

UNIVERSITY OF VICTORIA FACULTY OF LAW

LAW 343 A05 – INFORMATION & PRIVACY LAW

Spring 2011 (1.5 units)

Course Description and Objectives

The course will begin with an introduction to the historical, political and constitutional context for Canadian freedom of information and privacy laws at both the provincial and federal levels. After freedom of information legislation is considered, issues pertaining to the protection of privacy will constitute a significant component of the course, with an emphasis on public sector and private sector privacy legislation and *Charter of Rights* aspects of privacy.

Topics to be addressed will include the following:

- freedom of information protections for confidential business information, policy advice, Cabinet confidences and third-party privacy;
- international privacy protection regimes and instruments (public and private sector);
- Canadian private sector privacy laws (federal and provincial);
- issues surrounding national security, public safety and privacy;
- issues relating to privacy and personal health information.

Instructor Contacts & Biographical Information

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Since we are not based at the university, by way of open door policy, we invite you to speak to us at or after classes or to schedule appointments with us.

Murray Rankin, Q.C. is a lawyer with Heenan Blaikie LLP. He was a Professor of Law at the University of Victoria for over a decade. He was educated at Queen's University, University of Toronto and Harvard Law School. Murray completed his LL.M. thesis at Harvard Law School on information law. In 1983, he worked at the Organization of Economic Cooperation and Development in Paris in the Directorate of Science Technology and Industry on Transborder Information Flows and subsequently wrote about this in several publications. He served with Dr. David Flaherty as consultant to the House of Commons committee that conducted the review of the *Access to Information* and *Privacy Acts* in 1987. In 1992, he was appointed as the Special Advisor to the then Attorney General of British Columbia, responsible for the policy formation and drafting of B.C.'s *Freedom of Information and Protection of Privacy Act*. He is a co-author of *PIPEDA: An Annotated Guide*, published by Irwin Law in 2000. Murray has lectured and

written articles on privacy topics involving the new *PIPEDA* and has advised a number of clients in the public and private sectors concerning this legislation. Earlier this year he was appointed by the federal Minister of Justice as a Special Advocate under recently amended immigration legislation in national security matters.

David Loukidelis, Q.C. is Deputy Attorney General of British Columbia. He was appointed Information and Privacy Commissioner for British Columbia in 1999 and was appointed by the Legislature to serve a second six-year term in November of 2005. He resigned in February 2010 to become Deputy Attorney General. As Commissioner, David was responsible for enforcing compliance with the privacy protection and access to information provisions of the *Freedom of Information and Protection of Privacy Act* and the private sector privacy provisions of the *Personal Information Protection Act*. He also served as B.C.'s Registrar of Lobbyists under the *Lobbyists Registration Act*. David was educated at the University of Toronto, the University of Edinburgh, Osgoode Hall Law School and the University of Oxford. He clerked at the Supreme Court of Canada and then practiced law in Vancouver before being appointed Commissioner. In addition to being an Adjunct Professor at the University of Victoria's Faculty of Law since 2004, he has been an Adjunct Professor at the University of British Columbia's Faculty of Law and at UBC's School of Community & Regional Planning.

Class Times

Thursdays, 6:00 PM to 9:00 PM, beginning January 6, 2011.

Communication and other Administrative Matters

E-mail and Communication: The Faculty will establish the class list-serve for this course. Please check your university e-mail account regularly for notices about class cancellations, reading assignments, or other matters. Please feel free to e-mail us to ask general questions, noting that, if you have a substantive question, you should speak to us in person.

Academic Accommodation: If you would like to discuss classroom, assignment, or exam accommodation necessitated by a permanent or temporary disability, or for other reasons, please arrange an appointment to meet with us.

Taping: If you would like to tape a lecture please speak to us beforehand.

Laptops: If you choose to take notes on a laptop, please do so in a manner that is respectful of those seated around you. We ask that you not use your laptop during class time for email, internet or other non-class purposes.

Course Materials & Reading

The course syllabus will be made available electronically to students during the first week of lectures. The required reading for this course has been reproduced by the Faculty and is available from the CDC. Some readings and edited versions of cases are available on the Moodle website, as indicated in the syllabus.

Method of Evaluation

The final grade for this course will be based on the following components:

- Each student will participate in a mock tribunal proceeding, Court case or Cabinet submission. You will be required to: (a) prepare a written brief of argument and (b) to present a short oral argument on a hypothetical case or appeal involving an access or privacy issue. During the first lecture, on January 6, students will select the date for their classroom exercise and assignment. The classroom assignment is worth 25% of the final grade.
- In addition, each student will write an essay of at least 4,500 words on a topic chosen by the student with the instructors' approval. A list of essay topics will be circulated to the class during the first week of classes. The essay is worth 75% of the final grade. If prior approval has been received, this essay could serve as the vehicle to discharge your major paper requirement. The essay is due April 21, 2011.

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