

COURSE SYLLABUS

Module on Privacy, transparency/ safety and violence in education, data protection, privacy, access to information

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<i>ECTS:</i>	5 Entire workload: 150 Contact hours: 40 Independent study hours: 110

Module workload¹

■ Reading tasks

Page² density <input type="checkbox"/> max 20 pages <input type="checkbox"/> 20–30 pages <input checked="" type="checkbox"/> 30-40 pages <input type="checkbox"/> 40-50 pages	Text Difficulty <input type="checkbox"/> No new concepts ³ <input type="checkbox"/> Some new concepts ⁴ <input checked="" type="checkbox"/> Many new concepts ⁵	Reading Purpose <input type="checkbox"/> Survey ⁶ <input type="checkbox"/> Understand ⁷ <input checked="" type="checkbox"/> Engage ⁸
Writing tasks <input type="checkbox"/> applicable for this course <input checked="" type="checkbox"/> not applicable for this course		
Page Density <input type="checkbox"/> less than 250 words <input type="checkbox"/> 250-500 words	Text Genre <input type="checkbox"/> Narrative ⁹ <input type="checkbox"/> Argument ¹⁰ <input type="checkbox"/> Research ¹¹	Drafting <input type="checkbox"/> Drafting only with no revision ¹² <input type="checkbox"/> Minimal drafting with at least one revision ¹³ <input type="checkbox"/> Extensive drafting with multiple revision ¹⁴

¹ Criteria used are those of the online Course Workload Estimator <http://cte.rice.edu/workload/> developed by RICE University CTE (Center for Teaching Excellence)

² Single-Spaced, Times New Roman, 11-Point Font

³ The students knows the meaning of each word and has enough background knowledge to immediately understand the ideas expressed

⁴ The student is unfamiliar with the meaning of some words and does not have enough background knowledge to immediately understand some of the ideas expressed

⁵ The student is unfamiliar with the meaning of many words and does not have enough background knowledge to immediately understand most of the ideas expressed

⁶ Reading to survey main ideas, student skips entire portions of text

⁷ Reading to understand the meaning of each sentence

⁸ Reading while also working problems, drawing inferences, questioning, and evaluating

⁹ Paper that requires very little planning or critical engagement with content

¹⁰ Paper that requires critical engagement with content and detailed planning, but no outside research

¹¹ Paper that requires detailed planning, outside research, and critical engagement

¹² The student submits an essay that was never revised

¹³ The student submits an essay that was revised at least once

¹⁴ The student submits an essay that was revised multiple times

DESCRIPTION OF THE CONTENT OF THE MODULE	
Chapter Nr.	Title, content, learning outcomes
I	Introduction to Privacy: general information, comparison to similar concepts. Develop general understanding of the topic.
II	Legal Framework of Privacy: European and Russian legislation analysis. Look at the different legislation frameworks for the purpose of comparison and finding connecting points.
III	Privacy in Education: general information, educational institutions' reasons to collect data and fields of its application. Develop more elaborate understanding of privacy in educational context, make students think of their own experience in dealing with personal data either by educational institutions or government authorities.
IV	Key definitions in the Framework of Privacy: personal data, types of personal data, parties involved in processing, their distinction, consent, invasion. Comparison of core privacy concepts in European and Russian legislation. Raise awareness of the contents of personal data and eligible parties.
V	Educational Privacy Principles: employment of general privacy principles provided for by the law in the field of education (documents and other aspects of students /pupils school life). Develop understanding of the guidelines that the authorities and school administrations shall follow when processing personal data to make students aware of the rightful ways to collect, process and disseminate their personal data.
VI	Data Protection Legislation in the European Countries and Protection of Minors: implementation of the Regulation 2016/679 in certain European countries with the focus on the rights of minors. Get students acquainted with the international policies in the field of data protection.
VII	Exemptions from Data Protection Legislation: circumstances where privacy right might be neglected for certain reasons. Familiarize students with the legitimate reasons where their personal data might be retrieved without prior consent.
VIII	Remedies and Sanctions: responsibility for violating privacy laws and appropriate sanctions provided for therein. Raise awareness of the existing documents and leverages acting as limiting factors for privacy rights violations.
IX	Threats to Privacy in the Digital Age: the so-called <i>death of privacy</i> with the increasing use of Internet technologies, vulnerability of data protection mechanisms. Ways to defend privacy. Develop understanding of the threats coming from excessive on-line demonstration of personal life. Elaborate personal ways for each student to protect their private life and data.
X	Case-law on Educational Privacy (Russia): two cases demonstrating application of data protection laws and regulations in Russia. Acquaint students with possible responsibility for privacy invasion or mishandling personal data.
XI	Transparency and Access to Information in Education: general considerations, transparency tools, international requirements for school transparency. Make comparison of privacy and transparency, raise awareness of a delicate balance between the two concepts.
XII	Interplay of Privacy and Transparency: ways to balance both concepts preventing interference or dominance of one. Make students suggest their own ideas about ways to ensure transparency without discriminating privacy.

LEARNING OUTCOMES OF THE MODULE:	
	The student can:
	<ul style="list-style-type: none"> - define the concepts of privacy and transparency and interpret them in the legal context; - apply the knowledge and understanding of the concepts for case analysis and revealing violation of students rights; - evaluate educational institutions' policy on privacy/transparency; - develop recommendations for school administration on privacy and transparency; - implement major principles of transparency, access to information, and personal data protection in educational practice.

TEACHING METHODS:	
Nr.	
1.	Interactive lectures
2.	Problem-oriented discussions; brainstorming; simulations
3.	Case studies

ASSESSMENT CRITERIA AND %		
1.	Presentations of case analysis results (privacy/transparency in education, European countries)	50%
2.	Projects (research reports on school web-sites and submission of recommendations based on conclusions)	50%

Grade	4	5	6	7	8	9	10
Points	00 to 40	41 to 50	51 to 60	61 to 70	71 to 80	81 to 90	91 to 100
ECTS	F	FX	E	D	C	B	A

MANDATORY READING MATERIALS

INTERNATIONAL AND EUROPEAN DOCUMENTS

- Charter of Fundamental Rights of the European Union, OJ C 326, 26.10.2012, P. 391–407
- Convention for the Protection of Human Rights and Fundamental Freedoms as amended by Protocols No. 11 and No. 14. Rome, 04.11.1950.
- Consolidated versions of the Treaty on European Union and the Treaty on the Functioning of the European Union - Consolidated version of the Treaty on the Functioning of the European Union - Protocols - Annexes - Declarations annexed to the Final Act of the Intergovernmental Conference which adopted the Treaty of Lisbon, signed on 13 December 2007 - Tables of equivalences. Official Journal C 326 , 26/10/2012 P. 0001 – 0390.
- Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation). OJ L 119, 4.5.2016, p. 1–88.
- Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA.\
- Council of Europe, Convention for the Protection of Individuals with Regard to the Automatic Processing of Individual Data, 28 January 1981, ETS 108, available at: <http://www.refworld.org/docid/3dde1005a.html>.
- Handbook on European data protection law. European Union Agency for Fundamental Rights, 2014. Council of Europe, 2014, pp. 52-53. Available at: http://www.echr.coe.int/Documents/Handbook_data_protection_ENG.pdf
- Privacy, free expression and transparency. Redefining their new boundaries in the digital age. Published by the United Nations Educational, Scientific and Cultural Organization, France, 2016.
- UNESCO resolution on “International Day for the Universal Access to Information, available at: <http://unesdoc.unesco.org/images/0023/002352/235297e.pdf>.
- UN General Assembly, Universal Declaration of Human Rights, 10 December 1948, 217 A (III), available at: <http://www.refworld.org/docid/3ae6b3712c.html>.
- UN General Assembly, International Covenant on Civil and Political Rights, 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171, available at: <http://www.refworld.org/docid/3ae6b3aa0.html>.

RUSSIAN FEDERATION

- Constitution of the Russian Federation, adopted by the national referendum on 12.12.1993, Ch. 2, Art.

23, 24.

- Federal Law as of July 27, 2006 No. 152-FZ On Personal Data. <http://base.garant.ru/12148567/>.
- Federal Law as of July 27, 2006 No. 149-FZ On Information, Information Technologies and Data Protection. <http://base.garant.ru/12148555/>.
- Civil Code of the Russian Federation (Part I, II, III and IV) (as amended), adopted by the State Duma on October 21, 1994. <http://ivo.garant.ru/#/document/10164072/paragraph/44878456:6>.

OPTIONAL READING MATERIALS:

- The International Comparative Legal Guide to: Data Protection 2016. A practical cross-border insight into data protection law, 3rd edition. Published by Global Legal Group, p. 13. Available at: <https://www2.deloitte.com/content/dam/Deloitte/al/Documents/legal/Deloitte-Albania-Legal-Guide-Data-Protection-2106.pdf>.
- Kathryn Dalziel, Privacy in schools: A guide to the Privacy Act for principals, teachers, and boards of trustees. Lithoprint Ltd., Wellington, 2010. P. 7.
- Scott-Hayward, Christine S. and Fradella, Henry F. and Fischer, Ryan G., Does Privacy Require Secrecy? Societal Expectations of Privacy in the Digital Age (2015). American Journal of Criminal Law, Vol. 43, 2015.
- Daniel R. Dinger, Johnny Saw My Test Score, So I'm Suing My Teacher: Falvo v. Owasso Independent School District, Peer Grading, and a Student's Right to Privacy Under the Family Education Rights and Privacy Act, 30 J.L. & EDUC. 575 (2001).
- Federal Law as of 21.11.2011 No. 323-FZ (as amended on 03.04.2017) On Fundamentals of Healthcare of the Russian Citizens, Art. 13. Available at: http://www.consultant.ru/document/cons_doc_LAW_121895/.
- Article 29 Data Protection Working Party, Opinion 2/2009 on the Protection of Children's Personal Data (General Guidelines and the Special Case of Schools), 398/09/EN, WP 160 (Feb. 11, 2009), http://ec.europa.eu/justice/policies/privacy/docs/wpdocs/2009/wp160_en.pdf.
- Patrick Birkinshaw, Transparency as a Human Right, in Christopher Hood and David Heald (Eds.), (2006)
- Transparency: The Key to Better Governance?, Oxford, New York: Oxford University Press, p. 50.
- Noël Vercruyssen, Transparency Tools Across the European Higher Education Area. Available at: http://www.aic.lv/bologna/2010_12/Reports_2012/transparencyWG.pdf.
- Mertsalova T. Information Transparency in Education/ Voprosy obrazovaniya / Educational Studies. Moscow. 2015. No 2. P. 40–75. Available at: <http://vo.hse.ru/en/>.
- Don Tapscott, Why Transparency and Privacy Should Go Hand in Hand, The Huffitton Post, 5 May 2011, available at <http://www.huffittonpost.com/don-tapscott/why-transparency-and-priv_b_643221.html>.
- David Brin, Why Transparency will save Privacy, Text, The European, 16 October 2013, available at <<http://www.theeuropean-magazine.com/david-brin--2/7535-why-transparency-will-save-privacy>>.
- Kieron O'Hara, Transparent Government, Not Transparent Citizens: A Report on Privacy and Transparency for the Cabinet Office, 27 March 2014, p. 3, available at <<https://www.gov.uk/government/uploads/>>.

CASE LAW – JUDGMENTS OF THE COURTS TO ILLUSTRATE THE COURSE

RUSSIAN FEDERATION

- Decision of the Constitutional Court of the Russian Federation as of June 09, 2005 No 248-O. <http://base.garant.ru/1354478/>
- Owasso Independent School Dist. No. I-011 v. Falvo 534 U.S. 426 (2002)
- On the First-grader case see: <http://kazanreporter.ru/news/view?id=15933>.
- On the Karelia case see: <http://pd.rkn.gov.ru/press-service/subject1/news680/>.

FLEMISH COMMUNITY OF BELGIUM

Case law ON THE APPLICATION OF TWO ACTS IN EDUCATION:

Act of 11 April 1994 concerning the freedom of information (wet van 11 april 1994 betreffende de

openbaarheid van bestuur) that introduced in Belgian law the general obligation of access to information; and

Flemish Parliament Decree of 26 March 2004 on open government (decreet van 26 maart 2004 betreffende de openbaarheid van bestuur)

- Beroepsinstantie inzake openbaarheid van bestuur en hergebruik van overheidsinformatie
<http://openbaarheid.vlaanderen.be/nlapps/docs/default.asp?filter=1>
Dossiernummer : OVB/2013/176; refusal by the University of Ghent to give the examinations
Claim is admissible but not justified
- Beroepsinstantie inzake openbaarheid van bestuur en hergebruik van overheidsinformatie
Dossiernummer : OVB/2014/134; refusal by the chairman of the University of Antwerp Scientific Integrity Committee (hereafter CWI), requesting a copy of the CWI's report of the meeting that preceded the meeting of 18 March 2014
Claim is admissible only partly justified
- Beroepsinstantie inzake openbaarheid van bestuur en hergebruik van overheidsinformatie
Dossiernummer : OVB/2014/30. Refusal of xxx of 23 January 2014 to the University of Leuven, of the request to receive a copy of the blanco examinations (exam questions)
Claim is inadmissible
- Beroepsinstantie inzake openbaarheid van bestuur en hergebruik van overheidsinformatie
Dossiernummer : OVB/2011/159bis
Request of xxx dd. September 2, 2011 to the K.U. Leuven to receive a copy of his complete file he submitted for six vacancies at the University of Leuven and the copy of the file of the successful candidate
Claim is inadmissible