

## European Law & ICT (B001516)

**Course size** *(nominal values; actual values may depend on programme)*

**Credits 4.0**

**Study time 120 h**

**Contact hrs**

30.0h

**Course offerings and teaching methods in academic year 2022-2023**

A (semester 2)

English

Gent

online lecture: response  
lecture

25.0h

self-reliant study activities

2.5h

guided self-study

2.5h

**Lecturers in academic year 2022-2023**

Lievens, Eva

RE21

lecturer-in-charge

Debeuckelaere, Willem

RE23

co-lecturer

**Offered in the following programmes in 2022-2023**

Master of Science in Teaching in Social Sciences(main subject Laws)

**crdts**

**offering**

4

A

Master of Laws in Laws

4

A

Master of Laws in European Union Law

4

A

Master of Laws in International and European Law

4

A

Master of Laws in International Business Law

4

A

Exchange Programme in Law

4

A

**Teaching languages**

English

**Keywords**

Information- and communication technologies (ICT), internet, artificial intelligence, fundamental rights, freedom of expression, privacy, data protection, cybercrime, electronic commerce, consumer protection, liability, internet governance

**Position of the course**

The pace with and extent to which information and communication technologies (ICT) are created, adopted and embedded in professional and private spheres lead to the constant emergence of legal issues. The course aims to offer students the knowledge and skills to 1/ identify the correct legal questions, 2/ critically assess the applicability of the current legislative framework and case-law, and 3/ evaluate whether new legislative or regulatory initiatives are required with regard to a selection of ICT-related phenomena.

The course focuses on historic, recent and actual developments in international and European policy and legislation related to ICT, with a specific focus on the legislative framework of the Council of Europe and the European Union and case-law of the relevant courts.

**Contents**

The course aims to offer students an insight into the legal dimension and aspects of information and communication technologies. This includes the development of critical thinking and a legal reflex with regard to networks, platforms, products, services, content and behaviour that are used, produced or facilitated by ICT.

The course discusses the following topics: 1/ ICT and human rights (with a focus on freedom of expression and privacy), 2/ ICT and data protection, 3/ ICT, cybercrime and liability of intermediaries, 4/ ICT, e-commerce and consumer protection, and 5/ actual legal questions related to new or emerging technological phenomena (e.g. big data, algorithmisation, and artificial intelligence). Each part consists of an

introduction, a description and analysis of relevant legal principles, policy documents, legislation, enforcement mechanisms, case-law and practical implications. A recurring focus throughout the course will be on the analysis and interpretation of recent case-law by the Court of Justice of the EU and the European Court of Human Rights. In addition, international developments and frameworks (a.o. UN, SDGs) are considered, and where relevant, national practices or case-law are used by means of illustration.

### **Initial competences**

Basic knowledge of civil and criminal law  
Interest in EU and human rights law

### **Final competences**

- 1 Have a thorough knowledge of the relevant legal principles, instruments and case-law with regard to (phenomena stemming from) specific information and communication technologies.
- 2 Critically reflect on the legal dimension and aspects of existing and emerging information and communication technologies, on the law *de lege lata* and *de lege ferenda*.
- 3 Formulate a legal reasoning for analysing and solving issues in the field of European law & ICT.
- 4 Collect and analyse legal sources and doctrine related to a judgment, application, current issue or development in the field of European law & ICT, from an international or European law perspective.
- 5 Write a scientifically sound case note that situates a judgment in the domain of European law & ICT in the broader legal framework, with references to other case law and relevant doctrine.
- 6 Develop a lifelong learning attitude in relation to topics related to European law & ICT.
- 7 Paying attention to and respecting multiculturalism, diversity, pluralism and tolerance.

### **Conditions for credit contract**

Access to this course unit via a credit contract is unrestricted: the student takes into consideration the conditions mentioned in 'Starting Competences'

### **Conditions for exam contract**

This course unit cannot be taken via an exam contract

### **Teaching methods**

Guided self-study, Online lecture: response lecture, Self-reliant study activities

### **Extra information on the teaching methods**

Classes are preceded by preparation by the students, and consist of introductory lectures by the lecturer and interactive discussions. Students write a case note on a judgment of the European Court of Human Rights or the Court of Justice of the EU. Due to COVID19, changes to the working methods can be rolled out if this proves necessary.

### **Learning materials and price**

Relevant legislation, policy documents, case law and doctrine are made available through the course site on Ufora. The powerpoint presentations are also uploaded on Ufora.

### **References**

I. LLOYD, *Information Technology Law*, Oxford University Press, 2020.  
A. MURRAY, *Information Technology Law: The Law and Society*, Oxford University Press, 2019.

### **Course content-related study coaching**

The lecturer will provide information and guidance regarding the format of the lectures and the individual assignment. The lecturer is available to answer questions before or after the lectures, or by appointment.

### **Assessment moments**

end-of-term and continuous assessment

### **Examination methods in case of periodic assessment during the first examination period**

Open book examination

### **Examination methods in case of periodic assessment during the second examination period**

Open book examination

### **Examination methods in case of permanent assessment**

Participation, Assignment

### **Possibilities of retake in case of permanent assessment**

examination during the second examination period is possible in modified form

### **Extra information on the examination methods**

End-of-term evaluation (50%):

- Written open book examination with open questions, based on the documentation and materials presented, analysed and discussed during the lectures and group discussions.

Continuous assessment (50%):

- Independent work: on an individual basis, students write a case note that describes, critically analyses and situates a case of the European Court of Human Rights or the Court of Justice of the EU that addresses one or more specific legal questions related to law & ICT within the broader relevant legislative framework, with references to other case-law and relevant doctrine.
- Participation (10%): participation in group discussions

### **Calculation of the examination mark**

- **Continuous assessment:** 50% (10% participation, 40% independent work). 2nd chance: it is only possible to submit a new or modified case-note, points for participation are taken into account.
- **End-of-term evaluation:** 50%

The student is obliged to participate in all evaluations (both non-periodic and periodic); otherwise, he/she will be declared "failed" for the course. This means that if the final score is ten or more (out of twenty), this score will be reduced to the highest non-passing grade.

### **Facilities for Working Students**

In the course of the academic year, working students can make an appointment with the lecturer to obtain more information on the course material.