



UNSW Course Outline

LAWS3250 Data Privacy Law - 2024

Published on the 29 Jan 2024

General Course Information

Course Code : LAWS3250

Year : 2024

Term : Term 1

Teaching Period : T1

Is a multi-term course? : No

Faculty : Faculty of Law and Justice

Academic Unit : School of Global and Public Law

Delivery Mode : In Person

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

Recent inquiries in Australia and overseas have highlighted the importance of strong data privacy protections to avoid abuses of power, promote competition and innovation, and advance social welfare. At the same time, regulators and commentators recognise that existing approaches to privacy regulation are not adequately securing these outcomes in the digital age, particularly in

light of increasingly pervasive and invisible surveillance of individuals by corporations and government alike. Many of these reports focus on the unprecedented reach of digital surveillance by the “tech giants” and its alleged connection with the power exerted by these organisations.

This course provides an introduction to laws affecting data privacy in Australia, as well as relevant comparisons with laws in other jurisdictions. It requires a critical analysis of these laws – and proposed reforms – in addressing the problems raised by modern data practices.

Main topics:

- Introduction to concepts of privacy and regulatory approaches
- Risks to data privacy in the digital age, including big data and digital platform dynamics, and related inquiries and reports in Australia and overseas
- Privacy and confidentiality under Australian common law
- History of the *Privacy Act 1988* (Cth) and related proposals for reform
- Key statutory obligations concerning personal information
- Enforcement by the OAIC and State privacy commissioners
- Individual rights of recourse
- The ACCC Digital Platforms Inquiry and proposed amendments to the *Privacy Act* and related laws
- Comparative privacy regulation, including EU General Data Protection Regulation, California Consumer Privacy Act and trends in Asia
- Consumer Data Right, fintech and the introduction of “Open Banking”

Course Learning Outcomes

Course Learning Outcomes
CL01 : Recognise and distinguish different concepts of privacy, and particularly information privacy, advanced by key privacy scholars (PLO 1, 3)
CL02 : Describe the risks posed to individual and group privacy in the digital era and the significance of those risks to social welfare (PLO 1, 3)
CL03 : Identify central principles of Australian data privacy law, both statute and common law, and key proposals for reform (PLO 4)
CL04 : Critically analyse the effectiveness of these laws and proposals in addressing the risks created by modern data practices (PLO 5, 6)
CL05 : Make a comparative analysis of Australian data privacy regulation with key regulation from other jurisdictions, including European Union and the United States (PLO 1, 8)
CL06 : Make reasoned oral and written arguments in support of their critiques of these laws (PLO 5, 9)

Course Learning Outcomes	Assessment Item
CLO1 : Recognise and distinguish different concepts of privacy, and particularly information privacy, advanced by key privacy scholars (PLO 1, 3)	<ul style="list-style-type: none"> • Class Participation • Research Essay
CLO2 : Describe the risks posed to individual and group privacy in the digital era and the significance of those risks to social welfare (PLO 1, 3)	<ul style="list-style-type: none"> • Class Participation • Research Essay
CLO3 : Identify central principles of Australian data privacy law, both statute and common law, and key proposals for reform (PLO 4)	<ul style="list-style-type: none"> • Group Presentation • Class Participation • Research Essay
CLO4 : Critically analyse the effectiveness of these laws and proposals in addressing the risks created by modern data practices (PLO 5, 6)	<ul style="list-style-type: none"> • Group Presentation • Class Participation • Research Essay
CLO5 : Make a comparative analysis of Australian data privacy regulation with key regulation from other jurisdictions, including European Union and the United States (PLO 1, 8)	<ul style="list-style-type: none"> • Group Presentation • Class Participation • Research Essay
CLO6 : Make reasoned oral and written arguments in support of their critiques of these laws (PLO 5, 9)	<ul style="list-style-type: none"> • Group Presentation • Class Participation • Research Essay

Learning and Teaching Technologies

Moodle - Learning Management System

Learning and Teaching in this course

This course is delivered via two in-person seminars each week of the term. Students must attend classes in person to complete Class Participation requirements.

Assessments

Assessment Structure

Assessment Item	Weight	Relevant Dates
Group Presentation Assessment Format: Group	20%	Start Date: Not Applicable Due Date: See Moodle course page for further information.
Class Participation Assessment Format: Individual	20%	Start Date: Not Applicable Due Date: Each week throughout the term.
Research Essay Assessment Format: Individual	60%	Start Date: Not Applicable Due Date: See Moodle course page for further information.

Assessment Details

Group Presentation

Assessment Overview

Students will be required to make a presentation in small groups of either two or three, between 8-10 minutes duration, depending on the size of the class in a given term. Students will record presentations in advance and upload them to Moodle or other class platform, as specified, and submit a one-page written summary of their presentation. Presentations may take the form of a piece to camera, narrated slide show, edited video or the like, so long as each member of the group is visible and speaking for approximately equal time during the presentation. The group presentations will involve critical analysis of real-world data practices, such as published privacy policies, user interfaces and privacy settings.

Course Learning Outcomes

- CL03 : Identify central principles of Australian data privacy law, both statute and common law, and key proposals for reform (PLO 4)
- CL04 : Critically analyse the effectiveness of these laws and proposals in addressing the risks created by modern data practices (PLO 5, 6)
- CL05 : Make a comparative analysis of Australian data privacy regulation with key regulation from other jurisdictions, including European Union and the United States (PLO 1, 8)
- CL06 : Make reasoned oral and written arguments in support of their critiques of these laws (PLO 5, 9)

Detailed Assessment Description

See Moodle course page for further information.

Assessment Length

See Moodle course page for further information.

Assignment submission Turnitin type

This is not a Turnitin assignment

Class Participation

Assessment Overview

Students are expected to actively and regularly participate in synchronous sessions throughout the course, making oral contributions which demonstrate their comprehension and critical analysis of the topics and prescribed materials, and engaging in respectful debate with peers as appropriate. Students will also demonstrate collegiality, critical thought and respectful engagement by providing written comments on the substance of group presentations of their

peers. That commentary will be worth 5% of the total 20% for class participation.

Course Learning Outcomes

- CL01 : Recognise and distinguish different concepts of privacy, and particularly information privacy, advanced by key privacy scholars (PLO 1, 3)
- CL02 : Describe the risks posed to individual and group privacy in the digital era and the significance of those risks to social welfare (PLO 1, 3)
- CL03 : Identify central principles of Australian data privacy law, both statute and common law, and key proposals for reform (PLO 4)
- CL04 : Critically analyse the effectiveness of these laws and proposals in addressing the risks created by modern data practices (PLO 5, 6)
- CL05 : Make a comparative analysis of Australian data privacy regulation with key regulation from other jurisdictions, including European Union and the United States (PLO 1, 8)
- CL06 : Make reasoned oral and written arguments in support of their critiques of these laws (PLO 5, 9)

Detailed Assessment Description

See Moodle course page for further information.

Assessment Length

See Moodle course page for further information.

Assignment submission Turnitin type

This is not a Turnitin assignment

Research Essay

Assessment Overview

Students will submit a 3,500-word research essay. Students may select from the list of topics provided in the assessment description, or select their own alternative topic if it is approved by the lecturer by the date specified in the assessment description. Research essay topics will focus on comparative analysis of privacy regulation and proposals for law reform.

Course Learning Outcomes

- CL01 : Recognise and distinguish different concepts of privacy, and particularly information privacy, advanced by key privacy scholars (PLO 1, 3)
- CL02 : Describe the risks posed to individual and group privacy in the digital era and the significance of those risks to social welfare (PLO 1, 3)
- CL03 : Identify central principles of Australian data privacy law, both statute and common law, and key proposals for reform (PLO 4)
- CL04 : Critically analyse the effectiveness of these laws and proposals in addressing the risks created by modern data practices (PLO 5, 6)
- CL05 : Make a comparative analysis of Australian data privacy regulation with key regulation

from other jurisdictions, including European Union and the United States (PLO 1, 8)

- CLO6 : Make reasoned oral and written arguments in support of their critiques of these laws (PLO 5, 9)

Detailed Assessment Description

See Moodle course page for further information.

Assessment Length

3500 words

Assignment submission Turnitin type

This assignment is submitted through Turnitin and students do not see Turnitin similarity reports.

General Assessment Information

Each of these items of assessment will be explained in detail in Week 1 of the course.

Grading Basis

Standard

Requirements to pass course

To complete the course, each of these three assessment items must be completed or submitted as applicable.

Course Schedule

Attendance Requirements

Please see information about attendance requirements in **Law & Justice Assessment Procedure and Student Information** located in the Other Useful Information tab in the Academic Information field.

Please be advised there will be no classes on public holidays. If your class falls on a public holiday, alternative arrangements will be made by the course convenor to make up the missed class.

Course Resources

Prescribed Resources

The structure of the course and assessments are set out on the course Moodle page.

There is no prescribed text that covers the whole course - developments are occurring too rapidly for any text to be up-to-date at present. Instead the prescribed readings have been compiled as a collection of diverse materials from case law to reports, books, journal articles and surveys, available via the Leganto Reading List on the course Moodle page.

Recommended Resources

Prescribed and recommended readings are set out on Moodle via the Leganto link.

Course Evaluation and Development

Formal student feedback will be collected through the MyExperience student survey at the end of term. This is an important opportunity to let us know how the course has gone and we take your feedback seriously. We also have class discussions throughout the term to provide an opportunity for informal feedback. For example, in previous years, students have asked for more and earlier guidance on comparative legal analysis to aid in preparation of the research essay. This led to the incorporation of an earlier online module to assist students in the preparation of this aspect of their research essay.

We welcome your feedback throughout the term. If there's something that you are struggling with, or aspects of the course that you particularly appreciate, you're very welcome to let us know by emailing the convenor.

Staff Details

Position	Name	Email	Location	Phone	Availability	Equitable Learning Services Contact	Primary Contact
Convenor	Katharine Kemp		Law & Justice Building, Kensington		By appointment - contact the course convenor by email if you require a consultation time.	Yes	Yes

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 &](#)

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.