Cleveland State University
Law 822 section 501
Data Privacy and Equity Clinic
(3 credits)

Semester: Fall 2022
Section #: 501
Days/time: Hybrid, Mondays 5:15pm-7:15pm
Place: Virtual

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This syllabus should be considered provisional. For pedagogical purposes the professors reserve the right to change the syllabus at any time during the semester. Changes to the syllabus will be made via Blackboard announcement. Students are responsible for changes made to the syllabus.

Prerequisites [N/A] and co-requisites [N/A]: permission of instructor

I. Course Description

Based on the underlying premise that unchecked smart cities are surveillance cities, this course provides students with an exploration of smart technologies and is designed to empower students to assist communities to create transparent, equitable, and inclusive processes for assessing smart city technology and to train students across disciplines to understand the risks these tools pose and how their expertise can help ensure smart technologies serve the public good.

II. Course Overview

This course will provide interdisciplinary content from Social Work, Law, and Engineering to deliver a set of model resources for communities to: (1) raise awareness of the surveillance risks smart city technologies pose with Smart City Privacy & Equity (SCPE) case studies; (2) empower communities to evaluate those risks and participate in deciding whether to adopt and how to responsibly use smart city technologies; and (3) engage students from multiple disciplines to work with communities to assess these technologies and learn how their fields can play in ensuring technology serves the public interest.

In this course, students will work directly with a municipal Privacy Commission and receive hands-on training to conduct data privacy & equity risk assessments. Students will use that training to assist the Privacy Commission in conducting an assessment of proposed or existing technologies that meet the definition of "surveillance" technologies under the municipality's ordinance and/or to assist the Commission in implementing and enforcing the use policies developed in prior assessments of existing technologies.

III. Social Work Competencies of the Council on Social Work Education (CSWE)

Competency 1 - Demonstrate Ethical and Professional Behavior
Competency 2 - Engage Diversity and Difference in Practice
Competency 3 - Advance Human Rights and Social, Economic, and Environmental Justice
Competency 4 - Engage in Practice-informed Research and Research-informed Practice
Competency 5 - Engage in Policy Practice
Competency 6 - Engage with Individuals, Families, Groups, Organizations, and Communities
Competency 7 - Assess Individuals, Families, Groups, Organizations, and Communities
Competency 8 - Intervene with Individuals, Families, Groups, Organizations, and Communities
Competency 9 - Evaluate Practice with Individuals, Families, Groups, Organizations & Communities

IV: Social Work Competencies and Law Outcomes Addressed in this course

Social Work Competencies Addressed in this Course

CSWE Code	Knowledge, Values and/or Practice Behaviors	Assignment
C1.K1B-F	Demonstrate an advanced understanding of relevant policies, laws, and regulations that may affect advanced generalist practice with individuals, families, groups, organizations and communities	Final report
C1.K2	Demonstrate an advanced understanding that ethics are informed by principles of human rights and apply them toward realizing social, racial, economic, and environmental justice in advanced generalist practice.	Reflection paper 1
C1.K3C	Demonstrate an advanced understanding of the frameworks of ethical decision making and apply principles of critical thinking to those frameworks in policy to advanced generalist practice.	Final report
C1.K4	Recognize and manage personal values and the distinction between personal and professional values in advanced generalist practice.	Reflection paper 1
C1.K8	Demonstrate an advanced understanding of the role of other professionals when engaged in interprofessional advanced generalist practice.	Reflection paper 2
C1.K10	Demonstrate an advanced understanding of digital technology and the ethical use of technology in advanced generalist social work practice.	Final report
C2.K1	Demonstrate an advanced understanding that every person regardless of position in society has fundamental human rights.	Final report
C2.K4	Demonstrate an advanced ability to advocate for and engage in strategies designed to eliminate oppressive structural barriers to ensure that social goods, rights, and responsibilities are distributed equitably and that civil, political, economic, social, and cultural human rights are protected.	Final report
C3.K1G	Demonstrate an advanced understanding of how racism and oppression influence policy in advanced generalist practice.	Reflection paper 3
C3.K5	Demonstrate an advanced understanding that intersectionality means that a person's life experiences may include oppression, poverty, marginalization, and alienation as well as privilege and power.	Reflection paper 5
C3.K6B	Demonstrate an advanced understanding of cultural humility and recognize the extent to which a culture's structures and values, including social, economic, political, racial, technological, and cultural exclusions, may create privilege and power resulting in systemic oppression.	Reflection 4
C5.K1	Demonstrate an advanced understanding of social policy at the local, state, federal, and global level that affects well-being, human rights and justice, service delivery, and access to social services.	Final Report

C5.K4E	Demonstrate an advanced understanding of their influence in policy formulation, analysis, implementation, and evaluation within their advanced generalist practice setting with communities.	Final Report
C5.K5	Demonstrate an advanced understanding of and advocate for anti-racist and anti-oppressive policy practice that can effect change in advanced generalist practice settings.	Final Report; Final presentation
C7.K3E	Demonstrate an advanced understanding of how assessment involves a collaborative process of defining presenting challenges and identifying strengths with communities to develop a mutually agreed-upon plan.	Final Report
C7.K4	Recognize the implications of the larger practice context in the assessment process and use the interprofessional collaboration in this process.	Final Report

CMLaw Outcomes	
I.A; II.A.1; III.B	Undergo extensive professional training on data privacy legal compliance and risk assessment and in the use of a sophisticated assessment procedure;
II.A; II.C.1-5; II.D.1&2; IV.A	Gain hands-on experience performing and implementing data privacy risk assessment for a client organization;
II.C.1-5; II.D.1&4	Construct, interpret, and present a value-added compliance and risk assessment report to the client;
Outcomes II.A; II.C.1-5.	Identify and design data privacy and equity limitations and safeguards that can improve the client's data privacy practices and comply with a local ordinance.
Outcomes II.D.2; III.B; IV.B	Present and/or implement data privacy controls/safeguards and compliance options to/for the client.

Law Clinic Requirements

A. Provides a substantial lawyering experience:

This course will provide a substantial lawyering experience. Conducting and implementing data privacy risk assessments is a standard service offered by many law firms. The more specialized data privacy & equity risk assessment used in this course integrated general privacy risk assessment principles and practices as well as additional considerations mandated by local surveillance ordinances, including incorporating community input and analyzing whether/how proposed deployments of surveillance technologies disproportionately affect low-income communities and communities of color. This course provides extensive training and hands-on experience doing that legal work.

B. That includes advising or representing one or more clients or serving as a third-party neutral:

Students will work directly with the Oakland Privacy Commission.

C. That includes all of the following:
- Direct supervision of the student's performance by the faculty
  Faculty instructors supervise throughout the entire process.
- Opportunities for performance
  Students conduct the assessment and develop the report and recommendations and present to the client themselves with input from faculty and our professional partner.
- Opportunities for feedback from a faculty member
  Faculty provide feedback during training and discussions and also on the work product.
- Opportunities for self-evaluation
  Students work as a team and will critique and revise the work of other team-members; they also will write several self-reflection reports.
- A classroom instructional component
  Students will meet weekly with faculty and trainers from our professional partner when not conducting client visits and will undergo extensive training before the first client visit.

V. Required Textbooks and Materials

Open access readings available on course website.

VI: Student Expectations

Framework: Students are expected to become familiar with and follow the National Association of Social Workers Code of Ethics. Some subject matter may be controversial and while students vary in the strength of support for a certain position, it is expected that all students will respect other viewpoints and will develop an ability to listen and understand the perspectives of others. Students are expected to hone the ability to help clients develop their own views and perspectives rather than the students' imposing their values and opinions on them. This ability and capacity begins in the classroom. Students are expected to adhere to the CSU student code of conduct and the MSW Handbook. Please refer to the CSU University policy regarding student life and conduct that covers university expectations for students: www.csuohio.edu/studentlife

Class attendance/Engagement:
- This course is a hybrid format with some class content presented asynchronously and some content presented during synchronous class sessions. It is expected students are fully prepared for each class session and actively engaged in all course discussion and group assignments.
- This course has components available via Blackboard and Udemy.
- In terms of class participation, students must attend and participate in the following: (a) remote meetings with the client, as planned and scheduled by the student team and client staff, and (b) campus training and implementation sessions. Given the experiential nature of the course, attendance is critical.
- The University recognizes certain activities as legitimate reasons for an excused absence from class.
- Students are expected to log on regularly to Blackboard and check emails. Students will be active with the online material consistently throughout the semester.
- You may notify CARE at magnusacts@csuohio.edu if you test positive for COVID 19.
- Mental Health: If you are experiencing mental health challenges, do not hesitate to reach out to the university Counseling Center at 216-687-2267.
- Students are expected to fully interact with all of the content presented in the course.

Assignments:
- Students are expected to turn in all assignments and class exercises on time.
- The deadlines for submission of work are indicated in the Course Outline.
- Technological problems are not an excuse for missing class content and assignments.

Students with Disabilities: Educational access is the provision of classroom accommodations, auxiliary aids and services to ensure equal educational opportunities for all students regardless of their disability. Any student who feels he or she may need an accommodation based on the impact of a disability should contact the Office of Disability Services at (216) 687-2015. The Office is located in Rhodes Tower West 210. Accommodations need to be requested in advance and will not be granted retroactively.

Academic Fraud & Plagiarism:
- Students should review this document to familiarize themselves with the many forms of academic misconduct https://www.csuohio.edu/sites/default/files/3344-21-02_Academic_Misconduct_Policy_Compliance.pdf.
- The instructor reserves the right to require all students to submit papers to www.turnitin.com.
- Please note that it is the School of Social Work's policy that all written graded assignments worth 15% or more of the course grade must be submitted through a plagiarism detection program such as SafeAssign or Turnitin.com that the professor will monitor.
- If a major or minor infraction is suspected, the instructor is obligated to follow the university academic misconduct procedures https://www.csuohio.edu/sites/default/files/Academic_Misconduct_Procedure_Faculty_Senate_Approved_4-28-2021_posted_0.pdf.
- For more information please visit https://www.csuohio.edu/academic-integrity/academic-integrity

Technology: This course uses the Blackboard and Udemy online learning management system.

Minimum technical skills:
Students must be able to send and receive email with attachments; download files, programs and plug-ins; install programs and plug-ins; use Internet browsers, word processing applications (Word or Open Office) and media players; navigate and interact in the Blackboard and Udemy environments.

Communication & Problem Resolution:
- Please contact the course instructor via email.
- You should expect to hear back within 48 hours, not including weekends and holidays.
- If there are any class-related concerns (e.g. difficulties, grade, and fairness), they should be discussed with the instructor as early as possible.

VII: Assignments Overview

1. **Final report 40%**
   Students will work together to prepare a written data privacy analysis and impact assessment of a technology impacting a focal community. All recommended elements of an analysis presented in the course including impact assessment (benefits, costs, harms) oversight, and mitigation strategies must be included. Further details provided on Blackboard. (C|M Law Learning Outcomes II.A; II.C.1-5; II.D.1,2&4).
2. **Presentation 20%**
   Students will collectively present their report findings to the Oakland Privacy Commission.
3. **Quizzes/Tests 10%**
4. **Reflection papers 20%**
   These are an important pedagogical technique used in experiential courses to encourage each individual student to reflect on their experiences throughout the field project. Students will be assigned 5 one-page reflection papers during the semester. Each paper asks a set of questions to prompt reflection on various aspects of their experience, drawing connections between their experience outside the classroom and course content utilizing a disciplinary lens.
5. **Professionalism 10%**

Student's professionalism grade will be comprised of class and group participation and peer review of classmate's reflections and presentations. Law students will also properly document 150 hours of mock time recording.

VIII. <u>Grading Scale</u>

For full information on Cleveland State University Grading Policies, including information on the grades of X and I, see: https://www.csuohio.edu/registrar/grades. This course will be graded. Assessments are both formative (live evaluation and feedback on training exercises and simulated client interviews) and summative (evaluation and feedback on client work product; time recording and reflection papers). Passing the course requires participation and successful completion of the following course components:

Grading Scale	Percentage
A	93.0-100%
A-	90.0-92.9%
B+	87.0-89.9%
B	83.0-86.9%
B-	80.0-82.9%
C	70.0-79.9%
F	<70.0%

IX. <u>Course Outline</u>:

Date	Format	Topic	Assignments
Aug 22	Asynchronous learning	Module 1	Quiz 1.1, 1.2, 1.3
Aug 29	First group meeting	Module 1	Quiz 1.4, 1.5, 1.6
Sept 5	Asynchronous learning	Module 1	Reflection 1, Test 1 due Sept 5
Sept 12	Group meeting	Module 2	Quiz 2.1, 2.2
Sept 19	Group meeting	Module 2	Reflection 2 due Sept 19
Sept 26	Class will not meet due to Rosh Hashana.	Module 2 Group will meet with focal community representative sometime this week	Quiz 2.3, 2.4
Oct 3	Group meeting	Module 3	Reflection 3 due Oct 3
Oct 10	Group meeting	Module 3	Quiz 3.1
Oct 17	Group meeting	Module 3	Reflection 4 due Oct 17
Oct 24	Group meeting	Module 4	Quiz 3.2
Oct 31	No class	Module 4	Reflection 5 due Oct 31
Nov 7	Group meeting	Module 4	Quiz 4.1
Nov 14	Group meeting, discuss rough draft,	Module 4	Rough draft of final report due Nov 16
Nov 21	Group meeting, work on presentation	Receive feedback on draft of final report	Revise final report
Nov 28	Group meeting	Work on group presentation	Draft final presentation

Dec 5	Last day of class	Mock group presentation and feedback	Final report is due and delivered to client Dec 6
Week of Dec 12	Final presentation to board will serve as the course exam during exam week	Final presentation to Commission	Final presentation due week of December 12

MODULE 1
1. Explain the four areas of fields of privacy
2. Explain the problem of public surveillance.
3. Who are the stakeholders in this problem?
4. What do we mean by "community" in this context?
5. Identify the main privacy and civil liberties risks posed by surveillance tech.
6. Intro CCOPS

Lecture 1: What is privacy
Lecture 2: What is the problem with smart cities?
Lecture 3: Shedding light on smart city privacy
Lecture 4: The legal gap
Lecture 5: Community control of policing: Introduction

Readings/Viewing
- Privacy 101: https://privacy.ucsd.edu/privacy/index.html
- Future of Privacy Forum Infographic https://fpf.org/uncategorized/smart-cities/
- UC San Diego: Four areas of informational privacy - https://privacy.ucsd.edu/privacy/index.html
- Saving the City https://vimeo.com/608090394
- Introduction to Community Control over Police Surveillance CCOPS https://www.youtube.com/watch?v=MCDS14mvYlo
- **Website:** Electronic Frontier Foundation: *Street Level Surveillance*. EFF's "Street-Level Surveillance" project shines light on the advanced surveillance technologies that law enforcement agencies routinely deploy in our communities. These resources are designed for members of the public, advocacy organizations, journalists, defense attorneys, and policymakers who often are not getting the straight story from police representatives or the vendors marketing this equipment.
- **PDF:** Samuelson Clinic Student White Paper, *Local Surveillance Ordinances,* (2021). This white paper outlines the history of surveillance technology oversight and compares multiple ordinances.
- **Website:** Council on Foreign Relations, *Reforming the U.S. Approach to Data Protection and Privacy,* (2011) This policy brief provides a nice overview and critique of the patchwork of sector-specific laws that the United States relies upon to protect data. It advocates for a single, comprehensive data protection law to protect individuals' privacy.
- **PDF:** Baker McKenzie, *Global Privacy Handbook* (Links to an external site.), United States overview (946-965). (**Note**: you must request access to the free pdf using this link (Links to an external site.). It can take up to 24 hours to receive a response). This reading provides a comprehensive survey of the data privacy and security legal landscape in the U.S. The U.S. has multiple data privacy and security laws at the federal and state levels, but it has not yet passed a comprehensive consumer data privacy law at the federal level. Several states, including most prominently, California, have enacted broad-based privacy laws as well as privacy laws regulating specific issues such as the Illinois Biometric Privacy Act.
- **PDF:** *An Overview of Privacy Law Download An Overview of Privacy Law,* pp. 1-15 (Ch. 1 in IAPP Privacy Law Fundamentals Sample). This chapter provides a nice introduction to the field and a brief history of the major legal developments.
- **Website:** Complete Guide to Privacy Laws in the US (Links to an external site.). This provides a tour of US privacy laws.

- **PDF:** Steven Chabinsky and Paul Pittman, *USA: Data Protection Laws and Regulations 2020,* (Links to an external site.) (2020). This article summarizes the complex set of federal and state data privacy laws in the U.S. using the terminology developed in Europe and commonly used in privacy laws and regulations in other countries as well as newer U.S. state laws. We will refer back to key sections in later modules.
- The International Association of Privacy Professionals (IAPP) is the leading privacy organization in the world. Please review and periodically visit the IAPP's News Section (Links to an external site.) and Resources Section (Links to an external site.) for updated information about this field.
- IAPP GLOSSARY OF PRIVACY TERMS (Links to an external site.). Please refer to this throughout the course for definitions of the terms you encounter. You also can print PDFs and create your own flashcards to review for the assessments.
- Professor Daniel Solove's Information Privacy Law Website (Links to an external site.) contains a wealth of information and links to resources on substantive privacy law as well as careers in the field.

MODULE 2
1. Identify the example CCOPS communities and explain the histories that resulted in each program.
2. Explain the basic components of CCOPS processes work.
3. Identify successes and challenges in each model; to what extent do they involve the stakeholders identified in M1?
4. To what extent do these models create "reciprocal engagement"?
5. What's missing? What's the impact?

Lecture 1: Overview of CCOPS
Lecture 2: Oakland
Lecture 3: Seattle
Lecture 4: Santa Clara
Lecture 5: Emerging models

Reading/Viewing
- Local Surveillance Oversight Ordinances
- https://www.law.berkeley.edu/wp-content/uploads/2021/02/Local-Surveillance-Ordinances-White-Paper.pdf
- ACLU CCOPS https://www.aclu.org/issues/privacy-technology/surveillance-technologies/community-control-over-police-surveillance
- Oakland Ordinance
- Seattle Ordinance
- Santa Clara Ordinance
- CNIL DPIA resource: https://www.cnil.fr/en/PIA-privacy-impact-assessment-en
- UK ICO ANPR DPIA: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1079855/ANPR__DPIA_V3.0_approved.pdf

MODULE 3
1.Privacy Impact Assessment
2. Explain how the Oakland Privacy Commission used the ordinance to identify risks posed by ALPRs.
3. Identify the ways that the resulting ALPR use policy mitigates these risk.
4. Explain why the Commission needs to monitor implementation of the policy and identify the issues that it should address.

Reading/Viewing
- Electronic Frontier Foundation, ALPR https://www.eff.org/pages/automated-license-plate-readers-alpr
- City of Portland: https://www.youtube.com/watch?v=eEhjUtwMQ50
- PIA 101
- Oakland's impact assessment areas of concern

- Oakland's use policy: How it addresses concerns identified in impact analysis
- Implementation and accountability
- NIST Privacy Framework
- US public PIA
- EU General Data Privacy Protection Regulation (GDPR) pubic PIA
- CNIL DPIA resource: https://www.cnil.fr/en/PIA-privacy-impact-assessment-en
- UK ICO ANPR DPIA: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1079855/ANPR__DPIA_V3.0_approved.pdf

MODULE 4
1. Explain what community oversight means in the context of surveillance technologies.
2. Explain the concept of "reciprocal engagement"

Reading/Viewing:
- Sidewalks Labs https://www.sidewalklabs.com
- Chicago Array of Things http://arrayofthings.github.io
- UW Diverse Voices Institute https://techpolicylab.uw.edu/project/diverse-voices/

X: Assignment Details

Final report Students will work together to prepare a written data privacy analysis and impact assessment of a technology impacting a focal community. All recommended elements of an analysis presented in the course including impact assessment (benefits, costs, harms) oversight, and mitigation strategies must be included. Further details provided on Blackboard. (C|M Law Learning Outcomes II.A; II.C.1-5; II.D.1,2&4).

Reflection 1 Discuss your understanding of how ethics are informed by principles of human rights.   Discuss the application of social work professional ethics toward realizing social, racial, economic, and environmental justice in the advanced generalist context of community data privacy. Discuss your personal values in regards to community data privacy. Discuss how you manage any conflicts between your personal and professional values in advanced generalist practice with communities regarding data privacy.

Reflection 2 Discuss your understanding of the role of at least two other professions bedsides your own regarding community data privacy assessment and advocacy.

Reflection 3 Discuss your understanding of how racism and oppression influence community data privacy. Discuss how this knowledge can be applied in at least two different advanced generalist practice settings.

Reflection 4 Take one of the technologies described in this class, through a cultural humility lens, discuss cultural structures and values, including social, economic, political, racial, technological, and cultural exclusions that may create privilege and power resulting in systemic oppression.

Reflection 5 Discuss how community members experiences of oppression, poverty, marginalization, and alienation as well as privilege and power interact with data privacy concerns. Discuss mitigation efforts that can be deployed to reduce oppression and marginalization.