

6.805 - STS.085/STS.487

Foundations of Internet Policy

Fall 2021

Class 11, Dec 2, 2021: Why Privacy? A US legal perspective

Please bring a laptop to this class and to every class this semester - and make sure it's charged. AND bring headset/earbuds to this class only for listening to a video.

Goal

This week's class discusses the fundamentals of privacy in the Western liberal legal tradition, and juxtapose that approach with other perspectives from around the world.

Class Timeline

1:00 - 1:45	Why privacy: What are the roots of privacy in the Western culture and law?
1:45 - 2:00	Group Exercise: What kind of social media environments do liberal democracy's privacy values create? Are they what we want? (5 groups)
2:00 - 2:15	Group 1 minute pitches
2:15 - 2:30	break
2:30 - 3:00	How privacy: How have different legal systems implemented privacy protections?
3:00 - 3:15	Group Exercise: Should the US adopt a comprehensive federal privacy law and what should be its scope? (6 groups)
3:15 - 3:45	Group 1 minute pitches and discussion
3:45 - 3:55	Plan for final group presentations

Privacy in the Western Legal Tradition

- Warren, Samuel D., and Louis D. Brandeis. "[The right to privacy](#)." Harvard Law Review

(1890): 193-220. [read]

- [NAACP v. Patterson](#). 357 U.S. 449 (1958). (read syllabus and skim rest)
- Solove and Hartzog, [The FTC and the New Common Law of Privacy](#), 114 Columbia Law Review 583 (2014) [read pp 585-590. 627 - 643, skim rest]
- Bamberger and Mulligan, [Privacy on the Books and on the Ground](#), Stanford Law Review Vol. 63, January 2011 (read pp. 249-270, 295-311 and skim the rest)

Optional Reading on the EU GDPR

(this material will be presented in class lecture, so feel free to review in advance if you like, but not required)

- The [EU GDPR](#) - best way to get an idea of what the GDPR requires is to read the [Principles \(Art 5-11\)](#)
- Short summary of the [UK GDPR](#)

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