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The Law of Black Mirror - Syllabus

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**The Law of Black Mirror:
Privacy, Online Social Profiling and the Law
Spring 2020
Zicklin School of Business
Baruch College**

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Course Description:

Using episodes from the show Black Mirror as a study tool - a show that features tales that explore techno-paranoia - the course analyzes legal and policy considerations of futuristic or hypothetical case studies. The case studies tap into the collective unease about the modern world and bring up a variety of fascinating key philosophical, legal, and economic-based questions.

Learning goals for the course include:

- ☑ Students will use primary sources to analyze contemporary legal and policy issues arising from emerging technologies.
- ☑ Students will engage critically and constructively in key policy debates that shape the future of the technology, through in-class discussions, presentations, and colloquia.
- ☑ Students will propose and explore innovative approaches to the issues studied. Students will also make policy recommendations.
- ☑ Students will demonstrate the necessary technological, written communication, and oral communication skills to convey their ideas effectively and persuasively.

BBA Program Learning Goals:

Analytical Skills	Students will possess the analytical and critical thinking skills to evaluate issues faced in business and professional careers.
Technological Skills	Students will possess the necessary technological skills to analyze problems, develop solutions and convey information.
Communication Skills: Oral	Students will have the necessary oral communication skills to convey ideas and information effectively and persuasively.
Communication Skills: Written	Students will have the necessary written communication skills to convey ideas and information effectively and persuasively.
Civic Awareness and Ethical Decision-Making	Students will have the knowledge base and analytical skill to guide them when faced with ethical dilemmas in business. Students will have an awareness of political, civic and public policy issues affecting business.
Global Awareness	Students will know how differences in perspectives and cultures affect business practices around the world.

Assurance of Learning Chart & Assignment Mapping

BBA Learning Goals	Significant Part of Course	Moderate Part of Course	Minimal Part of Course	Not Part of Course
Analytical Skills	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Technological Skills	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Communication Skills: Oral	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Communication Skills: Written	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Civic Awareness and Ethical Decision-Making	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Global Awareness	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<i>Assignments</i>	<i>Course Learning Goals</i>	<i>BBA Program Learning Goals</i>
<p><i>Final Group Project:</i> Students will analyze various information using videos that they will prepare and in which they would discuss analytical concepts and models.</p>	<p>Students will propose and explore innovative approaches to the issues studied. Students will also make policy recommendations.</p> <p>Students will demonstrate the necessary technological, written communication, and oral communication skills to convey their ideas effectively and persuasively.</p>	<p>Technological Skills</p> <p>Oral Communication</p> <p>Analytical Skills</p> <p>Civic Awareness and Ethical Decision-Making</p>
<p><i>Mid-semester Presentations:</i> Students will analyze the policy, ethical or factual implications of one of the issues suggested or discussed in class, and present their thoughts, via an interactive technological tool, to the class.</p>	<p>Students will propose and explore innovative approaches to the issues studied. Students will also make policy recommendations.</p> <p>Students will demonstrate the necessary technological, written communication, and oral communication skills to convey their ideas effectively and persuasively.</p>	<p>Technological Skills</p> <p>Oral Communication</p> <p>Analytical Skills</p> <p>Civic Awareness and Ethical Decision-Making</p>

<p><i>News Summary:</i> Students will review timely and relevant news stories, pick two, summarize and analyze them, and present those in class.</p>	<p>Students will use primary sources to analyze contemporary legal and policy issues arising from emerging technologies.</p>	<p>Analytical Skills Oral Communication</p>
<p><i>Readings & Reactions:</i> various case studies, news stories, op-eds, journal articles</p>	<p>Students will use primary sources to analyze contemporary legal and policy issues arising from emerging technologies.</p>	<p>Analytical Skills Civic Awareness and Ethical Decision-Making Global Awareness</p>
<p><i>Lectures</i></p>	<p>Students will engage critically and constructively in key policy debates that shape the future of technology.</p> <p>Students will use primary sources to analyze contemporary legal and policy issues arising from emerging technologies.</p>	<p>Civic Awareness and Ethical Decision-Making Global Awareness</p>
<p><i>Final Paper:</i></p>	<p>Students will propose and explore innovative approaches to the issues studied. Students will also make policy recommendations.</p> <p>Students will demonstrate the</p>	<p>Analytical Skills Civic Awareness and Ethical Decision-Making</p>

	necessary technological, written communication, and oral communication skills to convey their ideas effectively and persuasively.	
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Course Materials: There is no textbook for this course. The reading for the course is available below, on a session by session basis, as well as on the course’s site.

If you see articles that you think would interest the class, please feel free to give them to us and we will copy and distribute them.

Course Assignments:

This course has the following assignments and requirements:

1. Reading Reactions and Questions. Four times during the semester where reading is assigned, you must submit to the professors a response of at least five paragraphs, including thoughtful questions, reacting to the assigned reading and the discussed episode (not a summary of the reading/episode). Submission is due in the beginning of the class in which we’ll discuss the episode and the reading. We want to know that you are prepared and engaged with the topic. You might be asked to share your thoughts in class and we will use these as a jumping off point for our in-class discussion. Keep in mind, while attendance and participation is extremely important in this class, even if you don’t show up you must submit at least 4 responses to get full credit for the responses. Yours reaction papers will receive a PASS or FAIL score, which means that if you failed to complete one of the 4 you are starting at 75% of this grade component (which totals at 20% of the course’s grade). You will receive no credit for your reaction papers if they are not thoughtful and/or if they do not reflect that you have read and engaged with the topic.

2. Mid-Semester Presentation the course includes a mid-semester presentations as described below.

3. Final Projects & Papers: The course concludes with a final project. Each group of 4 students will create a short video or presentation setting forth their policy proposals, along with an 8-page paper describing the policy measures in more detail.

4. Two News Summary Assignments: students are requested to bring to class two noteworthy news stories (one in each of the two different dates listed below) from a recognized and legitimate media outlet that discusses updates regarding one of the issues we covered in class. Each student will get 2-3 minutes to present to the class their news story and also submit a copy of it to the professor. Note: the stories must be recent and

timely. This assignment will be reflected as a 10% (5%+5%) component of the final grade and would be graded as pass (A)/fail (F).

Grading:

We will calculate course grades as follows. Please note that as this course involves a group project, a portion of your grade will be based on a peer assessment completed by the other members of your group. I will provide assessment forms at the end of the semester.

- ☑ Reading reactions 20%
- ☑ Class mid-semester presentation (see description below) 20%
- ☑ Final group project 20%
- ☑ Final paper 15%
- ☑ Peer assessment 5%
- ☑ News Summary 10%
- ☑ Class participation (including attendance) 10%

Course & Attendance Requirements:

☑ Your attendance and participation in class sessions are critical and mandatory.

Participation means that you have completed all required readings, are prepared to engage in a serious conversation about the readings, listen to and respond to your colleagues, offer thoughtful commentary, and ask questions. I will take attendance at each class session. I will permit only three absences for any reason. For each absence above three for any reason (excessive lateness also counts as absence), there will be grade-related consequences.

☑ Turn off cell phone and other devices, including laptops, during class, unless you have discussed with me why you need to leave your phone or laptop on.

☑ Please make sure that you know how to access the Blackboard site for the course, as course grades will be posted on Blackboard. You should also check it and your Baruch email address on a regular basis, as I may send messages to the class via Blackboard.

☑ Hand in your work in hard copy, at the beginning of class, or, if it is a blog post, post it before class begins on the course' site. If you need an extension, you must communicate with me beforehand and negotiate a mutually acceptable deadline. I will not accept unexcused late assignments and you will receive an F for the assignment.

☑ Please take advantage of the opportunity to schedule an appointment with the Instructional Technology Fellow or me for office hours if you have questions or comments about the course, the readings, the lectures, or the technology. I am interested in your feedback, and will make myself available to meet with you at a time that accommodates your schedule.

Services for Students with Disabilities:

It is college policy to provide accommodations and academic adjustments for students with disabilities. Any student with a disability who may need accommodations in this class is requested to speak directly to Student Disability Services located in Newman Vertical Campus, Room 2-271 as early in the semester as possible. All discussions will remain confidential. Note: documentation is necessary for every disability. For more information concerning services for students with disabilities, please contact Barbara Sirois, Director of the Office of Services for Students with Disabilities, Vertical Campus Building, One Bernard Baruch Way, 2nd floor, Room 2-270, 646-312-4590.

For additional information:

<http://www.baruch.cuny.edu/facultyhandbook/DisabilitiesInformation.htm>

Academic Honesty:

Students are expected to know and adhere to the Baruch College Academic Honesty Policy, found at http://www.baruch.cuny.edu/academic/academic_honesty.html. It states, inter alia, that YOU must understand that

Academic dishonesty is unacceptable and will not be tolerated. Cheating, forgery, plagiarism and collusion in dishonest acts undermine the college's educational mission and the students' personal and intellectual growth. Baruch students are expected to bear individual responsibility for their work, to learn the rules and definitions that underlie the practice of academic integrity, and to uphold its ideals. Ignorance of the rules is not an acceptable excuse for disobeying them. Any student who attempts to compromise or devalue the academic process will be sanctioned.

In particular, note the following definitions for cheating and plagiarism based on the College's Academic Honesty website:

Cheating is the attempted or unauthorized use of materials, information, notes, study aids, devices or communication during an academic exercise. Examples include but are not limited to:

- ☒ Copying from another student during an examination or allowing another to copy your work
- ☒ Unauthorized collaboration on a take home assignment or examination
- ☒ Using unauthorized notes during a closed book examination
- ☒ Using unauthorized electronic devices during an examination
- ☒ Taking an examination for another student
- ☒ Asking or allowing another student to take an examination for you
- ☒ Changing a corrected exam and returning it for more credit

- ☒ Submitting substantial portions of the same paper to two classes without consulting the second instructor
- ☒ Preparing answers or writing notes in a blue book (exam booklet) before an examination
- ☒ Allowing others to research and write assigned papers including the use of commercial term paper services

Plagiarism is the act of presenting another person's ideas, research or writing as your own:

- ☒ Copying another person's actual words without the use of quotation marks and footnotes (a functional limit is *four or more words* taken from the work of another)
- ☒ Presenting another person's ideas or theories in your own words without acknowledging them
- ☒ Using information that is not considered common knowledge without acknowledging the source
- ☒ Failure to acknowledge collaborators on homework and laboratory assignment

Academic sanctions in this class will range from an F on the assignment to an F in this course. A report of suspected academic dishonesty will be sent to the Office of the Dean of Students. This report becomes part of your permanent file. Additional information and definitions can be found at http://www.baruch.cuny.edu/academic/academic_honesty.html

Class Schedule:

CLASS SESSION	TOPIC	TEXT	Extras
1	The Law of Black Mirror - Introduction		
2-3	<u>Privacy</u> I. “Be Right Back” (S2, E1)	Warren & Brandeis, <u>The Right to Privacy</u> , 4 Harvard Law Review 193 (Dec. 15, 1890), available at http://groups.csail.mit.edu/mac/classes/6.805/articles/privacy/Privacy_brand_warr2.html Greg Ferenstein, <u>The Birth and Death of Privacy</u> , available at https://medium.com/the-ferenstein-wire/the-birth-and-death-of-privacy-3-000-years-of-history-in-50-images-614c26059e	
4-5	II. “Shut Up and Dance” (S3, E3)	Langdon Winner, <u>Do Artifacts Have Politics?</u> , Daedalus, Vol. 109, No. 1, Modern Technology: Problem or Opportunity? (Winter, 1980) 121-136, available at www.cc.gatech.edu/~beki/cs4001/Winner.pdf Scott R. Peppet, <u>Unraveling Privacy: The Personal Prospectus and the Threat of a Full-Disclosure Future</u> , 105 Nw. U. Law Rev. 1153-61, 1166-1176 (2011), available at http://scholarlycommons.law.northwestern.edu/cgi/viewcont	

		ent.cgi?article=1157&context=nulr	
6-7	III. “Arkangel”(S4, E2)	<p>Cheryl B. Preston, Zoning the Internet: A New Approach to Protecting Children, <i>BYU Law Rev.</i> 1417 (2007), (available at https://digitalcommons.law.byu.edu/lawreview/vol2007/iss6/2/)</p> <p>Eldar Haber, Toying with Privacy: Regulating the Internet of Toys, <i>Ohio State Law J.</i> (Forthcoming 2019) (available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3298054)</p>	
8-9	IV. “USS Callister” (S4, E1)	<p>Norman A. Paradis, The Golden State Killer case shows how swiftly we’re losing genetic privacy, available at https://www.vox.com/the-big-idea/2018/5/3/17313796/genetic-privacy-killer-golden-state-serial-killer-genealogy-genome</p> <p>Karen E.C. Levy, Relational Big Data, <i>66 Stan. Law Rev. Online</i> 73 (2013)</p> <p>DNA fingerprinting</p> <p>Samuel D. Hodge, Jr., Current Controversies in the Use of DNA in Forensic Investigations, <i>48 U. Balt. Law Rev.</i> 39, 43 (2018)</p>	

		<p><u>Woman uses DNA test, finds sperm donor — and pays a "devastating" price</u>, CBS, available at https://www.cbsnews.com/news/woman-finds-sperm-donor-after-using-dna-test-raising-questions-about-donor-anonymity/?ftag=CNM-00-10aac3a</p>	
<p>10</p>	<p><u>Privacy Recap with a focus on NY & the US and the EU</u></p>	<p>Nizan Geslevich Packin & Yafit Lev Aretz, <u>Use of Online Social Information for Reputational Profiling and Supplementary Assessment</u> in THE CHALLENGES OF THE DIGITAL ERA: PRIVACY, INFORMATION AND MORE, Fordham University Press, Dr. Shlomit Yanisky-Ravid & Elizabeth Ledkovsky, Editors (Forthcoming: 2019). (<u>A copy will be provided by the professor</u>)</p> <p>NYS: In November 2017, New York Attorney General Eric Schneiderman introduced the Stop Hacks and Improve Electronic Data Security (SHIELD) Act (the "Act") in the state's Legislature. Companies – big and small – that collect information from New York residents should take note, as the Act could mean increased compliance costs, as well as potential enforcement actions for those that do not meet the</p>	

		<p>Act's requirements. Read about the potential law and where it currently stands:</p> <p>https://www.nysenate.gov/legislation/bills/2017/s6933</p> <p>The two-part blog post provides a breakdown of the essential components of the SHIELD Act and information on how to comply with this potential new law.</p> <p>Read Part I of this blog post. Read Part II of this blog post.</p> <p>California: Daisuke Wakabayashi, <u>California Passes Sweeping Law to Protect Online Privacy</u>, NY Times, June 28, 2018, https://www.nytimes.com/2018/06/28/technology/california-online-privacy-law.html;</p> <p>Federal Privacy Law: A Law to Protect Online Privacy, The Internet Association makes the case for a federal law, NY Times, Dec. 14, 2018, https://www.nytimes.com/2018/12/14/opinion/letters/online-privacy.html;</p> <p><u>Tech Industry Pursues a Federal Privacy Law, on Its Own Terms</u>, NY Times, August 16, 2018, https://www.nytimes.com/2018/08/26/technology/tech-</p>	
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		<p>industry-federal-privacy-law.html.</p> <p>Cybersecurity in NYS: Tiffany Quach, <u>New York DFS Cybersecurity September 2018 Deadline</u>, September 3, 2018, https://privacylaw.proskauer.com/2018/09/articles/legislation-2/new-york-dfs-cybersecurity-september-2018-deadline/</p>	
11-12	<p>Automation</p> <p>I. “Hang the DJ” (S4, E4)</p>	<p>Nizan Geslevich Packin & Yafit Lev-Aretz, <u>Algorithms and Discrimination</u>, in Research Handbook of Law and AI (Woodrow Barfield & Ugo Pagallo ed., Edward Elgar Press (2018), available at https://ssrn.com/abstract=3168579</p> <p>Batya Friedman & Helen Nissenbaum "<u>Bias in Computer Systems</u>." <i>ACM Transactions on Information Systems</i> 14:3 (1996): 330-347, available at http://www.nyu.edu/projects/nissenbaum/papers/biasincomputers.pdf</p>	
13-14	<p>II. “Hated in the Nation” (S3, E6)</p>	<p>Yochai Benkler, <u>We cannot trust our government, so we must trust the technology</u>, available at https://www.theguardian.com/us-news/2016/feb/22/snowden-</p>	

		government-trust-encryption-apple-fbi	
15	News Summary Session		
16-17	Mid-Semester Presentations		
18-19	<u>Social Order</u> I. “Nosedive” (S3, E3)	<p>Nizan Geslevich Packin & Yafit Lev Aretz, <i>Social Credit and the Right To Be Un-networked</i>, <i>Colum. Bus. Law Rev.</i>, 339, 2016. 13, 2016 (available at https://cblr.columbia.edu/wp-content/uploads/2016/07/2_2016.2_Geslevich-Packin-and-Lev-Aretz_FINAL.pdf)</p> <p>Yuan Yang, <i>Does China’s bet on big data for credit scoring work?</i>, FT, Dec. 19, 2018, at https://www.ft.com/content/ba163b00-fd4d-11e8-ac00-57a2a826423e</p> <p>Lisa Vaas, <i>That Black Mirror episode with the social ratings? It’s happening</i> IRL, Nov. 26, 2018, at https://nakedsecurity.sophos.com/2018/11/26/that-black-mirror-episode-with-the-social-ratings-its-happening-irl/;</p> <p>Andy Meek, <i>It’s Hard To Skip Class In China, Because School Uniforms Now Come With Trackers</i>, BGR, December 28th, 2018, at https://bgr.com/2018/12/28/</p>	

		<p><u>chinese-school-uniforms-track-students-chips/;</u></p> <p>Francisco Toro & James Bosworth <u>China Exports Its High-Tech Authoritarianism To Venezuela. It Must Be Stopped</u>, Washington Post, December 5, 2018, at <u>https://www.washingtonpost.com/opinions/2018/12/05/china-exports-its-high-tech-authoritarianism-venezuela-it-must-be-stopped/?noredirect=on&utm_term=.3d87444401b8;</u></p> <p>Tomás Sidenfaden, <u>China Is Building A “Social Credit” System. So Is The United States</u>, ARC, Oct. 8, 2018, at <u>https://arcdigital.media/china-is-building-a-social-credit-system-so-is-the-united-states-a9facbc6f832.</u></p>	
20-21	II. “Crocodile” (S4, E3)	<p>Elizabeth A. Brown, <u>The Fitbit Fault Line: Two Proposals To Protect Health And Fitness Data At Work</u>, 16 Yale J. Health Pol'y Law & Ethics 1 (2016) (available at <u>https://digitalcommons.law.yale.edu/yjhple/vol16/iss1/1/</u>)</p> <p><u>Disrupting Finance: FinTech and Strategy in the 21st Century (Palgrave Studies in Digital Business & Enabling Technologies)</u> – chapter 5, (available at</p>	

		<p>https://www.researchgate.net/profile/Pierangelo_Rosati/publication/329487546_Disrupting_Finance_FinTech_and_Strategy_in_the_21st_Century/links/5c0ac2494585157ac1b04603/Disrupting-Finance-FinTech-and-Strategy-in-the-21st-Century.pdf)</p> <p>Alyssa Foote, <u>Should Cops Use Family Tree Forensics? Maryland Isn't So Sure</u>, Wired, available at https://www.wired.com/story/maryland-considers-banning-genetic-genealogy-forensics/?mbid=social_twitter&utm_brand=wired&utm_campaign=wired&utm_medium=social&utm_social-type=owned&utm_source=twitter</p>	
22-23	III. "The Waldo Moment"	<p>Alvin M. Weinberg, "<u>Can Technology Replace Social Engineering.</u>" <i>Controlling Technology: Contemporary Issues</i>. Ed. W. B. Thompson. Buffalo, NY: Prometheus Books, 1991. 41-48, available at http://www.nyu.edu/projects/nissenbaum/papers/SocialEngineering.pdf</p> <p>Helen Nissenbaum, "<u>How Computer Systems Embody Values,</u>" <i>Computer</i>, March 2001,</p>	

		available at http://www.nyu.edu/projects/nissenbaum/papers/embodyvalues.pdf	
24	Recap Social & Economic Order & Discussion of New Technology Trends	<p>Nizan Geslevich Packin, <i>RegTech, Compliance and Technology Judgment Rule</i>, Chicago-Kent Law Rev. Symposium 2018 (2018), available at https://scholarship.kentlaw.iit.edu/cgi/viewcontent.cgi?article=4198&context=cklawreview</p> <p>Senate Banking FinTech Hearing, Senate Banking Committee, “<u>FinTech: Examining Digitization, Data, and Technology</u>”, September 18, 2018, https://www.sifma.org/resources/general/senate-banking-fintech-hearing/#knight</p> <p>Todd Baker, <u>Marketplace Lenders Are a Systemic Risk</u>, American Banker, August 17, 2015 9:30am, at http://www.americanbanker.com/bankthink/marketplace-lenders-are-a-systemic-risk-1076047-1.html;</p> <p>Mike Cagney, <u>How Marketplace Lenders Will Save Financial Services</u>, American Banker, August 19, 2015, 4:33pm, at http://www.americanbanker.com/bankthink/how-marketplace-lenders-will-save-financial-services-1076174-</p>	

		1.html?utm_medium=email&ET=americanbanker:e4984486:4872674a:&utm_source=newsletter&utm_campaign=morning%20scan%20plus-aug%2020%202015&st=email.	
25	News Summary Session		
26-27	Group Project Presentations		
28	Wrap-up; summarizing discussion; fill out peer review forms		