



PRIVACIDAD Y
PROTECCION DE
DATOS / PRIVACY AND
DATA PROTECTION
Bachelor's Degree in
Law



GUÍA DOCENTE

Course: Privacidad y protección de datos / Privacy and data protection

Degree: Bachelor's Degree in Law

Type: Obligatory

Language: English

Attendance: On site/ Blended

ECTS Credits: 6

Academic course: 2º

Semester: 2º

Professors:

Academic Director: Profª. Dra. Dª. Susana Beatriz Checa Prieto

Teaching staff: Prof. Dr. D. Luis Armando García Segura, Prof. D. Gonzalo Lama Muñoz, Profª. Dª. Ana Olalde López, Prof. D. Antonio Sánchez Collado

1. SKILLS AND LEARNING OUTCOMES

1.1. Competences

Basic competences:

- **CB1.-**

Students have shown possession and understanding of knowledge in an area of study that starts from the base of general secondary education, and is usually found at a level that, although supported by advanced textbooks, also includes some aspects that imply knowledge from the forefront of your field of study

- **CB2.-**

Students know how to apply their knowledge to their work or vocation in a professional way and possess the skills that are usually demonstrated through the elaboration and defense of arguments and the resolution of problems within their area of study.

- **CB3.-** Students have the ability to gather and interpret relevant data (normally within their area of study) to make judgments that include a reflection on relevant issues of a social, scientific or ethical nature.

- **CB4.-** Students can transmit information, ideas, problems and solutions to both a specialized and non-specialized audience.

- **CB5.-** Students have developed those learning skills necessary to undertake further studies with a high degree of autonomy.

General competences:

- **CG1** Manage, organize and plan time properly.

- **CG3**.Capacity for analysis and synthesis. Properly use the knowledge acquired and the specific knowledge of the legal field.

- **CG5.-** Being able to apply knowledge in practice, obtaining results that lead to the resolution of problems in the field of law.

- **CG6.-** Being able to make decisions.

- **CG7.-** Generate a high critical reasoning.

Specific competences:

- **CE4.**- Analyze and understand complex legal issues
- **CE7.**- Know and apply the basic concepts and instrumental techniques of strategic planning, risk planning and business valuation
- **CE9.**-Apply the theory to complex practical cases, especially those corresponding to the legal field.
- **CE14.**-Manage legal information and apply it in the required context
- **CE15.**- Interpret and understand specialized texts in English, applied to the field of Law.
- **CE18.**- Identify the elements of a legal problem, proposing alternatives for its solution.
- **CED26.**- Communicate orally and in writing legal ideas, arguments and reasoning using the appropriate registers in each context.
- **CED27.**- Use information and communication technologies to search for and obtain legal information (legislation databases, jurisprudence, bibliography, etc.), as well as work and communication tools.

Learning outcomes

After finishing the course, the student must:

- Within a commercial context, identifies the problem, opts for a solution and justifies the decision adopted.
- Knows national and international regulations on data protection.

CONTENTS

2.1. Prerequisites

None.

2.2. Content description

Through an in-depth analysis of the data protection law, this subject aims to provide a global vision of new technologies and, in particular, of the radical change that it has brought about in the social sphere and in how we communicate with each other. the present. The advent of the digital age has brought about changes in the way we relate to each other. Every day it is more common for communication to be carried out through information and communication technologies (ICT). Social networks, chats, WhatsApp, etc., are our day-to-day communication mechanisms.

2.3. Detailed content

Lesson 1. Legal Framework: national and European legislation on the protection of personal data

Origins of privacy rights and protection of personal data
Convention No. 108 of the Council of Europe
Directive 95/46/CE
Data protection in Spain
European Data Protection Regulation
Keys of of 3/2018 Organic Law
Structure of 3/2018 Organic Law

Lesson 2. Purpose, scope and definitions

Purpose of the General Data Protection Regulation
Scope of material application: General Standard

Material scope of application: Exceptions
Material scope of application: Data processing carried out by European Institutions and Organizations
Material scope of application in the LOPDGDD
Territorial scope of the General Data Protection Regulation
Definitions

Lesson 3. Principles of Data Protection

Principles of personal data protection
Principles relating to processing
Processing special categories of data
Treatment of personal data related to criminal convictions and offenses
Treatments that do not require identification
Consent
Consent: collecting consent
Consent: Principle of legality of the treatment
Consent: Transition to proper GDPR consent

Lesson 4. Transparency in the Information to the Interested Party of the Treatment of their data

Principle of transparency in relation to the right to information
Change of the RGPD in the duty to inform
Who and when inform?
Where and how inform?
Layers of information
Exceptions
Icons and certification
Data processing regarding minors
Recommendations regarding minors

Lesson 5. Data subject rights

General characteristics of the rights of data subjects
Exceptions to the rights of those affected in the RGPD
Regulation of data subject rights in the RGPD
Access right
Rectification right
Cancelation right
Cases in which the deletion is not appropriate
Right to be forgotten
Oposition right
Right of opposition to automated individual decisions
Right to limitation of processing
Portability right

Lesson 6. Data controller and data processor

General considerations regarding data controller and data processor
Data controller
Main duties regarding data controller
Joint controllers
Public Administrations as data controller
Data processor
Representative of data controller or processor not in UE
Data processor contract
Registry of data processing

Lesson 7. Security measures

Regulation of security measures in Spanish law
Security levels

Change of security measures from the LOPD to the RGPD

Accountability principle

- Privacy by design and privacy by default

Encryption and pseudonymization techniques

Codes of conduct

Certification mechanisms

Breaches of security

Profiling

Lesson 8. Privacy Impact Assessment

Concept of risk and risk-based approach

Personal data protection impact assessment

Obligation of data protection impact assessment in the GDPR

Content of the impact assessment regarding the protection of personal data

Previous consultation to supervisory authority

Assessment and need for risk analysis and performance of PIAs

Inventory of treatment activities as a starting point for PIAs

Methodology used to carry out impact assessments related to data protection

Risk management

Lesson 9. Data Protection Officer

Background of the figure of the data protection delegate

Regulation of data protection officer in the RGPD

Data Protection Officer profile

Data Protection Officer certificate

Data Protection Officer duties

Data Protection Officer appointment

Data Protection Officer independence

Lesson 10. International transfers

International transfer concept and its regulation

Transfers based on an adequacy decision

Transfer to USA: from Safe Harbor al Privacy Shield

Corporate binding rules

Contractual clauses

Transfers between public administration

Codes of conduct and certification mechanisms

Exceptions to adequacy principle

Lesson 11. Supervisory authorities

Supervisory authorities and its independence

AEPD

Competencies, functions and powers of the control authorities

Competence and the single window mechanism

Functions of supervisory authorities

Supervisory authorities capacities

Spanish supervisory authority

European Data Protection Board

Coherence mechanism

European supervisory authority

Lesson 12. Infringements and sanctions

Main differences of RGPD

Infringement proceeding

Additional or substitute measures to administrative fines

Claim for non-attention to a request in the exercise of rights

Procedure for determining the existence of an infraction

Infringements and sanctions
Regime applicable to certain categories of controllers or processors

2.4. Activities

During the course, some of the following activities, practices, reports or projects, or others with similar objectives or nature, may be developed:

Directec Activity 1 (DA1):

Practical case on the inclusion of the personal data of an interested party in a credit information file. Analyze a case to determine, based on the facts described, if there has been a violation of the data protection regulations due to the action of the claimed party, and what the resolution of the case would be, including the applicable sanction, if any. The answers must be motivated in accordance with the applicable regulations on the matter.

Directec Activity 3 (DA2):

Case study on the use of the image of a minor in a social network by an academy where the minor was a student.

Analyze the case in order to determine if there has been a violation of the personal data protection regulations, including the sanction, if applicable. The answers must be motivated in accordance with the applicable regulations on the matter.

Directec Activity 3 (DA3). Flowchart

Practical case that students must carry out throughout the semester, consisting of making a flowchart that includes all the procedures of the LOPDGDD. Carrying out this activity allows measuring the degree of understanding of the different processes that the law requires to be put into practice, both from the internal point of the company and from the exercise of the rights of data owners and the relationship with the AEPD as well as with external providers.

Directec Activity 4 (DA4) Case study on controller and processor

The students are presented with a real practical case in which a brand wants to contact potential clients and create a relational database starting from a contest in a bar where the contest will be promoted. Students must analyze how the data should be collected (directly or through promoters), its treatment and subsequent communication with the participants in the contest through WhatsApp, as well as the deletion or, where appropriate, conservation of their personal data. personal character. The students must detect in their analysis that the use of WhatsApp implies that there is a person in charge of the treatment, in addition to the person in charge, and they must write the clauses for the poster with the promotion for the establishments where the potential clients will be recruited and the clauses of consent for WhatsApp.

Directec Activity 5 (DA5) Case study on joint controllers

In this case, the students are presented with a practical case in which two companies wish to process the data of the direct clients of the first and indirect clients of the second for different purposes and with a different time horizon.

The analysis that is requested is, again, how the collection and processing of data should be done, as well as the subsequent communication with the clients, but based on a relationship of joint controllers of the treatment. The students must detect in their analysis that in this case the relationship is one of co-controllers and not of the person responsible and in charge of the treatment, as well as writing the necessary data protection clauses.

Directec Activity 6 (DA6): Impact assessment

The new LOPD implements the principles of responsibility by design and proactive responsibility. This implies that, prior to the development of any processing of personal data, the data controller carries out an Impact Assessment in order to determine possible risks, security gaps, etc. Students will have to analyze private sector impact assessments, public sector impact assessments and an actual impact assessment carried out by the Dutch government for the possible purchase of the Google suite in public administration.

Directec Activity 7 (DA7): Case study on data protection

Analyze a real case in which the regulatory change generated as a result of the entry into force of the European Data Protection Regulation has a practical application that implies a change in obtaining consent and, therefore, in the procedures applicable in the company, related to specially protected data.

Directec Activity 8 (DA8): Forum on the use of video surveillance cameras in a private establishment with recording of public roads

Legal discussion on the use of video surveillance cameras in these conditions in accordance with data protection regulations.

Directec Activity 9 (DA9): Forum on a news item in the press that a Dutch journalist agreed to a meeting by videoconference of Defense Ministers of the European Union after an oversight by the team of the Netherlands Defense Minister who published the access code to the meeting

Legal discussion on whether most organizations use adequate measures to minimize privacy risks. They are asked to draw up a list of measures that they consider advisable. An example would be to use a waiting room to admit participants and not allow the meeting to start until the host joins.

Directec Activity 10 (DA10): Forum on Guides for the application of data protection regulations

Starting from the Guides published by the AEPD, choose a guide and publish it in the forum, with a maximum of 200 words: presentation of the guide and sector, as well as the most relevant aspects of its content. The objective of the activity is to know the existence of the Guides prepared by the National Data Protection Agency and the sectors on which they have been prepared, and to identify the contributions that the Guides prepared by the National Data Protection Agency imply in the Data Protection.

Directec Activity 11 (DA11): WIKI. Collaborative work on resolutions of the Spanish Data Protection Agency (AEPD)

Starting from the AEPD resolutions, choose a resolution on ARCO rights and identify: date, parties to the conflict, facts, AEPD arguments, ruling and personal comment. The objective of the wiki is to know the different resolutions that in the last three years have been issued by the National Data Protection Agency applying the regulations, identify the most repeated problems in the application of the regulations before the National Data Protection Agency , and analyze the interpretation of the National Data Protection Agency in the application of the regulations.

2.5. Assignments

Onsite mode

Código	Assignments	Description
AF1	Master Class/ Theoretical Foundations	General explanation by the responsible professor and/or his assistants of the conceptual theoretical framework of each subject or subject of the Degree, as well as all those conceptual orientations that must be taken into account by the student to achieve correct learning in accordance with the planned.
AF2	Case study	General explanation applied to the case in which the responsible teacher and/or his assistants focus on the issues under study, discussion, debate or conflict, guiding the practical application of the theoretical knowledge that the student has.

		Resolution of cases raised to the students after their completion and discussion in class.
AF3	Tutorial	Personalized explanation or in much smaller groups aimed at ensuring the acquisition of specific knowledge and skills, the resolution of theoretical or practical doubts, the orientation of the approaches and the monitoring of the procedures used by the students in the subject.
AF4	Individual or group activities	That activity that students have to develop and that they have to deliver at the end of each of the subjects. Students will also have to do short assignments (individual and/or in group), as indicated by the teacher.
AF5	Activities through virtual resources	Forums, chats and debates on issues related to the content of the subjects or subjects and their practical application. Self-assessment test and other knowledge tests.
AF6	Research	Search, selection and hierarchy of information, legislation and doctrine related to the contents of the subjects and/or subjects of the Degree.
AF7	Individual study	Reflection and individual analysis of the theoretical and practical contents of the subjects and/or subjects of the Degree.

Type of activity	Horas	On site percentage%
AF1.- Class	46	100 %
AF2.- Case study	16	100 %
AF3.- Tutorial	16	100 %
AF4.- Group or individual activities	14	0 %
AF5.- Activities through virtual resources	3	50 %
AF6.- Research	6	0 %
AF7.- Individual study	50	0%

Blended mode

Code	Assignments	Description
AF1	Master Class/ Theoretical Foundations	General explanation by the responsible professor and/or his assistants of the conceptual theoretical framework of each subject or subject of the Degree, as well as all those conceptual orientations that must be taken into account by the student to achieve correct learning in accordance with the planned.
AF2	Case study	General explanation applied to the case in which the responsible teacher and/or his assistants focus on the issues under study, discussion, debate or conflict, guiding the practical application of the theoretical knowledge that the student has. Resolution of cases raised to the students after their completion and discussion in class.
AF10	Tutorial	Personalized explanation or in much smaller groups aimed at ensuring the acquisition of specific knowledge and skills, the resolution of theoretical or practical doubts, the orientation of

		the approaches and the monitoring of the procedures used by the students in the subject.
AF11	Individual or group activities	That activity that students have to develop and that they have to deliver at the end of each of the subjects. Students will also have to do short assignments (individual and/or in group), as indicated by the teacher.
AF5	Activities through virtual resources	Test de autoevaluación y otras pruebas de conocimientos. Forums, chats and debates on issues related to the content of the subjects or subjects and their practical application. Self-assessment test and other knowledge tests.
AF6	Research	Search, selection and hierarchy of information, legislation and doctrine related to the contents of the subjects and/or subjects of the Degree.
AF7	Individual study	Reflection and individual analysis of the theoretical and practical contents of the subjects and/or subjects of the Degree.

Type of activity	Horas	Presencialidad %
AF1.- Master Class	38	100 %
AF2.- Case study	20	100 %
AF5.- Activities through virtual resources	7	50 %
AF6.- Access and research on complementary content	7	0 %
AF7.- Individual study	56	0 %
AF10.- Distance tutoring	8	100 %
AF11.- Individual or group work by distance student	15	50%

2.5. Metodologías docentes. Teaching methodologies

Code	Assignments	Description
MD1	Expository method / Master class	Exposition by the teacher of the contents of each topic through explanations and presentations, together with indications about sources of information and bibliography. The active participation of the student is promoted with debate activities, case discussions, questions and presentations. The student will previously have teaching materials, which will include objectives, scripts, schedule and resources. In the blended and distance modalities through the virtual learning platform, students will attend these sessions synchronously or by monitoring their recording asynchronously.
MD2	Resolution of exercises and problems	Approach of situations and practical exercises that the student must solve. In the blended and distance modalities, the teacher will leave the exercises available to the students in the folder provided for this purpose with the explanations and instructions to face their resolution and they will individually deliver the resolutions in the aforementioned folder within the established period.
MD3	Método del caso case method	Systematic and in-depth examination and analysis of the different aspects and questions of real and concrete practical cases and proposals for their resolution In the blended and distance modalities, it will act in a similar way to MD2.

MD4	Realization of works	Preparation of reports and documents in which the student must carry out bibliographical research, information gathering, document analysis, case analysis, writing and explanation of conclusions. In the blended and distance modalities, tools such as email, document sharing software, forums, etc. will be used. through the virtual platform for its realization and videoconference sessions for its presentation.
MD5	Project-oriented learning	Learning methodology carried out in the realization, organization and design of projects oriented to the legal field. In the blended and distance modalities, tools such as email, document sharing software, forums, etc. will be used. through the virtual platform.
MD6	Guided practice through discussion and problem solving and exercises in the classroom	Formulation, analysis and debate of a problem or exercise related to the theme of the subject. In the blended and distance modalities, the virtual platform will be used.

Onsite, blended, and on line mode:

Onsite: MD1, MD2, MD3, MD4, MD5, MD6

Blended: MD1, MD2, MD3, MD4, MD5, MD6

3. EVALUATION SYSTEM

3.1 Grading system

The grading system (R.D. 1125/2003, of September 5), will be the following:

- 0 – 4.9 Failed (SS)
- 5.0 – 6.9 Approved (AP)
- 7.0 – 8.9 Very good (NT)
- 9.0 – 10 Outstanding (SB)

The mention of "honours" may be awarded to students who have obtained a grade equal to or greater than 9.0. One enrollment may be granted for every 20 students or fraction thereof

3.2. Evaluation criteria

Onsite mode

Code	Evaluation system	Description
SE1	Class attendance and participation	The teacher will keep track of the class attendance of the students. Likewise, the participation and intervention in face-to-face activities by the students will be evaluated.
SE2	Case study presentations	Realization of works, memories and portfolios, in which the students must write and present all the information collected, reviewed and analyzed.

SE3	Midterm Exam or project	The students will carry out a partial exam of each subject depending on the consideration of the professor of the same.
SE4	Final exam	Students will take a final exam or a final project for each subject. To pass the subject, the student must achieve a grade equal to or greater than 5 on a scale of 0-10, with 0 being the minimum grade and 10 the maximum.

First call

Evaluation system	Minimum percentage	Maximum percentage
SE1.- Assistance and participation at class	10%	20%
SE2.- Presentation of works and projects (Individual practices and teamwork)	20%	30%
SE3.- Partial test (written/work presentation)	0%	20%
SE4.- Final exam or final work	50%	60%

Restrictions and explanation of the weighting: In order to make an average with the previous weightings, it will be necessary to obtain at least a grade of 5 in the final test.

Likewise, it will be the power of the professor to request and evaluate again the practices or written works, if these have not been delivered on date, have not been approved or if the grade obtained in both calls is to be improved.

Second call

Evaluation system	Minimum percentage	Maximum percentage
SE2.- Presentation of works and projects (Individual practices and teamwork)	20%	50%
SE4.- Final exam or final work	50%	80%

Restrictions and explanation of the percentages: In order to make an average with the previous weightings, it will be necessary to obtain at least a grade of 5 in the final test.

Likewise, it will be the power of the professor to request and evaluate again the practices or written works, if these have not been delivered on date, have not been approved or if the grade obtained in both calls is to be improved.

Blended mode

Code	Evaluation system	Description
SE4	Project or final exam	Students will take a final exam or a final project for each subject. To pass the subject, the student must achieve a grade equal to or greater than 5 on a scale of 0-10, with 0 being the minimum grade and 10 the maximum.
SE7	Participation in activities	The teacher will keep track of student attendance at synchronous sessions. Likewise, the participation and

		intervention by the students in the programmed activities will be evaluated.
SE8	Presentation of individual or group projects	Realization of works, memories and portfolios, in which the students must write and expose by videoconference all the information collected, reviewed and analyzed.

First call

Evaluation system	Minimum percentage	Maximum percentage
SE7.- Participation in scheduled activities	10%	20%
SE8.- presentation of works and projects (Individual practices and teamwork)	20%	30%
SE4.- Final exam or final work	50%	60%

Restrictions and explanation of the percentages: In order to make an average with the previous weightings, it will be necessary to obtain at least a grade of 5 in the final test.

Likewise, it will be the power of the professor to request and evaluate again the practices or written works, if these have not been delivered on date, have not been approved or if the grade obtained in both calls is to be improved.

Second call

Evaluation system	Minimum percentage	Maximum percentage
SE8.- Presentation of works and projects (Individual practices and teamwork)	20%	50%
SE4.- Final exam or final work	50%	80%

Restrictions and explanation of the percentages: In order to make an average with the previous weightings, it will be necessary to obtain at least a grade of 5 in the final test.

Likewise, it will be the power of the professor to request and evaluate again the practices or written works, if these have not been delivered on date, have not been approved or if the grade obtained in both calls is to be improved.

3.3 Restricciones

Minimum calification

In order to make an average with the previous weightings, it is necessary to obtain at least a grade of 5 in the final test.

Assistance

The face-to-face student who, without justification, fails to attend more than 25% of the face-to-face classes may be deprived of the right to take the exam in the ordinary call.

Writing standards

Special attention will be paid in the works, practices and written projects, as well as in the exams, both to the presentation and the content, taking care of the grammatical and orthographic aspects. Non-compliance with the acceptable minimums may cause points to be deducted from said work.

3.4. Plagiarism warning

Antonio de Nebrija University will not tolerate plagiarism or copying in any case. Plagiarism will be considered the reproduction of paragraphs from audit texts other than the student's (Internet, books, articles, peer work...), when the original source from which they come is not cited. The use of citations cannot be indiscriminate. Plagiarism is a crime.

If this type of practice is detected, it will be considered a Serious Fault and the sanction provided for in the Student Regulations may be applied.

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