

LW6218E: CURRENT ISSUES IN DATA AND PRIVACY PROTECTION LAWS

Effective Term

Semester A 2026/27

Part I Course Overview

Course Title

Current Issues in Data and Privacy Protection Laws

Subject Code

LW - Law

Course Number

6218E

Academic Unit

School of Law (FL)

College/School

School of Law (FL)

Course Duration

One Semester

Credit Units

3

Level

P5, P6 - Postgraduate Degree

Medium of Instruction

English

Medium of Assessment

English

Prerequisites

Nil

Precursors

Nil

Equivalent Courses

Nil

Exclusive Courses

Nil

Part II Course Details

Abstract

The use of information for business ex-ante planning, transaction execution, and ex-post evaluation forms an intrinsic part of almost all corporate operations. The business community has long been forcefully advocating for the international free flow of data for business facilitation, taking cross-border data flows as the “life-blood” of transnational corporations. According to a McKinsey Global Institute 2016 report, “approximately 12 percent of the global goods trade is conducted via international e-commerce,” and roughly half of global trade services are digitized already. According to the MGI report, the soaring transborder data flows, thus, “generate more economic value than traditional flows of trade goods.” To be able to critically identify, evaluate, and analyse legal policy issues of data and privacy protection from individual, social, and constitutional perspectives, and eventually apply legal principles to data- and privacy law- related problem-solving, is crucial for legal and commercial success in the future amid the rise of the global trade fragmentation upon the advances of AI technology .

This course aims at providing a discovery-enriched curriculum for students to discover and explore the principles and framework of the law of data and privacy protection along with the evolution of the contemporary trading regime in the digital age. Issues of focus cover the nature of personal privacy, the personal, commercial and constitutional interfaces of personal data protection, digitization’ s regulatory challenges (e.g. algorithm and automated decision-making in particular), data sovereignty, cybersecurity, and free trade liberation in the digital age. Through discovery-enriched group projects on certain contemporary corporate data and privacy risk management issues, interactive lectures by selected industry leaders or elite professionals, and practise-oriented field trips, students will be put in a discovery-enriched environment to explore the structure and effects of a particular legal and regulatory environment concerning law of data and privacy protection. Building on the new informed insights and understanding of the data governance and privacy protection through participation in this discovery-enriched curriculum, students will acquire data-related yet privacy-minded new competencies and abilities applying/questioning laws and policies in the relevant fields and make their informed decisions.

Course Intended Learning Outcomes (CILOs)

CILOs		Weighting (if app.)	DEC-A1	DEC-A2	DEC-A3
1	Identify, analyse and critically explain the substantive rules and legal framework concerning law of data and privacy protection in Hong Kong and other related jurisdictions such as the EU and the PRC. - Assess, scrutinize and recognize the role of law of data and privacy protection in modern business model and international trading framework.		x	x	
2	Analyse, compare and critically evaluate: - issues and concerns in the field of law of data and privacy protection amid the rise of global trade fragmentation upon the advances of AI technology - the objectives of law of data and privacy protection and the practical implications of the data law and regulation in the commercial/ social context. - the operation of the substantive rules of law of data and privacy protection in commercial and constitutional activities.		x	x	

3	Apply the principles of data and privacy law to solve legal problems by: - researching on law of data and privacy protection issues in Hong Kong and other relevant jurisdictions. - analysing and offering different approaches in resolving problems concerning data and privacy issues in business as well as constitutional context. - communicating their solutions coherently and accurately.		x	x	x
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A1: Attitude

Develop an attitude of discovery/innovation/creativity, as demonstrated by students possessing a strong sense of curiosity, asking questions actively, challenging assumptions or engaging in inquiry together with teachers.

A2: Ability

Develop the ability/skill needed to discover/innovate/create, as demonstrated by students possessing critical thinking skills to assess ideas, acquiring research skills, synthesizing knowledge across disciplines or applying academic knowledge to real-life problems.

A3: Accomplishments

Demonstrate accomplishment of discovery/innovation/creativity through producing /constructing creative works/new artefacts, effective solutions to real-life problems or new processes.

Learning and Teaching Activities (LTAs)

LTAs	Brief Description	CILO No.	Hours/week (if applicable)
1	Seminars by the coordinator · Students will acquire knowledge of the substantive rules of law of data and privacy protection through a comparative approach in Hong Kong, the PRC and other jurisdictions. · Students will be given guidance on their reading and research for their seminars and group project presentations. · Students by responding to questions and performing exercises will develop their analytical and critical capabilities and discuss important issues pertaining to topics covered in the syllabus.	1, 2, 3	

2	Seminars by guest speakers	· Instructors will introduce students to issues, concerns and aspects of the operation of the substantive rules applicable to law of data and privacy protection. · Instructor will show how legal problems are solved by applying principles and rules and compare international legal principles related to law of data and privacy protection.	1, 2, 3	
3	Guided Preparation & Presentation of Group Projects	· Students will research issues of law of data and privacy protection. Students will give final reports at the end of the term on selected topics in which they will scrutinise, analyse and evaluate issues and concerns in the field of law of data and privacy protection and provide a comparative aspect.	1, 2, 3	

Assessment Tasks / Activities (ATs)

	ATs	CILO No.	Weighting (%)	Remarks	Allow Use of GenAI?
1	Class participation in the form of group presentation	1, 2, 3	20	The use of GenAI tools to assist students in finishing their homework assignments is permitted, only if the benefit and support from the GenAI tools are clearly indicated and acknowledged. This permission is intended to allow access to benefits of new technological development that will assist and facilitate the improvement of students' academic research quality, rather than a green light for dishonest free riding. The onus of clearly indicating and acknowledging the use of GenAI tools is on students themselves by assignment submission should they choose to use GenAI to assist their assessment, and the failure of doing so will be treated as academic dishonesty accordingly.	Yes

2	Assignment in the form of individual mid-term quiz with lockdown browser	1, 2, 3	20	The use of GenAI tools to assist students in finishing their homework assignments is permitted, only if the benefit and support from the GenAI tools are clearly indicated and acknowledged. This permission is intended to allow access to benefits of new technological development that will assist and facilitate the improvement of students' academic research quality, rather than a green light for dishonest free riding. The onus of clearly indicating and acknowledging the use of GenAI tools is on students themselves by assignment submission should they choose to use GenAI to assist their assessment, and the failure of doing so will be treated as academic dishonesty accordingly.	Yes
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Continuous Assessment (%)

40

Examination (%)

60

Examination Duration (Hours)

2

Minimum Continuous Assessment Passing Requirement (%)

40

Minimum Examination Passing Requirement (%)

40

Additional Information for ATs

Applicable to students admitted before Semester A 2022/23 and in Semester A 2024/25 & thereafter

Students must obtain a minimum mark of 40% in both coursework and examination and an overall mark of 40% in order to pass the course. Coursework for this purpose means those ways in which students are assessed other than by the final examination.

Applicable to students admitted from Semester A 2022/23 to Summer Term 2024

Students must obtain a minimum mark of 50% in both coursework and examination and an overall mark of 50% in order to pass the course. Coursework for this purpose means those ways in which students are assessed other than by the final examination.

Assessment Rubrics (AR)

Assessment Task

Class participation in the form of group presentation (Class participation in the form of group presentation)

Criterion

Demonstration of oral presentation skills and willingness / ability to answer questions in class.

Excellent

(A+, A, A-) Strong evidence of original thinking; good organization, capacity to analyse and synthesize; superior grasp of subject matter; evidence of extensive knowledge base.

Good

(B+, B, B-) Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with literature.

Fair

(C+, C, C-) Student who is profiting from the university experience; understanding of the subject; ability to develop solutions to simple problems in the material.

Marginal

(D) Sufficient familiarity with the subject matter to enable the student to progress without repeating the course.

Failure

(F) Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature.

Assessment Task

Assignment in the form of individual mid-term quiz with lockdown browser (Applicable to students admitted before Semester A 2022/23 and in Semester A 2024/25 & thereafter)

Criterion

- Demonstration of understanding of principles, theories and concepts.
- Demonstration of ability to identify issues.
- Application of knowledge to specific problems and discussion questions.
- Application of research, writing and / or communication skills.
- Ability to engage in argument-based analysis.
- Aptitude for formulating innovative solutions to designated fact-based questions.

Excellent

(A+, A, A-) Strong evidence of original thinking; good organization, capacity to analyse and synthesize; superior grasp of subject matter; evidence of extensive knowledge base.

Good

(B+, B, B-) Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with literature.

Fair

(C+, C, C-) Student who is profiting from the university experience; understanding of the subject; ability to develop solutions to simple problems in the material.

Marginal

(D) Sufficient familiarity with the subject matter to enable the student to progress without repeating the course.

Failure

(F) Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature.

Assessment Task

Examination (Applicable to students admitted before Semester A 2022/23 and in Semester A 2024/25 & thereafter)

Criterion

- Demonstration of understanding of principles, theories and concepts.
- Demonstration of ability to identify issues.
- Application of knowledge to specific problems and discussion questions.
- Ability to engage in argument-based analysis.
- Aptitude for formulating innovative solutions to designated fact-based questions.

Excellent

(A+, A, A-) Strong evidence of original thinking; good organization, capacity to analyse and synthesize; superior grasp of subject matter; evidence of extensive knowledge base.

Good

(B+, B, B-) Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with literature.

Fair

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Marginal

(D) Sufficient familiarity with the subject matter to enable the student to progress without repeating the course.

Failure

(F) Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature.

Assessment Task

Class participation in the form of group presentation (Applicable to students admitted from Semester A 2022/23 to Summer Term 2024)

Criterion

Demonstration of oral presentation skills and willingness / ability to answer questions in class.

Excellent

(A+, A, A-) High

Good

(B+, B) Significant

Marginal

(B-, C+, C) Moderate

Failure

(F) Inadequate

Assessment Task

Assignment in the form of individual mid-term quiz with lockdown browser (Applicable to students admitted from Semester A 2022/23 to Summer Term 2024)

Criterion

- Demonstration of understanding of principles, theories and concepts.
- Demonstration of ability to identify issues.
- Application of knowledge to specific problems and discussion questions.
- Application of research, writing and / or communication skills.
- Ability to engage in argument-based analysis.
- Aptitude for formulating innovative solutions to designated fact-based questions.

Excellent

(A+, A, A-) High

Good

(B+, B) Significant

Marginal

(B-, C+, C) Moderate

Failure

(F) Inadequate

Assessment Task

Examination (Applicable to students admitted from Semester A 2022/23 to Summer Term 2024)

Criterion

- Demonstration of understanding of principles, theories and concepts.
- Demonstration of ability to identify issues.
- Application of knowledge to specific problems and discussion questions.
- Ability to engage in argument-based analysis.
- Aptitude for formulating innovative solutions to designated fact-based questions.

Excellent

(A+, A, A-) High

Good

(B+, B) Significant

Marginal

(B-, C+, C) Moderate

Failure

(F) Inadequate

Part III Other Information

Keyword Syllabus

Global IP strategies; digitization’ s regulatory challenges; “code as law” vs “code is law” ; data as an asset and data as a right; personal data privacy protection; algorithm and automated decision-making; data ownership; multifaced data and privacy protection; data localization; data sovereignty; cybersecurity; digital dominance; GBA data single market.

Detailed Syllabus

1. Global IP strategies for emerging technology
2. Digitization’ s regulatory challenges and commercial opportunities
3. Digital environment and the principle of “code as law,”
4. Nature of data: as an asset vs as a right
5. Diversities of data protection frameworks: US vs GDPR, and PRC
6. Hong Kong’ s Personal data privacy protection framework
7. Algorithm, automated decision-making, and social behavioural science
8. Property rights in data and data ownership
9. Individual, social, and constitutional interface of data and privacy protection
10. Data localization, data sovereignty, and the future GBA data single market
11. Data protection, service trade and WTO E-commerce reform
12. Personal data, digital dominance, and competition

Reading List**Compulsory Readings**

Title	
1	Suggested Background Readings:
2	Samuel D. Warren and Louis D. Brandeis, “The Right to Privacy,” 4.5 Harvard Law Review (1890), 193.
3	Louis Nizer, “The Right of Privacy: A Half Century’ s Development,” 39.4 Michigan Law Review (1941), 526.
4	William L. Prosser, “Privacy,” 48.3 California Law Review (1960), 383.
5	William M Beaney, “The Right to Privacy and American Law,” 31.2 Law and Contemporary Problems (1966), 253.
6	James Q. Whitman, “The Two Western Cultures of Privacy: Dignity Versus Liberty,” 113 Yale Law Journal (2004), 1151.
7	James Gordley, “When Is the Use of Foreign Law Possible? A Hard Case: The Protection of Privacy in Europe and the United States,” 67.4 Louisiana Law Review (2007), 1073-1102.
8	Steven C. Bennett, “The ‘Right to Be Forgotten’ : Reconciling EU and US Perspectives,” 30.1 Berkeley Journal of International Law (2012), 161-195.
9	Paul M. Schwartz, “The EU-U.S. Privacy Collision: A Turn to Institutions and Procedures,” 126 Harvard Law Review (2013), 1966-2009.
10	Paul M. Schwartz and Daniel J. Solove, “Reconciling Personal Information in the United States and European Union,” 102.4 California Law Review (2014), 877.

11	Anupam Chander and Uyên P. Lê, “Data Nationalism,” 64.3 Emory Law Journal (2015), 677.
12	Susan Aaronson, “Why Trade Agreements are not Setting Information Free: The Lost History and Reinvigorated Debate over Cross-Border Data Flows, Human Rights, and National Security,” 14.4 World Trade Review (2015), 673.
13	Susan A Aaronson, “What Are We Talking about When We Talk about Digital Protectionism?” 18.4 World Trade Review (2019), 547.
14	Emmanuel Pernot-Leplay, “China’ s Approach on Data Privacy Law: A Third Way between the U.S. and the EU?” 8.1 Penn State Journal of Law & International Affairs (2020), 49.
15	Neha Mishra, “Privacy, Cybersecurity, and GATS Article XIV: A New Frontier for Trade and Internet Regulation?” 19.3 World Trade Review (2020), 342.
16	Ryan Abbott, The Reasonable Robot: Artificial Intelligence and the Law (UK: CUP, 2020).
17	Martin Ebers and Susana Navas (eds.) Algorithms and Law (UK: CUP, 2020).
18	Nathalie A. Smuha (ed.). The Cambridge Handbook of the Law, Ethics and Policy of Artificial Intelligence (UK: CUP, 2025).
19	Wenwei Guan. “Data Privacy and International Law in the Digital Era,” 41.1 Emory International Law Review (2026-2027). Forthcoming.
20	Weekly Readings:
21	To be specified and circulated by relevant weekly speakers ahead of time.

Additional Readings

Title	
1	Online Resources:
2	Office of the PCPD, Hong Kong: https://www.pcpd.org.hk/
3	Intellectual Property Department, Hong Kong: http://www.ipd.gov.hk/eng/home.htm
4	Hong Kong Legal Information Institute https://www.hklii.hk/
5	Department of Justice Bilingual Laws Information System https://www.elegislation.gov.hk/
6	EU Commission on Data Protection: https://ec.europa.eu/info/law/law-topic/data-protection_en
7	WTO E-Commerce Gateway https://www.wto.org/english/tratop_e/ecom_e/ecom_e.htm