the relevant legal framework and its application.

Språk eksamensoppgave

English

Språk eksamensbesvarelse

English

Karakterskala

A-E for passed, F for failed.

Hjelpemidler til eksamen

[Skriv her]

Support materials allowed during exam:

See section 3-5 of the [Supplementary Regulations](#) for Studies at the Faculty of Law at the University of Bergen.

In addition: A printed out copy of the GDPR (in English) will be provided by the Faculty of Law for the exam.

Special regulations about dictionaries:

- According to the Regulations for Studies, one dictionary is permitted support material during the examination. Bilingual dictionaries containing for example *both* Norwegian-English and English-Norwegian are considered as one dictionary.
- Bilingual dictionaries to/from the same two languages - for example Norwegian-English/English-Norwegian - in *two* different volumes are also considered as one dictionary (irrespective of publisher or edition).
- Dictionaries as described above cannot be combined with any other types of dictionaries.
- Any kind of combination which makes up *more than two* physical volumes is forbidden.

In case a student has a special need for any other combination than the above mentioned, such combination has to be clarified with/approved by the course coordinator *minimum two weeks* before the exam. Students who have not been granted permission to have a special combination *minimum two weeks* before the exam will be subject to the [usual regulations](#) (Section 3-5) about examination support materials.

Programansvarlig	The Academic Affairs Committee (Studieutvalget) at the Faculty of Law is responsible for ensuring the material content, structure and quality of the course.
Evaluering av emnet	According to the administrative arrangements for course evaluation at the Faculty of Law.
Emnebeskrivelsen er utarbeidet av	Malgorzata Agnieszka Cyndecka
E-post	malgorzata.cyndecka@uib.no

[Skriv her]

Emnebeskrivelse for Privacy and Data protection – GDPR, masternivå

Emnenavn (bokmål)	Privacy and Data protection - GDPR
Emnenavn (nynorsk)	Privacy and Data protection - GDPR
Emnenavn (kortversjon)	Personvern
Emnenavn (engelsk)	Privacy and Data protection - GDPR
Antall studiepoeng	10
Om studienivå, læringsmål og utbyttebeskrivelser	Nivået gjenfinnes i emnets læringsmål, og må henge sammen med forkunnskapskravene. Et emne på masternivå kan inngå i en bachelorgrad, men ikke omvendt – emner på masternivå stiller store krav til fordypning.
Studienivå	- MA (masternivå)
Type emne	- Spesialemne 5. studieår
Studierett	<p>The course is available for the following students:</p> <ul style="list-style-type: none">• Admitted to the five-year master programme in law• Admitted to the two-year master programme in law• Admitted to the Master of Laws (LLM) in EU and EEA Law• Exchange students at the Faculty of Law <p>The pre-requirements may still limit certain students' access to the course.</p> <p>The number of students which can be admitted to the course is limited to 30. Of the 30 places, 15 is initially reserved for students from the two-year and five-year master programmes in law (MAJUR, MAJUR2), while 15 places are offered to international exchange students at the Faculty of Law. If the number of applicants exceeds capacity, admission will be decided by way of lottery within each category of students.</p> <p>The number of places for each category of students will be adjusted from 2024/2025 onwards to include students admitted to the Master of Laws (LLM) in EU and EEA Law.</p>
Forkunnskapskrav	Three years of law studies.
Anbefalte forkunnskaper	Good level of English language.
Faglig overlapp*	Combined with JUS294-2-A Privacy and Data Protection – GDPR or JUS2303 Privacy and Data Protection – GDPR, this course will generate no new credits.

[Skriv her]

Emnet er særlig godt egnet i kombinasjon med*

JUS23XX/JUS35XX Legal Technology: Artificial Intelligence and Law

JUS2305/JUS3505 Law, Regulation, and Technology

Emneansvarlig(e)	Malgorzata Agnieszka Cyndecka
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Undervisere	Malgorzata Agnieszka Cyndecka
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Kommentarer/utdyping

The course offers two seminars during which student groups meet their supervisor to discuss their project. Currently, the supervisors are: Lillia Oprysk, Kristian Wederhus and Hermon Melles.

Emnets mål og innhold

The course studies legal rules on data protection, that is a set of norms that govern the processing of personal data with the view of protecting the privacy of individuals whose data is being processed. The EU General Data Protection Regulation 2016/679 (GDPR) defines personal data as any information relating to an identified or identifiable natural person such as a name, an identification number, location, an online identifier or any factor specific to the physical, physiological, genetic, mental, economic, cultural, or social identity of that natural person. Given the digital technologies' encroachment into our lives, the right to privacy and the protection of personal data have become crucial to both individuals, communities and businesses. A proper understanding of the rules governing data protection is now also necessary when working with other fields of law such as administrative law, EU/EEA Privacy and Data Protection - GDPR, public procurement, intellectual property law, health law or labour law.

As regards the rules governing data protection, this course focuses on the GDPR, a landmark in both data protection law and EU/EEA law, the European Convention on Human Rights and Fundamental Freedoms (ECHR) Article 8, the EU ePrivacy Directive (Directive 2002/58/EC) and the relevant case law from the Court of Justice of the EU and the European Court of Human Rights. Students are also made aware of the necessity of consulting national legislation that supplements the GDPR.

The course provides students with a thorough knowledge of the principles governing the processing of personal data, the GDPR's territorial and material scope, rights and obligations of data subjects (i.e. individuals whose personal information is processed), controllers (natural or legal persons determining the purposes and means of the processing of personal data), processors (natural or legal person that processes personal data on behalf of the controller), Data Protection Authorities in the EU/EEA, such as the Norwegian Data Protection Authority (Datatilsynet) and the European Data Protection Board (EDPB), that issues guidelines on interpreting the GDPR.

Students will learn about the legal grounds for processing personal data, including sensitive types of such data, special considerations regarding the processing of personal data of children, data protection rules applicable in the context of employment, exceptions concerning academic, journalistic and research activities, and requirements concerning transfers of personal data to third countries, that it outside EU/EEA.

Special attention is also given to data protection issues raised by the use of Artificial Intelligence, such as the legality of technologies involving automated individual decision-making and profiling. The course also covers such topics as freedom of speech and the "right to be forgotten", global surveillance in situations such as the outbreak of COVID-19 or data protection risks raised by such technologies as face recognition.

During the course the students are encouraged to identify privacy and data protection issues that are raised in other fields of law such as the above-mentioned administrative law, EU/EEA Privacy and Data Protection - GDPR, public procurement, intellectual property law, health law or labour law.

Læringsutbytte

Knowledge

By the end of the course, the students have a solid knowledge and understanding of legal policies on privacy and data protection, particularly in the context of the rapid process of digitalization, implementing Artificial Intelligence solutions in both public and private sectors, not to mention the distributed computer networks such as the Internet.

The students have a solid knowledge and understanding of the principles, rules and logic governing the GDPR and its role in the EU's policy on digitalisation.

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The students have a thorough knowledge of the interplay between the GDPR and national regulations on data protection as well as other fields such as labour law.

Skills

Given the two-fold aim of the GDPR, that is the protection of personal data and contributing to the accomplishment of the EU/EEA internal market, the students are able to correctly balance the right to data protection with other rights, freedoms and interests.

The students are able to apply the GDPR provisions to technologies that could not have been specifically addressed by the GDPR when it was adopted in 2016.

The students can communicate the results of their work both orally and in writing.

The students are able to detect and formulate the relevant data protection issues when presented with a case, identify the relevant legal provisions (international and national, if applicable), and apply them in a correct way. They are also able to provide arguments in favour of their assessment.

The students can update the acquired knowledge.

General competence

By the end of the course, students are expected to engage in critical assessment of the GDPR, including its abstract terms and vagueness that are still waiting for the interpretation by the EU Courts and challenges created by new technologies or unexpected events such as the COVID-19 outbreak.

The students are familiar with working in a timely and efficient manner in groups involving persons from different legal cultures and with different background, including persons with no legal education, as well as present the results of their work.

The students can apply their knowledge on data protection issues in other fields of law.

Beskriv sammenhengen mellom læringsutbyttet, undervisningen og prøvingen.

Due to being based on both lectures, seminars and group assignments, which enhance active learning and promote interaction with the lecturer, supervisors and fellow students, the course equips the students with the ability of identifying potential and existing data protection risks in "real life", clarifying their character under the relevant data protection rules and addressing them in appropriate manner.

Litteratur

Innføringslitteratur

"Handbook on European data protection law: 2018 edition", Publications Office of the European Union, Luxembourg

Hovedlitteratur

Docksey, Christopher; Bygrave, Lee A.; Kuner, Christopher; Drechsler, Laura, "The EU General Data Protection Regulation (GDPR): a commentary", 2020.

The students are obliged to read the following pages:

- Introduction: "Background and Evolution of the EU General Data Protection Regulation (GDPR)", Kuner/Bygrave/Docksey, pp. 1-43 (43 pages).
- Chapter I: "Article 2. Material scope", Kranenborg, pp. 63-72 (10 pages).
- Chapter I: "Article 3. Territorial scope", Svantesson, pp. 76-96 (21 pages).
- Chapter I: "Article 4. Definitions", Bygrave/Tosoni, pp. 105-114, 118-121, 121-131, 133-136, 139-143, 146-155, 157-161, 176-186, 197-204, 208-215, 218-223, 227-236, 258-263, 266-270, 273-278, 280-286, 294-301 (117 pages).
- Chapter II: "Principles" de Terwangne, pp. 311-319 (9 pages).
- Chapter II "Article 6. Lawfulness of processing", Kotschy, pp. 325-343 (19 pages).
- Chapter II "Article 7. Conditions for consent", Kosta, pp. 347-353 (7 pages).
- Chapter II "Article 8. Conditions applicable to child's consent in relation to information society services", Kosta, pp. 356-362 (7 pages).
- Chapter II "Article 9. Processing of special categories of personal data", Georgieva/Kuner, pp. 369-382 (14 pages).
- Chapter II "Article 10. Processing of personal data relating to criminal convictions and offences", Geogieva, pp. 386-390 (5 pages).
- Chapter III "Rights of the Data Subject. Transparency and Modalities. Article 12. Transparent information, communication and modalities for the exercise of the rights of the data subject", Polčák, pp. 401-411 (11

[Skriv her]

pages).

- Chapter III "Rights of the Data Subject. Information and access to personal data. Article 13. Information to be provided where personal data are collected from the data subject", Zanfir-Fortuna, pp. 415-431 (17 pages).
- Chapter III "Rights of the Data Subject. Article 14. Information to be provided where personal data have not been obtained from the data subject", Zanfir-Fortuna, pp. 436-447 (12 pages).
- Chapter III "Rights of the Data Subject. Article 15. Right of access by the data subject", Zanfir-Fortuna, pp. 451-467 (17 pages).
- Chapter III "Rights of the Data Subject. Article 16. Right to rectification", de Terwangne, pp. 471-474 (4 pages).
- Chapter III "Rights of the Data Subject. Article 17. Right to erasure ("right to be forgotten")", Kranenborg, pp. 477-483 (7 pages).
- Chapter III "Rights of the Data Subject. Article 18. Right to restriction of processing", Gonzáles Fuster, pp. 486-491 (6 pages).
- Chapter III "Rights of the Data Subject. Article 19. Notification obligation regarding rectification or erasure of personal data or restriction of processing", Gonzáles Fuster, pp. 492-496 (5 pages).
- Chapter III "Rights of the Data Subject. Article 20. Right to data portability", Lynskey, pp. 499-506 (8 pages).
- Chapter II "Rights of the Data Subject. Article 21. Right to object and automated individual decision-making", Zanfir-Fortuna, pp. 509-520 (12 pages)
- Chapter II "Rights of the Data Subject. Article 22. Automated individual decision-making, including profiling", Bygrave, pp. 526-540 (15 pages).
- Chapter IV "Controller and processor. Article 24. Responsibility of the controller", Docksey, pp. 557-568 (12 pages).
- Chapter IV "Controller and processor. Data protection by design and by default", Bygrave, pp. 573-580 (7 pages).
- Chapter IV "Controller and processor. Article 26. Joint controllers", Millard/Kamarinou, pp. 583-587 (5 pages).
- Chapter IV "Controller and processor. Article 27. Representatives of controllers or processors not established in the Union", Millard/Kamarinou, pp. 590-598 (8 pages).
- Chapter IV "Controller and processor. Article 28. Processor", Millard/Kamarinou, pp. 601-610 (10 pages).
- Chapter IV "Controller and processor. Article 32. Security of processing", Burton, pp. 631-637 (7 pages).
- Chapter IV "Controller and processor. Article 33. Notification of a personal data breach to the supervisory authority", Burton, pp. 641-651 (11 pages).
- Chapter IV "Controller and processor. Article 34. Communication of a personal data breach to the data subject", Burton, pp. 655-662 (8 pages).
- Chapter IV "Controller and processor. Article 35. Data protection impact assessment" Kosta, pp. 668-677 (10 pages).
- Chapter IV "Controller and processor. Article 37. Designation of the data protection officer", Alvarez Riguardias/Spina, pp. 689-698 (10 pages).
- Chapter V: "Transfers of Personal Data to Third Countries or International Organisations. Article 44. General principle for transfers", Kuner, pp. 756-766 (11 pages).
- Chapter V: "Transfers of Personal Data to Third Countries or International Organisations. Article 45. Transfers on the basis of an adequacy decision", Kuner, pp. 774-792 (19 pages).
- "Article 68. European Data Protection Board", Docksey, pp. 1042-1052 (11 pages).
- "Article 83. General conditions for imposing administrative fines", Kotschy, pp. 1184-1191 (8 pages).
- "Article 88. Processing in the context of employment", van Eeckel/Šimkus, pp. 1230-1238 (9 pages).
- "Article 89. Safeguards and derogations relating to processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes", Wiese/Svanberg, pp. 1242-1250 (9 pages).

Article (available via UiB):

- Emily M Weitzenboeck, Pierre Lison, Malgorzata Cyndecka, Malcolm Langford, The GDPR and unstructured data: is anonymization possible?, *International Data Privacy Law*, Volume 12, Issue 3, August 2022, pp. 184–206, <https://doi.org/10.1093/idpl/ipac008>

	Faculty of Law, University of Bergen
Undervisningssted	Lectures and seminars will mainly be on-campus, but with some online activities.
Undervisningssemester	- Spring
Undervisningsspråk	English

[Skriv her]

Undervisningsformer og -metoder

Lectures and seminars

Teaching involves: 9 ordinary lectures during which students are presented with theory and its application (short assignments), one lecture dedicated to a presentation of student projects that had been developed by TekLab/Media City Bergen students, two master class seminars with an assigned supervisor that assists students in their work on the chosen project.

Active participation by the students is expected and necessary. This includes lectures, seminars, group work and activities related to project design and development.

The lectures combined with self-studying are the first step in the learning process that provide knowledge of data protection law and policies.

The seminars and group work promote active learning that allows for applying the theoretical knowledge in practice, makes the learning process both more effective and more efficient and develop the skills as described previously.

Students learn not only how to use the knowledge they already have, but also how to acquire more knowledge by using relevant sources and through cooperation with others.

Emnet har obligatorisk oppgave - Nei

Andre obligatoriske undervisningsaktiviteter

Participating in the lecture with presentation given by TekLab/Media City Bergen students.

Participating in the two master class seminars.

Vurdering

Vurderingsformen(e) må henge sammen med undervisningen og det generelle læringsutbyttet.

Vurderingssemester - Spring

Vurderingsform(er) Submitted and approved group assignment (report) and a final individual oral exam. The two parts will count 49 and 51% (respectively) toward the final grade.

Begrunnelse for vurderingsform

Students must submit a report in which they analyse data protection issues raised by their project and present the report. In addition, every student has an individual oral exam. This combination of different activities successfully tests students' understanding of the relevant regulations, their application as well their ability to cooperate with other students and argue for the chosen conclusions and solutions.

Språk eksamensoppgave English

Språk eksamensbesvarelse English

Karakterskala A-to E for passed, F for failed.

Hjelpemidler til eksamen

Support materials allowed during exam:

See section 3-5 of the [Supplementary Regulations](#) for Studies at the Faculty of Law at the University of Bergen.

In addition: A printed out copy of the GDPR (in English) will be provided by the Faculty of Law for the exam.

Special regulations about dictionaries:

- According to the Regulations for Studies, one dictionary is permitted support material during the examination. Bilingual dictionaries containing for example *both* Norwegian-English and English-Norwegian are considered as one dictionary.

[Skriv her]

- Bilingual dictionaries to/from the same two languages - for example Norwegian-English/English-Norwegian - in *two* different volumes are also considered as one dictionary (irrespective of publisher or edition).
- Dictionaries as described above cannot be combined with any other types of dictionaries.
- Any kind of combination which makes up *more than* two physical volumes is forbidden.

In case a student has a special need for any other combination than the above mentioned, such combination has to be clarified with/approved by the course coordinator *minimum two weeks* before the exam. Students who have not been granted permission to have a special combination *minimum two weeks* before the exam will be subject to the [usual regulations](#) (Section 3-5) about examination support materials.

Programansvarlig	The Academic Affairs Committee (Studieutvalget) at the Faculty of Law is responsible for ensuring the material content, structure and quality of the course.
Evaluering av emnet	According to the administrative arrangements for course evaluation at the Faculty of Law.
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