COURSE DATA

Data Subject	
Code	36415
Name	Data legal aspects
Cycle	Grade
ECTS Credits	6.0
Academic year	2023 - 2024

Study (s)

Degree	Center	Acad. year	Period
1406 - Degree in Data Science	School of Engineering	2	First term

Subject-matter

Degree	Subject-matter	Character
1406 - Degree in Data Science	4 - Data and Society	Basic Training

Coordination

Name	Department
AVIÑO BELENGUER, DAVID	50 - Civil Law
CHAPARRO MATAMOROS, PEDRO	50 - Civil Law
PALMA ORTIGOSA, ADRIAN	45 - Administrative and Procedural Law

SUMMARY

Legal Aspects of Data Use is a basic subject taught in the first term of the second year of the Degree in Data Science comprising 6 ECTS credits. The basic aim of the course is to apply basic legal knowledge to the use of data in various fields of the current legal system.

Students will acquire comprehensive knowledge on data protection rules in Europe and Spain. GDPR and LOPD 2018.

They will also learn about the system of legal sources (private and public law), intellectual property and data-driven products. Students will learn the rules on trust and digital identification services (electronic signatures) and all issues relating to Internet regulations and the legal aspects of information society services.

The content of the course is adapted to new ethical/legal issues and the implications of artificial intelligence and Big Data, such as discrimination, transparency, explainability of decisions, etc.

The theory classes will be taught in Spanish. The language for the practical and laboratory classes will be stated in the course guidelines available on the website for this degree.

PREVIOUS KNOWLEDGE

Relationship to other subjects of the same degree

There are no specified enrollment restrictions with other subjects of the curriculum.

Other requirements

Students are recommended to have passed 36414 Data, Science and Society before taking this course.

OUTCOMES

1406 - Degree in Data Science

- (CG01) Knowledge of basic subjects and technologies that enable students to learn new methods and technologies, and to provide them with versatility to adapt to new situations.
- (CG07) Ability to autonomously make decisions and to properly and originally elaborate reasoned arguments, in order to obtain reasonable and contrastable hypotheses.
- (CT01) To be able to access (bibliographical) information tools and appropriately use them in the development of their daily tasks.
- (CE14) To understand and apply the ethical, legal and normative aspects related to data treatment and the application of the obtained knowledge.
- (CB1) Students must have acquired knowledge and understanding in a specific field of study, on the basis of general secondary education and at a level that includes mainly knowledge drawn from advanced textbooks, but also some cutting-edge knowledge in their field of study.
- (CB2) Students must be able to apply their knowledge to their work or vocation in a professional manner and have acquired the competences required for the preparation and defence of arguments and for problem solving in their field of study.
- (CB3) Students must have the ability to gather and interpret relevant data (usually in their field of study) to make judgements that take relevant social, scientific or ethical issues into consideration.
- (CB4) Students must be able to communicate information, ideas, problems and solutions to both expert and lay audiences.
- (CB5) Students must have developed the learning skills needed to undertake further study with a high degree of autonomy.

LEARNING OUTCOMES

- Understand and apply current regulations on data protection. (CG01, CB01, CB04, CT01, CE14).
- Know the aspects related to Internet Law within the digital single market. (CG01, CB01, CB04, CT01).
- Know and apply current regulations on intellectual property and industrial property in relation to data. (CG01, CB01, CB04, CT01).
- Have basic legal knowledge in relation to data usage in social networks and on the Internet and in electronic and non-electronic databases in order to respect the rights with regard to (at least) privacy and data protection (CG01, CB01, CB03, CB04, CT01, CE14).
- Have knowledge of the legal protection and exploitation of the same data for research and commercial purposes (CG01, CB01, CB03, CB04, CT01, CE14).
- Have basic knowledge of the legal framework of e-government, as well as the position of the public administration in the processing of personal data (CG01, CB01, CB03, CB04, CT01, CE14).

DESCRIPTION OF CONTENTS

1. European and Spanish Legislation on personal data protection. Introduction to Law.

- Sources of law. Legal system.
- The fundamental right to data protection.
- Principles relating to the processing of personal data, and the rights of the data subject.
- Controller and processor
- Data protection officer

2. Intellectual and industrial property

A) Intellectual property
- Basic concepts
- Data ownership and databases

B) Industrial property
- Patent
- Trademark

3. Information society services

- Spanish Law 34/2002, of 11 July, on services of information society and electronic commerce (LSSE).
- Basic obligations of service providers.
- Liability regime.
- Electronic contracting.
- Commercial communications by electronic means.

4. Electronic administration. E-governance

- Basic concepts.
- Identification and authentication by electronic means.
- Electronic headquarters.

5. Introduction to cybersecurity. Ethical and legal issues of artificial intelligence

- Legal provisions on security of information networks and systems.
- Ethical and legal issues of artificial intelligence.

6. Electronic signature

- Concept of electronic signature.
- Electronic certificates.

WORKLOAD

ACTIVITY	Hours	% To be attended
Theory classes	41,00	100
Laboratory practices	15,00	100
Classroom practices	4,00	100
Attendance at events and external activities	5,00	0
Development of group work	5,00	0
Development of individual work	5,00	0
Study and independent work	10,00	0
Readings supplementary material	10,00	0
Preparation of evaluation activities	15,00	0
Preparing lectures	15,00	0
Preparation of practical classes and problem	10,00	0
Resolution of case studies	10,00	0
Resolution of online questionnaires	5,00	0
TOTAL	**150,00**	

TEACHING METHODOLOGY

- **Theoretical activities**. Lectures involving student participation aimed at solving specific questions. Individual assessment questionnaires (CG01, CB05, CE14).

- **Practical activities.** Students will learn by solving problems, completing exercises and analyzing case studies to acquire competences in the various aspects of the subject (CG01, CG07, CB02, CB03, CT01, CE14).

- **Cross-disciplinary competencies**. Activities will include visits to companies and attendance at courses, conferences, round tables and other activities organized and/or proposed by the Academic Coordinating Committee for the bachelor's degree (CB04, CE14).

- **Laboratory and/or computer-based work**. Students will learn by carrying out activities individually or in small groups in the laboratory and/or computer room (CG01, CG04, CG07, CB02, CB03, CT01, CE14).

EVALUATION

Composition of the final mark. - The final mark is calculated as:

10% FOR ATTENDANCE AND ACTIVE PARTICIPATION IN CLASS (CB02, CB03, CB04).

40% FOR CONTINUOUS ASSESSMENT (CG01, CG07, CB02, CB03, CB04, CE14).

50% FOR FINAL TEST (CG01, CG07, CB02, CB03, CB04, CE14).

REGULAR ATTENDANCE AND PARTICIPATION IN CLASS (10%): This item values the participation and degree of involvement of the student in the teaching-learning process, taking into account regular attendance at activities that take place in person or online, thus such as the resolution of questions and problems periodically proposed.

CONTINUOUS EVALUATION (40%).- This element values the progressive acquisition of theoretical and practical knowledge by the student. It is broken down into the following activities:

1.-Activities continuous assessment (20%) Carrying out at least two evaluable tests, which may take the form of case resolution, objective test-tests, individual or group work, etc. These activities have the character of RECOVERABLE IN THE SECOND ROUND through the final test, which would have a weight in the final mark of 70% (50% + 20%).

2.- Laboratory practices (20%). Assistance and performance of laboratory practices. These activities are NOT RECOVERABLE in the second round.

FINAL TEST (50%): The form of the FINAL TEST (multiple choice, short or open-ended questions, theoretical or theoretical-practical, oral examination, etc.) will be communicated to students well in advance.

FINAL EVALUATION. Global grade to pass the subject. The final grade will be established by the combination of the final test grade, continuous assessment and attendance and participation in class, and must be greater than 5 out of 10.

Likewise, the minimum grade to be obtained in the final test to be able to average with the rest of the assessment areas is 4 out of 10.

In all cases the evaluation system will be governed by the University of Valencia's regulations on grading and assessment for bachelor's degrees and master's degrees, which is available at:

http://www.uv.es/graus/normatives/2017_108_Reglament_avaluacio_qualificacio.pdf

REFERENCES

Basic

- ARENAS RAMIRO, M. y ORTEGA GIMÉNEZ, A. (dirs.): Comentarios a la Ley Orgánica de Protección de Datos y Garantía de Derechos Digitales (en relación con el RGPD, Ed. Sepín, 2019.
- GAMERO CASADO, E. y VALERO TORRIJOS, J. (dirs.): La Ley de Administración Electrónica, Ed. Aranzadi, Navarra, 3ª Edición, 2010.
- LÓPEZ CALVO, J. (dir.): La adaptación al nuevo marco de protección de datos tras el RGPD y la LOPDGDD. Ed. Wolters Kluwer, 2019.
- MURGA FERNÁNDEZ, J. P., FERNÁNDEZ SCAGLIUSI, M. A., ESPEJO LERDO DE TEJADA, M.: Protección de datos, responsabilidad activa y técnica de garantía, Ed. Reus, 2018.
- PIÑAR MAÑAS, J, L: Reglamento General de Protección de Datos: hacia un nuevo modelo europeo de privacidad, Ed. Reus, 2016.
- REBOLLO DELGADO, L. y SERRANO PÉREZ, Mª. M.: Manual de Protección de Datos, Dykinson, 2019.
- AGUADO C.: Derecho de las nuevas tecnologías. Madrid: Lefebvre-El Derecho, D.L. 2017.
- ESCUDERO GALLEGO, R. et. al (coords.): Ciberseguridad. Madrid: Wolters Kluwer, 2017.
- MERCHÁN MURILLO, A.: Firma electrónica: funciones y problemática: especial referencia al Rgto. (UE) nº 910/2014, relativo a la identificación electrónica por la que se deroga la Directiva 1999/93/CE de firma electrónica. Cizur Menor (Navarra). Aranzadi, 2016. http://proview.thomsonreuters.com/title.html?titleKey=aranz/monografias/167373188/v1&sponsor=0000001224-IP

- RALLO LOMBARTE, A.: Tratado de protección de datos: actualizado con la Ley Orgánica 3/2018, de 5 de diciembre, de protección de datos personales y garantía de los derechos digitales. Valencia: Tirant lo Blanch, 2019.
- CALDER, A. Reglamento General de Protección de Datos (RGPD) de la UE: Una Guía de Bolsillo, IT Governance Ltd, 2017. ProQuest Ebook Central, https://ebookcentral.proquest.com/lib/univalencia/detail.action?docID=5255166
- GARCÍA ALSINA, M. Big data: gestión y explotación de grandes volúmenes de datos, Editorial UOC, 2017. ProQuest Ebook Central, https://ebookcentral.proquest.com/lib/univalencia/detail.action?docID=5308389
- PEDREÑO MUÑOZ, A. Big data e inteligencia artificial: una visión económica y legal de estas herramientas disruptivas. Paterna: Fundació Parc Científic, Universitat de València, 2018. http://roderic.uv.es/bitstream/handle/10550/70847/ebook-bigdata_revisado-v5-DOI.pdf?sequence=1&isAllowed=y

Additional

- Ley Orgánica 3/2018, de 5 de diciembre, de Protección de Datos Personales y Garantía de los Derechos Digitales.
- Reglamento (UE) 2018/1807, del Parlamento Europeo y del Consejo, de 14 de noviembre de 2018, relativo a un marco para la libre circulación de datos no personales en la Unión Europea.
- Real Decreto-ley 12/2018, de 7 de septiembre, de seguridad de las redes y sistemas de información.
- Reglamento (UE) 2016/679, del Parlamento Europeo y del Consejo, de 27 de abril de 2016, relativo a la protección de las personas físicas en lo que respecta al tratamiento de datos personales y a la libre circulación de estos datos y por el que se deroga la Directiva 95/46/CE.
- Real Decreto 951/2015, de 23 de octubre, de modificación del Real Decreto 3/2010, de 8 de enero, por el que se regula el Esquema Nacional de Seguridad en el ámbito de la Administración Electrónica.
- Ley 39/2015, de 1 de octubre, del Procedimiento Administrativo Común de las Administraciones Públicas.
- Real Decreto 3/2010, de 8 de enero, por el que se regula el Esquema Nacional de Seguridad en el ámbito de la Administración Electrónica.
- Real Decreto 1671/2009, de 6 de noviembre, por el que se desarrolla parcialmente la Ley 11/2007, de 22 de junio, de acceso electrónico de los ciudadanos a los servicios públicos.
- Real Decreto 1553/2005, de 23 de diciembre, por el que se regula la expedición del documento nacional de identidad y sus certificados de firma electrónica.
- Ley 59/2003, de 19 de diciembre, de firma electrónica.
- Ley 34/2002, de 11 de julio, de Servicios de la Sociedad de la Información y de Comercio Electrónico.
- Directiva 2000/31/CE, del Parlamento Europeo y del Consejo, de 8 de junio de 2000, relativa a determinados aspectos jurídicos de los servicios de la sociedad de la información, en particular el comercio electrónico en el mercado interior.