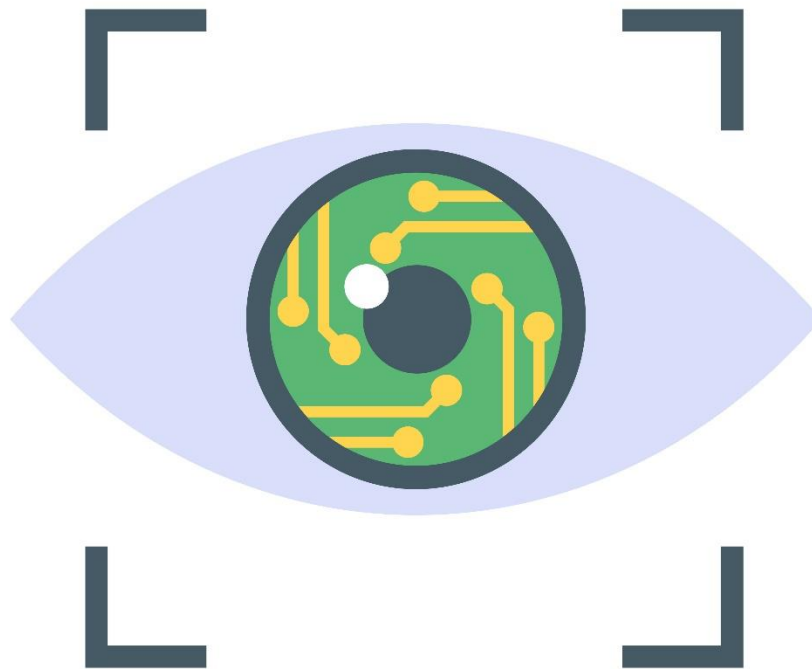# GW | LAW

JD Concentration in
Privacy, Data Security, and Technology Law

Updated March 29, 2024

The JD concentration in Privacy, Data Security, and Technology (PDT) Law requires 12 credits of coursework in PDT law, which includes required courses, some additional qualifying courses, and a PDT writing requirement.

The PDT faculty advisor for this concentration is Program Director, **Professor Daniel Solove.**

Required Courses

All students will be required to complete the following two courses:

(1) Information Privacy Law (6486); and

(2) Cybersecurity Law and Policy (6879)
    or Cybersecurity Law and Technology (6890)

Note: You can take either of the cybersecurity law courses but not both.

Additional Qualifying Courses

The following courses also count towards the JD PDT Law concentration:

- Consumer Protection Law (6286)
- Consumer Privacy and Regulatory Protection: Regulatory Approaches (6896)
- Computer Law (6484)
- Law in Cyberspace (6485)
- Internet Law (6493)
- Technology Foundations for Cybersecurity (6884)
- Computer Crime (6396)
- Constitutional Law Seminar (Cyber, Privacy and Speech) (6399)
- Telecommunications Law (6414)
- Public Law Seminar (Telecommunication and Technology) (6426)
- Public Law Seminar (Race, Surveillance, and the Criminal Legal System) (6426)
- Artificial Intelligence Law and Policy (6881)
- Blockchain: Law, Policy, and Cybersecurity (6894)
- Global Privacy Law and Conflict Seminar (6895)
- Cybersecurity Law Crisis Challenge: Protecting Critical Infrastructure, Risk Management, and Incident Response (6898)
- Genetics and the Law (6616)
- Health Law Seminar: Assisted Reproductive Technologies (6411)
- Selected Topics in Technology Law: Law in the Algorithmic Society (6613)

Note: Certain seminars, such as 6426, include many topics. You can only take the topics listed in the above list, as not all topics are relevant to the PDT Concentration.

Writing Requirement

The JD PDT Law Concentration includes a writing requirement that can be met in the same manner as GW Law's legal writing requirement. A PDT-related journal note, seminar paper, or independent writing assignment can count for both the legal writing requirement and the JD PDT Law concentration writing requirement.

Note that if you use a journal note, you can count 2 of your journal credits towards the 12 required credits; if you satisfy the requirement using a seminar paper, then that seminar and the paper count for a total of 2 credits towards the concentration.

A paper qualifying for the PDT Law Concentration may be written for any class; the paper need not be written only for PDT Law Concentration classes. What matters is that the topic of the paper involves privacy, data security, or technology law.

If you have questions concerning whether a given topic is sufficiently related to PDT Law, you should consult with, and obtain advance approval from, the PDT Program Director.

Field Placement

A PDT Law related Field Placement is not required for the JD PDT Law concentration. However, a PDT Law related Field Placement—if obtained—can count for a maximum of 2 of the 12 required PDT Law credits.

As with the written work requirement, if you have questions concerning whether a given Field Placement is sufficiently related to PDT Law, you should consult with, and obtain advance approval from, the PDT Program Director.
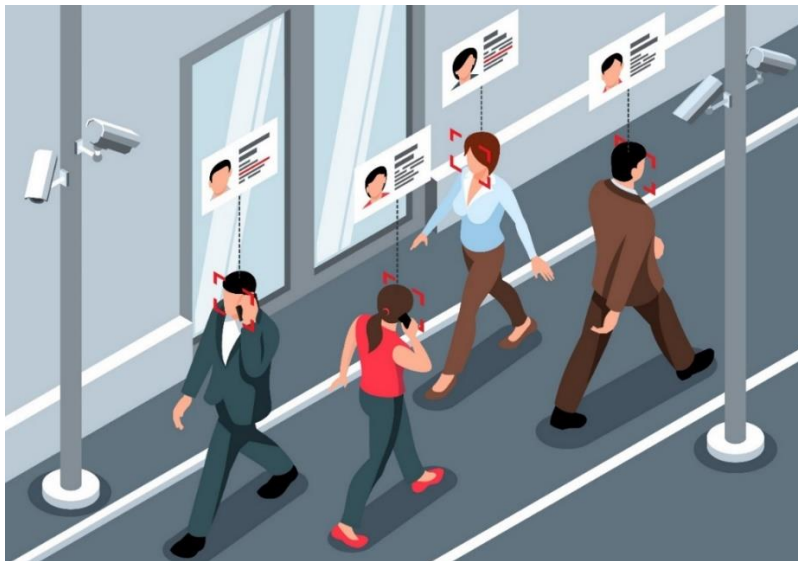
Declaring the JD Concentration

Full-time students should declare their concentration no later than the end of the fall semester in their 2L year. Part time students should declare their concentration no later than the end of the fall semester of their 3LE year.

Course Descriptions

PRIVACY AND DATA PROTECTION

6486 - Information Privacy Law (1 or 3)

Solove   Solow-Niederman

Information privacy law, including the development of constitutional, tort, contract, property, and statutory law to address emerging threats to privacy. Privacy and the media, privacy and law enforcement, workplace privacy, privacy and online transactions, medical and genetic privacy, and privacy and personal records and information. (Examination)

NOTE: Online and in person versions of this course are taught in different semesters.

6896 - Consumer Privacy and Data Protection: Regulatory Approaches (3)

Solove

This course focuses on regulation of consumer privacy and data protection. In depth review of the two major approaches to such regulation, the US approach and the EU approach, and the various dimensions and components of privacy laws. Structural dimensions of laws examined include individual rights, consent, harm, sensitive data, accountability, automated decisions, data security, and enforcement. Emerging issues covered include algorithms, artificial intelligence, machine learning, technological design, platform governance, behavioral advertising, and cyber civil rights. Prior enrollment in 6486 is recommended. (Examination)

NOTE: This is currently an online course.

6895 - Global Privacy Law and Conflict Seminar (2)

Kropf

This seminar will introduce the student to the fundamental concepts of privacy, US, European, and other regional privacy frameworks. Then topics will cover identifying how differences in those frameworks have created legal and policy conflicts challenging cross-border flows of data with particular emphasis on how national security concerns and human rights have injected tension in the transatlantic space, and will identify how those conflicts have been addressed through international agreements. Students will become familiar with significant international privacy agreements including multilateral instruments on data privacy. Students will gain an understanding of how data privacy law intersects with international law, national security and law enforcement, human rights, and global commerce. privacy laws, international agreements, and global privacy frameworks. (Research paper)

6286 - Consumer Protection Law (3)

Fair

Common law doctrines and Federal Trade Commission case law regarding truth in advertising, consumer privacy, and financial transactions. Statutes to be considered include the FTC Act, CAN-SPAM Act, Children's Online Privacy Protection Act, Fair Credit Reporting Act, Fair Debt Collection Practices Act, Lanham Act, and state unfair or deceptive practices statutes. Comparison of regulatory and remedial techniques available through case law, general statutory provisions, and specifically targeted statutes; public and private enforcement mechanisms, including consumer class actions, competitor lawsuits, and alternative dispute resolution. (Examination)

6613 - Selected Topics in Technology Law (1, 2, or 3)

Selected topics in technology law to be announced at the time of registration. This course may be repeated for credit provided the topic differs. Enrollment may be limited. (Examination, research paper, or writing assignments) (Select sections announced at registration)

DATA SECURITY

6879 - Cybersecurity Law and Policy (2)

J. Clark   B. Jackson   McNicholas

Issues relating to the organization of the Internet and the federal government's response to cyberthreats. Legal concepts relating to the private sector and civilian government engagement in cyberspace. Application of traditional laws of armed conflict in the new cyberdomain. Students who receive credit for Law 6890 Cybersecurity Law and Technology may not enroll in this course. (Research paper or examination)

6884 - Technology Foundations for Cybersecurity (1)

J. Clark   B. Jackson

This course examines basic technical concepts relevant to the law. It is designed as a foundational course that will introduce students to key terms and concepts related to cybersecurity. The course will provide a basic understanding of cybersecurity topics that will empower students to more easily identify, understand, and analyze associated legal issues. This course is recommended for students who have little to no technical knowledge but intend to enroll in cyber-related courses as part of their academic curriculum. Students who have prior technical knowledge should not enroll in this course. This course is graded on a CR/NC basis. Students who receive credit for Law 6890 Cybersecurity Law and Technology may not enroll in this course. (Mid-term examination and final examination)

**6890 - Cybersecurity Law and Technology (2 or 3)**

Cedarbaum

Issues relating to the organization of the Internet and the federal government's response to cyberthreats. Legal concepts relating to the private sector and civilian government engagement in cyberspace. Application of traditional laws of armed conflict in the new cyberdomain. Also, examination of basic terms and concepts relevant to cybersecurity technology required to identify, understand, and analyze associated legal issues. Students who receive credit for Law 6879, Cybersecurity Law and Policy or Law 6884, Technology Foundations for Cybersecurity may not enroll in this course. (Writing assignments or examination)

6898 - Cybersecurity Law Crisis Challenge: Protecting Critical Infrastructure, Risk Management, and Incident Response (1, 2, or 3)

This course explores the law and best practices for cybersecurity risk management and incident response, with particular reference to critical infrastructure systems such as the electric grid. A series of tabletop exercises will give students hands-on training in counseling board members and organizational senior leadership and working with technical and administrative managers, law enforcement, and regulators. This course will also address the increasing role of artificial intelligence in cybersecurity. Students who have enrolled in Law 6892 Selected Topics in Cybersecurity Law: Protecting Critical Infrastructure: Meeting Cybersecurity and National Security Threats or Law 6892, Selected Topics in Cybersecurity Law: Risk Management and Incident Response: Legal Approaches may not take this course. Prerequisites or concurrent registration: Law 6879 and 6884 or 6890. (Examination and class participation)

ARTIFICIAL INTELLIGENCE
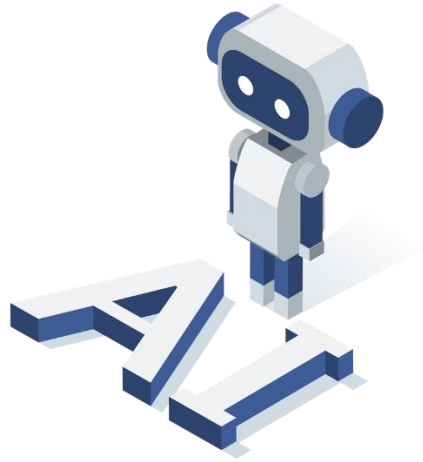
6881 - Artificial Intelligence Law and Policy (2 or 3)

Solow-Niederman   Atkinson   Bowne   Mathison

This course explores the cross-disciplinary legal and policy aspects of artificial intelligence (AI). Analysis of the impact of AI on society and the ability of current legal and regulatory frameworks to address issues arising from the use and deployment of AI. Introduction to emerging technology and evaluation of the complex and evolving set of legal, ethical, and social issues presented by their use. Examination of the legal, social, ethical, economic, and technical implications for society generally and national security specifically. Topics include the technology of AI, its development in the broader context of historical developments in technology, its growth and impact across various sectors in society, and evaluation of its impact on national and global security. This also will include the potential development and use of autonomous weapons systems and its compatibility with international humanitarian law principles. (Research paper or examination)

6613 - Selected Topics in Technology Law: Law in the Algorithmic Society (2)

Brauneis

Examination of current applications of big data collection, machine learning, and deployment of predictive algorithms by private and public entities and resulting legal and policy issues. Consideration of issues of accuracy, fairness, and interpretability raised by applications to assist decision-making; of issues of data protection, disinformation and the prerequisites of democracy raised by applications to influence behavior; of issues of the nature and desirability of law raised by applications to create behavioral guidelines and constraints; and of issues of authorship, inventorship, and copyright infringement and fair use raised by generative AI. (Short papers and longer annotated bibliography)

CYBERSPACE LAW

6485 - Law in Cyberspace (2 or 3)

Survey of theoretical and practical aspects of legal issues concerning cyberspace, including First Amendment free speech rights, commerce, computer crime, privacy, political participation, and jurisdiction. Computer background is not a prerequisite. Students may not receive credit for both Law 6485 and 6493. (Examination)

6493 - Internet Law (1, 2, or 3)

Savage

Focus on speech on the Internet, including governmental attempts to control or filter speech, intermediary liability for third-party speech, digital rights management and other copyright issues, and domain names as speech. The rules and institutions that permit or disallow governance of these issues. Students may not receive credit for both Law 6493 and 6485. (Examination)

6399 - Constitutional Law Seminar: Cyber, Privacy, and Speech (2)

Nunziato

This seminar will explore the following advanced topics related to free speech and privacy in the digital age, largely from a comparative perspective: Regulating harmful content on the Internet – including hate speech/extremist/terrorist content, incitement, and threats; election and health misinformation; deep fakes/manipulated media; and nonconsensual pornography, with an emphasis on whether this content can be directly regulated by the

U.S. government consistent with the First Amendment; whether the social media platforms that facilitate making this content available can be held accountable for/regulated in doing so by the U.S. government, consistent with the First Amendment, the Communications Decency Act (CDA) Section 230, and U.S. anti-terrorism laws – including a consideration of two recent Supreme Court cases (Gonzalez v. Google and Twitter v. Taamneh); how the European Union is regulating such content and holding the platforms accountable for making available this content – including under the EU Code of Conduct on Countering Illegal Hate Speech Online and the new EU Digital Services Act; how the platforms are actually moderating this content – including the content moderation initiatives undertaken by the platforms in response to January 6th, 2021; Twitter's/X's evolving content moderation practices under Elon Musk's control; and state legislation that regulates the platforms' content moderation practices; and the platforms' role in facilitating and thwarting democratic institutions, including their role in U.S. and other elections and their role in facilitating and combating election mis/disinformation. We will also consider current issues of digital data privacy, under U.S. federal law, state law, and EU law, including: the EU's General Data Protection Regulation, including the right to erasure/right to be forgotten; the California Consumer Privacy Act and similar state laws; special issues like biometric data; data collected by wearable technology and the Internet of Things; data on social media accounts; data related to reproductive health care/abortion services; and U.S. federal law – existing and proposed – related to digital data privacy. (Paper)

COMPUTER CRIME

6369 - Computer Crime (1, 2, or 3)

Dickey

The legal issues that judges, legislators, and prosecutors confront in response to computer-related crime. How computer crimes challenge traditional approaches to the prohibition, investigation, and prosecution of criminal activity. Topics include computer hacking, threatening communications, malware, encryption, online undercover operations, the Fourth Amendment in cyberspace, laws governing access to email, and international cooperation in the enforcement of computer crime laws. (Examination)

HEALTH AND GENETIC TECHNOLOGIES

6616 - Genetics and the Law (2 or 3)

Suter

Examination of the legal and ethical issues that genetics research and technology present. Topics include eugenics; the Human Genome Project; ethical, legal, and regulatory issues associated with clinical genetics and various types of genetic testing; possible discriminatory uses of genetic information by employers, insurers, and others; legislative attempts to protect the privacy and confidentiality of genetic information; ownership of genetic samples and information; patent law issues; forensic uses of genetic information; gene therapy; and cloning. (Examination)

6411 - Health Law Seminar: Assisted Reproductive Technologies

Suter

This seminar will explore the legal, ethical, and public policy issues related to the ever-expanding range of reproductive technologies. The reproductive technologies we will examine include prenatal testing, preimplantation genetic diagnosis, trait selection, and assisted reproductive technologies (e.g., gamete and embryo donation, in vitro fertilization, surrogacy, etc.). As a backdrop to these discussions, we will also study relevant law related to reproductive rights including cases involving contraception and abortion. A class presentation and seminar-length research paper will be required. (Research paper)

OTHER TOPICS

6894 - Blockchain: Law, Policy, and Cybersecurity (2)

[Pepe](#)

This course is designed to provide an overview of blockchain law and technology, including the privacy and cybersecurity implications of blockchain. Students will obtain a basic understanding of cryptocurrencies and tokens, blockchain consensus mechanisms, key management and cybersecurity issues relating to blockchain, current and anticipated use cases, and significant projects in the blockchain space today. Building off this learning, students will gain exposure to the current state of the laws implicated by blockchain projects, including the securities laws, commodities laws, tax laws, and other selected federal and state laws. No technical background is required for this course. Students who receive credit for Law 6351, Reading Group: Blockchain: Law and Policy may not enroll in this course. (Writing assignments)

6484 - Computer Law (2)

Intellectual property rights in computer software and in cyberspace. Public policy issues relating to software and computer-related inventions and works; patent vs. copyright vs. sui generis protection debate. Patent or copyright background and some knowledge of computer technology is helpful. In even-numbered years focus is on copyright; in odd-numbered years focus is on patents. (Research paper)

6426 - Public Law Seminar: Race, Surveillance, and the Criminal Legal System (2)

Weisburd

New forms of surveillance are transforming the criminal legal system. This transformation is happening every day in courthouses and police stations across the country. This seminar introduces students to the range of surveillance technologies and techniques currently used in the criminal system and what these advances mean for privacy, civil rights, racial justice and evidence, as well as criminal law and procedure more generally. This seminar will examine these topics in the context of the racial, structural, political and socioeconomic forces that shape how, when, and against whom, surveillance is deployed. The final grade is based on class participation, a final paper or policy memo, and a final class presentation.

6414 - Telecommunications Law (2 or 3)

Lucarelli
S. Morris

Legal and regulatory treatment of communications services and service providers, including telephone companies, cable operators, broadcast stations, wireless carriers, satellite providers, and new IP-based and next-generation networks. Regulatory challenges created by the delivery of content and services over multiple platforms employing different technologies. Rules, policies, and processes of the Federal Communications Commission (FCC) and the statutory and judicial constraints on the FCC's authority to regulate existing and developing business models. (Examination)