



## UNSW Course Outline

# LAWS3533 Big Tech, AI and the Law - 2024

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## General Course Information

**Course Code :** LAWS3533

**Year :** 2024

**Term :** Term 2

**Teaching Period :** T2

**Is a multi-term course? :** No

**Faculty :** Faculty of Law and Justice

**Academic Unit :** School of Law, Society and Criminology

**Delivery Mode :** Online

**Delivery Format :** Standard

**Delivery Location :** Kensington

**Campus :** Sydney

**Study Level :** Undergraduate

**Units of Credit :** 6

### Useful Links

[Handbook Class Timetable](#)

## Course Details & Outcomes

### Course Description

This course gives students an overview of the operation of Big Tech and related online and data services under Australian law, examining the business models, technical platforms, legal requirements and policy reasoning which influence how data uses and online services are

regulated, and the sort of impacts which trigger calls for more effective regulatory options.

It will consider the challenges arising from emerging technologies and data tools, and their impact on social life and cultural expression. It will approach this from the perspective of users of Big Tech services and their data, community members, creators and developers, and citizens and consumers, particularly the impact of social media and machine learning/ 'AI' tools for mass personalisation and automated decision-making.

LAWS3533 is for certain law students (not LLB or JD).

### **Main Topics are likely to include:**

- how the online and Big Tech data environment is both similar to and different from the physical world, from a regulatory perspective
- brief intro to how laws are made, changed, interpreted and enforced;
- how court judgments are constructed, and arguments won or lost; and the role of ethical factors in regulatory analysis
- analysing the legal issues involved in problems and conflicts encountered in social, commercial, administrative or cultural scenarios with Big Tech and data analytic services
- conflict of Big Tech's cult of "Disruption" or "Forgiveness not Permission" with the rule of law
- how to properly characterise ostensibly novel developments such as blockchain, 'Web3', NFTs and 'crypto', or whatever becomes 'the new, new thing'
- implications of different countries and jurisdictions having their own national laws, while Big Data services cover the world and can be hosted anywhere
- options for dealing with disputes and abuses involving Big Tech services and AI, whether between individuals, businesses, or the Big Data 'platforms'; how to choose amongst these options
- issues around 'Open data', 'Big Data' and their use in machine learning and artificial intelligence
- rationales and challenges for content restriction on Big Tech 'platforms', including defamation, harassment, vilification/'hate speech', revenge porn, misinformation, and classification and censorship
- laws on digital surveillance, online biometric identification, cryptographic tools, communications interception, hacking, tracking and autonomous targeting by states and 'state actors'

## **Course Aims**

In line with the aims of the General Education program at UNSW, the course aims to broaden student's understanding of their social and cultural environment and to enhance their skills of comparative analysis. The course will introduce students to the main issues concerning the role law and other modes of regulation in the information, data internet and communication services domain by reference to canonical and traditional texts, and selected current debates.

Students will also be introduced to contemporary debates and given an opportunity to compare the ways different approaches to regulation succeed or fail in achieving social, economic or political objectives from a variety of perspectives.

A candidate who has successfully completed this course should be able to:

- Identify the sources of regulation in the Big Tech and data environment, and how to find them
- Understand how technology, business conventions, social norms and law interact to constrain online ‘platforms’ and data use; understand the challenges posed to users, regulators, policy makers and providers
- Appreciate the risks and appropriate legal and practical remedies in key areas of Big Tech and data activity
- Understand the impact of issues of jurisdiction, contract, legislative schemes and personal liability in participation in e-commerce, online social platforms, and data analytics schemes
- Engage in debate on policy reform in this area, and appreciate the relevance of technical functionality and system complexity

## **Relationship to Other Courses**

This is a mutually exclusive code share version of course LAWS3533, available as a law elective for certain students.

There are no prerequisites or other exclusions.

# Course Learning Outcomes

Course Learning Outcomes
CLO1 : Demonstrate effective written communication skills, evidenced by: (1) a concise writing style; (2) constructing arguments supported by doctrinal disciplinary knowledge and interdisciplinary and policy perspectives (appropriate for their non-law background); and (3) referencing legal and research sources using legal citation where appropriate. Use methods appropriate to the intended audiences, if the format for the Project is not Essay. (PLOs 5, 7)
CLO2 : Explore different modes of regulation offered by legislation, technical co-regulatory schemes, privatised online dispute resolution systems and international conventions as applied to Big Tech platforms and/or advanced data/AI tools , in a scenario with an area of law covered by the course. (PLOs 3, 7)
CLO3 : Understand and engage in critical analysis of the legal system from a range of perspectives, focusing on social media platforms, advanced analytics, and data and surveillance issues, with emphasis on law reform in the face of change arising from new technologies and business models. (PLOs 7, 8, 9)
CLO4 : Apply principles from regulation of content and information, privacy and surveillance, discrimination, consumer protection, harassment and misinformation in a context of Big Tech platforms, data governance and social responsibility obligations, noting assistance on novel technological regulation issues offered by examples in foreign jurisdictions. (PLOs 3, 8, 10)
CLO5 : Understand and engage in critical analysis of the legal system from a range of perspectives, focusing on Big Tech platforms, digital media and data manipulation, with emphasis on law reform in the face of technical change. (PLOs 3, 5, 7, 9)
CLO6 : Demonstrate the ability to participate and lead collaborative online discussions in a constructive and rigorous way, drawing on principles and examples from relevant disciplines, identifying and avoiding bad practices from some common discourses, and encouraging others to do the same. Employers recognise the complexity of the modern work environment and value graduates with skills promoting team work and group engagement, in addition to specialised domain knowledge. (PLOs 4, 5, 11)
CLO7 : Identify and contribute authoritative online source materials for use by others in the course, in addition to readings. (PLOs 3, 6, 10)
CLO8 : Present online source materials with contextual information to assist other participants to appreciate the scope and value of the new source. (PLOs 5, 6, 7)

Course Learning Outcomes	Assessment Item
CLO1 : Demonstrate effective written communication skills, evidenced by: (1) a concise writing style; (2) constructing arguments supported by doctrinal disciplinary knowledge and interdisciplinary and policy perspectives (appropriate for their non-law background); and (3) referencing legal and research sources using legal citation where appropriate. Use methods appropriate to the intended audiences, if the format for the Project is not Essay. (PLOs 5, 7)	<ul style="list-style-type: none"> <li>• Report - Notes &amp; Queries</li> <li>• Major Project</li> </ul>
CLO2 : Explore different modes of regulation offered by legislation, technical co-regulatory schemes, privatised online dispute resolution systems and international conventions as applied to Big Tech platforms and/or advanced data/AI tools , in a scenario with an area of law covered by the course. (PLOs 3, 7)	<ul style="list-style-type: none"> <li>• Major Project</li> </ul>
CLO3 : Understand and engage in critical analysis of the legal system from a range of perspectives, focusing on social media platforms, advanced analytics, and data and surveillance issues, with emphasis on law reform in the face of change arising from new technologies and business models. (PLOs 7, 8, 9)	<ul style="list-style-type: none"> <li>• Online Participation</li> </ul>
CLO4 : Apply principles from regulation of content and information, privacy and surveillance, discrimination, consumer protection, harassment and misinformation in a context of Big Tech platforms, data governance and social responsibility obligations, noting assistance on novel technological regulation issues offered by examples in foreign jurisdictions. (PLOs 3, 8, 10)	<ul style="list-style-type: none"> <li>• Report - Notes &amp; Queries</li> </ul>
CLO5 : Understand and engage in critical analysis of the legal system from a range of perspectives, focusing on Big Tech platforms, digital media and data manipulation, with emphasis on law reform in the face of technical change. (PLOs 3, 5, 7, 9)	<ul style="list-style-type: none"> <li>• Report - Notes &amp; Queries</li> </ul>
CLO6 : Demonstrate the ability to participate and lead collaborative online discussions in a constructive and rigorous way, drawing on principles and examples from relevant disciplines, identifying and avoiding bad practices from some common discourses, and encouraging others to do the same. Employers recognise the complexity of the modern work environment and value graduates with skills promoting team work and group engagement, in addition to specialised domain knowledge. (PLOs 4, 5, 11)	<ul style="list-style-type: none"> <li>• Online Participation</li> </ul>
CLO7 : Identify and contribute authoritative online source materials for use by others in the course, in addition to readings. (PLOs 3, 6, 10)	<ul style="list-style-type: none"> <li>• Online Participation</li> </ul>
CLO8 : Present online source materials with contextual information to assist other participants to appreciate the scope and value of the new source. (PLOs 5, 6, 7)	<ul style="list-style-type: none"> <li>• Online Participation</li> </ul>

# Learning and Teaching Technologies

Moodle - Learning Management System

## Learning and Teaching in this course

This course focuses on students' exploration of issues under the topic for each week, and iterative guided development of their self-formulated major project. This gives experience in some of the methodologies used by Big Tech and startup IT and AI entities.

It is not focused on the traditional detailed doctrinal explanation of a comprehensive list of laws and cases in each Topic, and later testing on that doctrinal knowledge; it requires and helps develop initiative, context-awareness and creative solutions for the problems experienced by certain people affected by Big Tech and AI practices and priorities. A significant degree of self-directed research and planning is encouraged and expected.

## Additional Course Information

A feature of this course is the iteratively-developed major project, preferably but not mandatorily done in a team of up to 3, on a question of the student or team's devising with feedback from teacher. The deliverable format can be an essay-like work, or, subject to a proposal by week 3 identifying a suitable target group and their needs, any other format which serves that hypothetical target group's needs.

## Assessments

### Assessment Structure

Assessment Item	Weight	Relevant Dates
Report - Notes & Queries Assessment Format: Individual	20%	Start Date: As per timetable, weeks set by group. Due Date: As per timetable, weeks set by group. Before the relevant Wednesday webinar. Post Date: 27/05/2024 12:00 AM
Online Participation Assessment Format: Individual	30%	Start Date: As per weekly timetable. Due Date: As per weekly timetable. Post Date: 29/05/2024 12:00 AM
Major Project Assessment Format: Group	50%	Start Date: 29/05/2024 12:00 AM Due Date: Week 10: 29 July - 04 August

# **Assessment Details**

## **Report - Notes & Queries**

### **Assessment Overview**

This assessment requires you to respond to readings and present a written report.

### **Course Learning Outcomes**

- CLO1 : Demonstrate effective written communication skills, evidenced by: (1) a concise writing style; (2) constructing arguments supported by doctrinal disciplinary knowledge and interdisciplinary and policy perspectives (appropriate for their non-law background); and (3) referencing legal and research sources using legal citation where appropriate. Use methods appropriate to the intended audiences, if the format for the Project is not Essay. (PLOs 5, 7)
- CLO4 : Apply principles from regulation of content and information, privacy and surveillance, discrimination, consumer protection, harassment and misinformation in a context of Big Tech platforms, data governance and social responsibility obligations, noting assistance on novel technological regulation issues offered by examples in foreign jurisdictions. (PLOs 3, 8, 10)
- CLO5 : Understand and engage in critical analysis of the legal system from a range of perspectives, focusing on Big Tech platforms, digital media and data manipulation, with emphasis on law reform in the face of technical change. (PLOs 3, 5, 7, 9)

### **Detailed Assessment Description**

Each week before the Topic webinar a subset of students submit a report individually on several (2-3) of the Topic materials in depth, alternating with weeks that those in that group answer an Online Participation question (the other regular assessment type).

(In some weeks neither are required, and student can work on their msin project.)

As well as identifying and explaining (but not summarising) a few of the key points of interest in the selected materials that stand out for them ("Notes"), the student articulates their questions of, reactions to or observations about some element of each material, in a personal way ("Queries").

### **Assessment Length**

Up to 1.5-2 pages, 500 words

### **Submission notes**

Word doc

### **Assessment information**

Assessment emphasis includes degree and relevance of observations about and reactions to the

several student-selected items from the core course materials for the relevant topic.

There are only two weeks when these are due, set by the group to which the students is allocated.

#### **Assignment submission Turnitin type**

This is not a Turnitin assignment

## **Online Participation**

#### **Assessment Overview**

This assessment requires you to prepare and actively engage in online forums.

#### **Course Learning Outcomes**

- CLO3 : Understand and engage in critical analysis of the legal system from a range of perspectives, focusing on social media platforms, advanced analytics, and data and surveillance issues, with emphasis on law reform in the face of change arising from new technologies and business models. (PLOs 7, 8, 9)
- CLO6 : Demonstrate the ability to participate and lead collaborative online discussions in a constructive and rigorous way, drawing on principles and examples from relevant disciplines, identifying and avoiding bad practices from some common discourses, and encouraging others to do the same. Employers recognise the complexity of the modern work environment and value graduates with skills promoting team work and group engagement, in addition to specialised domain knowledge. (PLOs 4, 5, 11)
- CLO7 : Identify and contribute authoritative online source materials for use by others in the course, in addition to readings. (PLOs 3, 6, 10)
- CLO8 : Present online source materials with contextual information to assist other participants to appreciate the scope and value of the new source. (PLOs 5, 6, 7)

#### **Detailed Assessment Description**

A question is posted each week after the Topic webinar, based on issues and materials in the Topic.

A subset of students answer this Question each week, individually, alternating with weeks that those in that group submit a Notes and Queries report (the other regular assessment type) on several of the materials in depth.

#### **Assessment Length**

Several paragraphs, up to 300 words

## Submission notes

Text

### Assessment information

Assessment emphasis includes degree and relevance of interaction and discussion with other students, both mainly in the weeks of a required answer for the particular group the student is in, and to a much lesser extent, their optional contributions to discussions of other questions in other weeks.

### Assignment submission Turnitin type

This is not a Turnitin assignment

## **Major Project**

### Assessment Overview

This assessment requires you to prepare a written response.

### Course Learning Outcomes

- CLO1 : Demonstrate effective written communication skills, evidenced by: (1) a concise writing style; (2) constructing arguments supported by doctrinal disciplinary knowledge and interdisciplinary and policy perspectives (appropriate for their non-law background); and (3) referencing legal and research sources using legal citation where appropriate. Use methods appropriate to the intended audiences, if the format for the Project is not Essay. (PLOs 5, 7)
- CLO2 : Explore different modes of regulation offered by legislation, technical co-regulatory schemes, privatised online dispute resolution systems and international conventions as applied to Big Tech platforms and/or advanced data/AI tools , in a scenario with an area of law covered by the course. (PLOs 3, 7)

### Detailed Assessment Description

The student:

- chooses an issue relevant to any Topic in the course,
- negotiates with up to two other students who may be interested in a similar area, so as to form a team,
- formulates a question to be the focus of their answer,
- identifies a potential group of 'users' or 'beneficiaries' of their proposed effort (people for whom its output would help solve a problem or resolve a concern etc.)
- proposes a format which may be a useful or effective way to deliver this benefit to them (in some cases it may be in the form of a traditional essay, but any other format which better meets their needs is acceptable -- if a non-essay form cannot be fully completed in the Term time, a 'work in progress' artefact like a prototype or development plan will suffice),
- drafts, by end week 3, a Proposal or a first iteration of the Question and format, which will be reviewed by teacher (their feedback is taken into account in tweaking and settling a final

Question and format),

- spends the rest of the term researching and developing the chosen deliverable for the chosen target group, and submits at end of week 10.

#### Assessment Length

Up to 3000 words, or equivalent in other format

#### Submission notes

Proposal for project is due end of week 3, approx half page of text.

#### Assessment information

If not in a form equivalent to a traditional essay, student must also submit a short (1-2 page) informal "Working Notes" document to Turnitin which identifies the main document's online location, the Question, the target audience, and key research sources and how they are used (if there is no full bibliography).

#### Assignment submission Turnitin type

This assignment is submitted through Turnitin and students can see Turnitin similarity reports.

## **General Assessment Information**

Detailed information about marking criteria for each assessment type will be provided on the Moodle course page.

There are no exams or doctrinal tests. Assessment focuses on the relevance, clarity, collaborative discussion and insight of submissions for the three assessment types, and evidence of relevant research and referencing. The aim of the course is to encourage critical engagement with the issues in each topic, and the various materials, sources and commentaries in those topics or that the student locates to support their input.

#### Grading Basis

Standard

#### Requirements to pass course

Overall mark of at least 50%.

This will not be viable without completion of the Major Project (preferably as part of a team of two or three), and submission of most entries for the Notes and Queries and Online Participation contributions, including some level of interaction with other students.

As noted above, there are no exams or doctrinal tests.

It is offered only in all-online mode, so attendance in person is not required or possible.

Participation in the weekly online webinars is highly encouraged but if circumstances do not allow it, not mandatory. If not online in a particular webinar, a student will need to consult the recording or notes published from it, and ask any questions at the next webinar, or via Moodle messages.

## Course Schedule

Teaching Week/Module	Activity Type	Content
Week 0 : 20 May - 26 May	Activity	Students introduce themselves and explore the topics and materials, identifying possible areas they may wish to focus on for their major project, and possible team members.
Week 1 : 27 May - 2 June	Topic	1. Intro + Generative AI: Trustworthy?
Week 2 : 3 June - 9 June	Topic	2. Generative AI: Copyright and IP
Week 3 : 10 June - 16 June	Topic	3. Regulating AI, 'Disruptive innovation' and 'Forgiveness, not permission'
	Project	Project proposal is due end of this week, including up to 3 team members, the Topic area and Question to be addressed, the target audience, their needs, and the delivery format.
Week 4 : 17 June - 23 June	Topic	4. Privacy, Behavioural Tracking and Personalisation
Week 5 : 24 June - 30 June	Topic	5. Killer Robots and 'Lethal Autonomous Weapon Systems'
Week 6 : 1 July - 7 July	Reading	Law Reading week - no formal classes or submissions. Students pursue research for their major project.
Week 7 : 8 July - 14 July	Topic	7. AI, Disinformation, 'Fake News' and 'Hate Speech'
Week 8 : 15 July - 21 July	Topic	8. AI and Automated Decision-making (ADM)
Week 9 : 22 July - 28 July	Topic	9. 'Autonomous Vehicle Systems' (Driverless Cars)
Week 10 : 29 July - 4 August	Topic	10. Data Sovereignty and Global Tech
	Project	Major Project is due end of this week.

## Attendance Requirements

Students are strongly encouraged to attend all classes and review lecture recordings.

## General Schedule Information

There is a Topic each week from 1 to 10, except week 6.

Students will be allocated to Groups from late in week 0 for the purpose of setting which weeks from week 2 on that they are due to submit Assessmens of type 1 or 3. This will be available in a table in week 1. (Some weeks will not require either type of submission.)

Assessment 2 Major Project (team is preferred) has a Proposal due end of week 3, with feedback given to help refine the Question it will sddress, the target group and the delivery format. It is due in end of week 10.

# **Course Resources**

## **Prescribed Resources**

There are no prescribed textbooks or materials for this course. Materials are provided on the Moodle page for each Topic. Some are identified as 'Core Materials', which means these are the main items for student's selection to cover in the Notes & Queries assessments. They are all available online.

This emerging field, and thus the issues covered in this new course (offered here for the second time), are undergoing rapid and contested evolution in mid 2024. So some of the materials for each Topic, and their status, may be subject to revision during the early part of the course based on teacher and student preferences, and the publication of new sources by regulators, governments, courts, commentators and platform stakeholders.

## **Recommended Resources**

Recommended resources are listed on the Moodle page for each Topic, after the small number of Core Materials.

## **Additional Costs**

There are no required additional costs.

Students considering delivery formats for their main (team) project other than a traditional essay may need to take into account whether a proposed delivery option might entail some expense, such as platform or tool licence fees.

These are at the discretion of the students involved, and rarely encountered. It is possible and usual to deliver an exceptional project for this course for no additional cost; the teacher will offer feedback on request to assist with choices in this area as part of the review of the Proposal for the project, due to be submitted in week 3, if not before.

## **Course Evaluation and Development**

Feedback from students on the form, amount and timing of activities, the way it is taught, the nature of the materials used, and the focus on particular aspects of this new domain is sought by formal and informal methods during the course.

In the past, this has led to reduction and better sequencing of assessments other than the project, and earlier and more specific feedback on the Proposal for the project. More emphasis is now given to very recent emerging developments, in terms of materials.

## Staff Details

Position	Name	Email	Location	Phone	Availability	Equitable Learning Services Contact	Primary Contact
Lecturer	David Vaille		Off campus	0414 731 249	Wednesdays (online), and other days by arrangement.	Yes	Yes
	Kayleen Manwarin g		Room 232, Level 2, Law & Justice Building UNSW SYDNEY 2052	02 9385 7631	Course convenor, available most days by arrangement.	Yes	No

## Other Useful Information

### Academic Information

Upon your enrolment at UNSW, you share responsibility with us for maintaining a safe, harmonious and tolerant University environment.

You are required to:

- Comply with the University's conditions of enrolment.
- Act responsibly, ethically, safely and with integrity.
- Observe standards of equity and respect in dealing with every member of the UNSW community.
- Engage in lawful behaviour.
- Use and care for University resources in a responsible and appropriate manner.
- Maintain the University's reputation and good standing.

For more information, visit the [UNSW Student Code of Conduct Website](#).

### UNSW Law & Justice Assessment Policy

It is essential that all students undertaking this course read and abide by the [UNSW Law & Justice Assessment Policy & Student Information](#). This document includes information on Class Attendance, Late Work, Word Limits, Marking, Special Consideration, Workload, and Academic Misconduct & Plagiarism. More information can also be found at [Assessment & Exam Information](#).

Information regarding Course Outlines are subject to change and students are advised to check updates. If there is a discrepancy between the information posted here and the handbook or the UNSW Law & Justice website, please contact [Student Services via The Nucleus Hub](#) for advice. UNSW Law & Justice reserves the right to discontinue or vary such courses or staff allocations at any time. If your course is not here, please visit [Handbook](#) for information.

## Academic Honesty and Plagiarism

As a student at UNSW you are expected to display [academic integrity](#) in your work and interactions. Where a student breaches the [UNSW Student Code](#) with respect to academic integrity, the University may take disciplinary action under the Student Misconduct Procedure. To assure academic integrity, you may be required to demonstrate reasoning, research and the process of constructing work submitted for assessment.

To assist you in understanding what academic integrity means, and how to ensure that you do comply with the UNSW Student Code, it is strongly recommended that you complete the [Working with Academic Integrity](#) module before submitting your first assessment task. It is a free, online self-paced Moodle module that should take about one hour to complete.

## Submission of Assessment Tasks

Before submitting assessment items all students must read and abide by the [UNSW Law & Justice Assessment Policy & Student Information](#).

### Special consideration

Special consideration is primarily intended to provide you with an extra opportunity to demonstrate the level of performance of which you are capable. To apply, and for further information, see Special Consideration on the UNSW [Current Students](#) page.

### Feedback

UNSW Law & Justice appreciates the need for students to have feedback on their progress prior to the last date for withdrawal without failure. All courses will therefore provide feedback to students prior to this date, as well as throughout the course. However, students should note that feedback does not take the form only of formal grades and written comments on written assessments. Rather, formative feedback, which helps students to self-assess, to identify misunderstandings, and to identify areas requiring further work, will occur during class and

possibly online. For example, where a teacher asks the class a question, all students should think about how they might answer. Even though not all students will necessarily be able to respond orally, everyone can reflect on their tentative answer in light of the teacher's response and subsequent class discussion. If you are struggling to understand what is being asked in class, or if your tentative answers prove incorrect and subsequent discussion does not clear things up, then you should continue to ask questions (of yourself, your peers or your teacher). Similarly, you can get a sense of your ability in a course through peer feedback during group work, your teacher's responses to your in-class contributions, and your own response to in-class problems and examples (whether or not you are called on to relay your answer to the class) and also your online activities and responses by others to those activities. Students enrolled in this course may check their Moodle course page for details on the specific feedback used in this course.

## Faculty-specific Information

### Additional support for students

- Student support: <https://www.student.unsw.edu.au/support>
- Academic Skills and Support: <https://student.unsw.edu.au/academic-skills>
- Student Wellbeing, Health and Safety: <https://student.unsw.edu.au/wellbeing>
- Equitable Learning Services: <https://student.unsw.edu.au/els>
- UNSW IT Service Centre: <https://www.myit.unsw.edu.au>

### Course improvement

Student feedback is very important to continual course improvement. This is demonstrated within the Faculty of Law & Justice by the implementation of the UNSW online student survey myExperience, which allows students to evaluate their learning experiences in an anonymous way. myExperience survey reports are produced from each survey. They are released to staff after all student assessment results are finalised and released to students. Course convenors will use the feedback to make ongoing improvements to the course. Students enrolled in this course may check their Moodle course page for details on the actions taken in response to evaluation feedback in Student Survey.

## School Contact Information

Please contact [Nucleus Student Hub](#) for all enquiries. The Nucleus acts as a central communications hub for UNSW and will distribute your enquiry to the best person to respond.