**JOPJ486XA0 The Law of Privacy in the United States**

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The Class of 1934 Professor of Law

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ECTS: 6

This course will introduce students to privacy law-related principles and practice in the United States. After exploring tort law and the U.S. court system generally, it will focus on the history of privacy law in the U.S. with special emphasis on law review articles written by Samuel Warren, Louis Brandeis, and William Prosser, all of whom are considered the fathers of privacy law there. It will then introduce students to the four privacy torts: misappropriation (the misuse of another’s identity), intrusion (the violation of another’s seclusion), publication of private facts (the publication of another’s private information against that person’s wishes), and false light (a tort similar to defamation but that emphasizes the offensiveness of the incorrect information, not its harm to reputation). Finally, it will explore other sources of privacy-relevant law in the United States, including the Communication Decency Act, the Freedom of Information Act, intentional infliction of emotional distress, anonymity on the internet, Right to Be Forgotten-like court decisions, and statutes that protect health information and internet-based data. Throughout, the course will introduce students to the practice of law in the United States and how explore in part how a case works its way through U.S. courts.

**Class One:** An Overview of Tort Law and the U.S. Legal System

**Class Two:** A History of Privacy Law (Warren and Brandeis’s “The Right to Privacy” and Prosser’s “Privacy” and their impact)

**Class Three:** The Restatement of Torts: The Foundation for Modern Privacy Law

**Class Four:** Misappropriation and Intrusion: A Closer Look at Misuse of Identity and the Violation of Another’s Seclusion

**Class Five:** Publication of Privacy Facts and False Light: A Closer Look at the Gossip Tort and the New Age Defamation Tort

**Class Six:** Privacy Beyond the Restatement: Statutory and Common Law Provisions that Impact Privacy in the United States

**Compulsory Readings:** The Right to Privacy by Samuel Warren and Louis Brandeis

                                    Privacy by William Prosser

                                    Restatement of Torts §§ 652 B-E

                                    Court decisions, including *Bollea*, *Pierre-Paul*, *Henley*, *Shulman*, and *Jones*

                                    The First Amendment Bubble by Amy Gajda

**Recommended:**           Media Law by Franklin, Anderson, Lidsky, Gajda

                                    Judging Journalism by Amy Gajda

                                    Information Privacy Law by Dan Solove and Paul Schwartz