

## LAWL08019 Data Protection - Law and Compliance

<b>Full Title</b>	Data Protection - Law and Compliance		
<b>Status</b>	Uploaded to Banner	<b>Start Term</b>	2020
<b>NFQ Level</b>	08	<b>ECTS Credits</b>	15
<b>Module Code</b>	LAWL08019	<b>Duration</b>	26 Weeks - (26 Weeks)
<b>Grading Mode</b>	Numeric	<b>Department</b>	Business, Humanities and Tech
<b>Module Author</b>	Clodagh Geraghty		
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### Module Description

This module is designed to develop knowledge and competence in the area of Data Protection for undertakings in Ireland. The objective is to provide learners with the knowledge to ensure that the privacy rights of individuals are safeguarded in relation to the processing of personal data by organisations. There will be particular emphasis on the legal compliance of undertakings and the role of the Data Protection Officers and other related professionals.

### Learning Outcomes

**On completion of this module the learner will/should be able to:**

1. explain the development of theories and concepts of a legal right to personal privacy.
2. demonstrate a detailed knowledge and understanding of the EU General Data Protection Regulation including the form and content of this legal instrument, and subsequent legislation.
3. use acquired skills to implement and manage data protection systems which are legally compliant and learners will be able to appreciate the nature of the role and the obligations of a Data Protection Officer.
4. articulate individual rights of data subjects and the duties of data controllers and data processors.
5. evaluate the role of the Data Protection Commissioner, and assess the enforcement mechanisms available to the DPC.
6. identify and explain the distinction between a criminal sanction and a civil remedy for a breach of privacy and consider the effectiveness of these legal proceedings.
7. evaluate the GDPR's focus on accountability.

### Indicative Syllabus

#### Introduction (5%)

Sources of Law; International Law; European Union Law; Constitutional Law; Legislation & Common Law.

#### Historical Development of Concepts of Privacy (15%)

Rationale for privacy and data protection; Development of common law rules on privacy; Constitutional protection of privacy; Privacy and the European Convention on Human Rights; The EU Charter of Fundamental Rights.

#### Data Protection and the EU (20%)

The historical context to the GDPR; The GDPR, its aims objectives and scope; Article 29 Working Party.

#### Data Protection Legislation in Ireland (20%)

The Significance of EU Regulations; The role of the State in achieving compliance with EU law, Data Protection Legislation & Enforcement.

#### The Fundamental Principles of Data Protection; (10%)

Principles of Retention of Data. Personal Data Rights in relation to personal data: Duties of Data Processors and Data Controllers; the obligations of Data Protection Officers; The right to: access information; to know what information is held; removal of information; prevent the use of information; be forgotten; rights relating to direct marketing and Automated Decision Making.

#### Data & Public Sector (5%)

Current Obligations, Future Obligations; Data Sharing, Garda Vetting; Freedom of Information Legislation.

#### Data Protection Commissioner & Enforcement and Penalties (20%)

Data Protection Commissioner (DPC); statutory powers, duties and functions of the DPC are as established under the Data Protection Acts 1988 and 2003 and legislation currently before the Oireachtas; 'Supervisory Authority' under GDPR; Special Investigations Unit, Data Protection Audits; Binding Corporate Rules; Case studies; Prosecutions.

#### Actions for breach of Privacy & Defamation (5%)

The distinction between civil and criminal proceedings; Possible compensation for breach of privacy; Defamation.

#### Teaching and Learning Strategy

The module involves a blended learning approach, which uses a mixture of on-line, out of class and in-class activities. Lectures will encourage dialogue around case studies from the Annual Report of the Data Protection Commissioner and legal proceedings involving Data Protection. The teaching and learning will draw on the required readings for the assignments. The teaching and learning plan for this module will also guest lectures.

#### Assessment Strategy

This module focuses on the principles, application and context of Data Protection law. Learners will engage with primary legislation and statutory instruments which govern Data Protection. The assessment approach for this module will incorporate joint assessments with other modules where appropriate. The objective of joint assessment is for students to apply their learning to the creation of a data protection tool for their workplace or an organisation they are familiar with. The students will also be assessed by way of a terminal examination.

#### Repeat Assessment Strategies

Learners will be able to re-submit at the next exam session.

Indicative Coursework and Continuous Assessment:		100 %		
Form	Title	Percent	Week (Indicative)	Learning Outcomes
Project	End of Programme Project	30 %	Week 22	3,4,5,6,7
Assessment	Assessment	70 %	End of Semester	1,2

Full Time Delivery Mode Average Weekly Workload:			3.00 Hours		
Type	Description	Location	Hours	Frequency	Weekly Avg
Lecture	Lecture	Lecture Theatre	3	Weekly	3.00

Online Learning Delivery Mode Average Weekly Workload:			3.00 Hours		
Type	Description	Location	Hours	Frequency	Weekly Avg
Lecture	Delivery of Module	Not Specified	3	Weekly	3.00

Blended Delivery Mode Average Weekly Workload:			3.00 Hours		
Type	Description	Location	Hours	Frequency	Weekly Avg
Lecture	Delivery of Module	Not Specified	3	Weekly	3.00

#### Literary Resources

Kelleher, D., (2017) *Privacy and Data protection in Ireland*, Dublin: Bloomsbury.

#### Journal Resources

Data Protection Ireland Journal

#### Online Resources

Data Protection Commission  
<https://www.dataprotection.ie>

EU Commission – Data Protection

[https://ec.europa.eu/commission/priorities/justice-and-fundamental-rights/data-protection/2018-reform-eu-data-protection-rules\\_en](https://ec.europa.eu/commission/priorities/justice-and-fundamental-rights/data-protection/2018-reform-eu-data-protection-rules_en)

Houses of the Oireachtas

<https://www.oireachtas.ie>

Irish Statute Book

<http://www.irishstatutebook.ie/>

#### **Other Resources**

Students will benefit from access to the legal database Westlaw.ie

#### **Programme Membership**

GA\_KCYBC\_L08 202000 Higher Diploma in Science in Cybersecurity Risk & Compliance