

Information Privacy Law

SPRING 2026

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Villanova University Charles Widger School of Law

COURSE SYLLABUS

MEETINGS: Tuesday & Thursday, 10:15 – 11:40 AM

LOCATION: Room 303

INSTRUCTOR: Professor Ormerod (OR · MUR · ODD)

OFFICE: Room 244

EMAIL: peter.ormerod@law.villanova.edu

**OFFICE
HOURS:** Thursday, 12 – 3 PM
[SIGN UP](#)

1. OVERVIEW

This course is an introduction to information privacy and data protection law.

Our coverage will include the common law, constitutional, statutory, and regulatory foundations of domestic information privacy law; compliance, enforcement, and regulatory issues that arise from the collection, processing, storage, and transfers of data; constitutional limits on privacy law; privacy constraints on law enforcement and foreign intelligence activities; data security; sectoral privacy regimes, including employment, medical, and children's privacy; and the European approach to data protection. We'll focus in particular on the information economy and legal problems that arise

from the proliferation of digitization and datafication.

This course will supply students with doctrinal and policy knowledge of the existing landscape of privacy law, prepare them to confront privacy compliance issues that arise in both private- and public-sector organizations, and make them critical and informed participants in debates and discourses involving the regulation of information flows.

2. COURSE OBJECTIVES

At the end of the course:

1. Students will be able to identify and explain the common law, constitutional, statutory, and regulatory foundations of U.S. information privacy law, and apply those doctrines to novel fact patterns involving digitization, surveillance, and data practices.
2. Students will be able to identify and analyze common legal issues that arise throughout the life cycle of data, including collection, processing and use, storage and security, and disclosure and transfer, and evaluate how existing statutory, regulatory, and common law frameworks govern each stage.
3. Students will analyze how privacy law interacts with other constitutional and statutory regimes (e.g., the First Amendment, law enforcement authorities, data security mandates), and contrast the U.S. sectoral approach with the European Union's data protection framework, including the GDPR.
4. Students will develop the ability to spot and resolve privacy compliance issues likely to arise in both private- and public-sector organizations, including advising on regulatory obligations, risk management, and enforcement exposure.
5. Students will be able to engage as informed participants in contemporary debates about the regulation of information flows, and will be able to articulate, in writing and orally, reasoned positions on contested issues such as platform governance, targeted advertising, government surveillance, and datafication in the information economy.

3. REQUIRED TEXT

The text is William McGeveran, *Privacy & Data Protection Law* (2d ed. 2023). I strongly recommend obtaining a physical copy of the casebook.

4. OFFICE HOURS

My office hours will be held in person on Thursdays from 12 to 3 PM. Use [this link](#) to sign up and reserve one of the 15-minute blocks. I encourage you to sign up in groups or to invite other students to join you during your reserved block. Absent extraordinary circumstances outside of your control, you should keep any appointments you make. If you need to arrange an

appointment at another time, please email me. You're also welcome to stop by without an appointment, but those who've booked time in advance take precedence.

5. PARTICIPATION

Participation during class is required and expected. I will be cold-calling students in most class meetings, and I will also at times ask for volunteers. You are expected to have done the reading assignment at least once, to have taken notes on it, and to be adequately prepared to answer my questions.

Before each class, I'll produce a randomly generated list of students to be cold-called during that class. These names are chosen by a computer algorithm. The algorithm selects names at random but favors students who have been cold-called fewer times. Specifically, someone who hasn't been cold-called yet is twelve times more likely to be cold-called than someone who's been cold-called once, is 144 times more likely to be cold-called than someone who's been cold-called twice, and so on. So being chosen on a given day may mean it's less likely you'll be chosen in the near future—but it's no guarantee.

I will post the cold-call list on Blackboard for each class session and reserve the right to revise it until 9:15 AM on the day of class. You begin the semester with two waivers. If you decide to use a waiver, you won't be cold-called during that class.¹ You can use a waiver for any reason or no reason. To use a waiver, you must email me before 9 AM on the day of class. There is no need to provide an excuse when you elect to use a waiver, and I'd rather you not volunteer one.

6. FINAL EXAM

There will be an in-person final examination proctored by the Law School at the end of the semester. Additional details about the proctoring will be forthcoming. The exam will have a word limit, it will include one or more essay questions, and it may also include short-answer questions, multiple-choice questions, or some combination thereof. You will be permitted to consult whatever physical materials you bring into the exam, but the laptop

1. Using a waiver exempts you *only* from being cold-called and has no effect on attendance. The attendance policy is articulated in § 8.1.

mode will be closed, so you will not be able to consult any digital materials or other people.

7. GRADES

Final course grades will be based on your performance on the final examination. I reserve the right to change any student's final course grade by one-third of a letter grade based on participation, attendance, behavior, conduct, effort, and professionalism.

8. POLICIES

8.1 ATTENDANCE

Academic Rule 3 articulates the Law School's attendance policy, and it is hereby incorporated by reference. Attendance is mandatory and anyone who misses more than four class meetings will be referred to the Assistant Dean of Students and Academic Success, who may impose the sanction of exclusion from the course. If you know about an absence in advance or if absences result from extraordinarily circumstances beyond your control, I recommend that you arrange an office hours meeting with me to discuss the particulars of your situation.

8.2 PROFESSIONALISM

As a member of a professional graduate school community, your conduct is expected to conform to the norms of the legal profession.² Failures of professionalism may subject the offending student to discretionary grade penalties articulated in § 7 and referral to the Law School's student misconduct process.

2. Conduct that falls below this baseline expectation includes (without limitation) arriving to class late; packing up or leaving class early; failing to observe proper decorum in interactions with faculty, staff, or other students; and engaging in other forms of misconduct as defined by the Student Handbook.

8.3 ACADEMIC INTEGRITY

The Student Handbook's Academic Code of Conduct is hereby incorporated by reference. You are presumed to know and understand the contents of the Code of Conduct.

8.4 ELECTRONICS

I discourage using a laptop in the classroom. Empirical research has shown that keyboards ease the rote transcription of facts but they prove counter-productive when pupils are tasked with understanding and recording complex subjects and concepts.³ Students who use paper & pen(cil) or stylus & tablet are necessarily practicing and refining several important skills: deciding which aspects of the classroom discussion are sufficiently important to record and recording them most efficiently.

Those who use keyboards, I've found, spend far more time attempting to record everything and spend far less time following the discussion and contemplating what's important. The notes produced by keyboard are thus less useful after class ends. There is little reason to be concerned about missing something important because all class sessions are recorded, and those recordings are made available to all students.

Using a laptop in class also creates opportunities for distraction that many students cannot resist. Importantly, using a laptop for purposes unrelated to class not only distracts those using the laptop but also those who can see the screen.

Please silence your phones before class begins, and do not use them during class. Using other electronics (including laptops) for purposes unrelated to class is also prohibited.

3. See, e.g., Abraham E. Flanigan, Jordan Wheeler, Tiphaine Colliot, Junrong Lu, and Kenneth A. Kiewra, *Typed Versus Handwritten Lecture Notes and College Student Achievement: A Meta-Analysis*, 36 EDUC. PSYCHO. REV. 78 (2024), doi.org/10.1007/s10648-024-09914-w; Colleen P. Murphy, CJ Ryan & Yajni Warnapala, *Note-Taking Mode and Academic Performance in Two Law School Courses*, 69 J. LEGAL EDUC. 207 (2019), ssrn.com/abstract=3134218; Pam A. Mueller & Daniel M. Oppenheimer, *The Pen Is Mightier than the Keyboard: Advantages of Longhand over Laptop Note Taking*, 25 PSYCH. SCI. 1159 (2014), doi.org/10.1177/0956797618781773.

8.5 RECORDING

Our class meetings are automatically recorded, and I will post the recordings on Blackboard. You may not save, retain, or rerecord any portion of any recording. The Student Handbook provides: “Any authorized course recording is solely for the student’s educational use for personal study for the course; a course recording may not be 1) reproduced or uploaded to publicly or privately accessible web environments or networks; 2) shared with others; or 3) exchanged or distributed for commercial or non-commercial purposes, with or without compensation, for any purpose.” I understand this prohibition to include sharing or uploading any portion of any recording—including transcriptions—to generative AI services.

8.6 ACCOMMODATIONS

If you wish to request academic accommodations, please contact Rebecca Scalio, the Associate Director of Academic Success.

9. OUTLINES & ASSIGNMENTS

One item of note: lectures are organized by subject—*not by class meeting*. In other words, some lectures may span multiple class meetings, while others may take less than a class meeting to cover. I will communicate my expectations in class about when to complete which reading assignments.

9.1 OVERVIEW

1. Foundations

1.1 Constitutional Law

- 1.1.1 Fourth Amendment
- 1.1.2 First Amendment
- 1.1.3 Express Privacy Rights
- 1.1.4 Implied Privacy Rights

1.2 Tort Law

- 1.2.1 Intrusion Upon Seclusion
- 1.2.2 Disclosure of Private Facts
- 1.2.3 Limits on Tort Liability

1.3 Consumer Protection

- 1.3.1 Federal Trade Commission
- 1.3.2 Private Lawsuits
- 1.3.3 Omnibus Consumer Privacy Laws

1.4 Data Protection

2. The Life Cycle of Data

2.1 Collection

- 2.1.1 The Electronic Communications Privacy Act
- 2.1.2 Consent

2.2 Processing & Use

- 2.2.1 The Fair Credit Reporting Act
- 2.2.2 Purpose Limitations & Automated Decisionmaking

2.3 Storage & Data Security

2.4 Disclosures & Transfers

- 2.4.1 International Data Transfers
- 2.4.2 Speech Protections for Disclosures

3. Sectoral Regulation

3.1 National Security

3.2 Employment Privacy

- 3.2.1 Screening Applicants & Employees
- 3.2.2 Monitoring Workers

3.3 Medical Privacy

3.4 Marketing & Communications Privacy

3.5 Youth Privacy

9.2 LECTURE OUTLINES

LECTURE 1.1.1

Course Syllabus; McGEVERAN: 3–44

Fourth Amendment

1. Welcome & Administration
 - 1.1 Course Syllabus
 - 1.2 Introduction to Privacy Law
2. Fourth Amendment Foundations
 - 2.1 *Olmstead v. United States* (1928)
 - 2.2 *Katz v. United States* (1967)
3. Contemporary Challenges
 - 3.1 *Carpenter v. United States* (2018)
 - 3.2 Problem: Cloud Computing & the Fourth Amendment

LECTURE 1.1.2

McGEVERAN: 44–56

First Amendment

1. *Stanley v. Georgia* (1969)
2. *McIntyre v. Ohio Elections Comm.* (1995)

LECTURE 1.1.3

McGEVERAN: 56–75, 77–78

Explicit Privacy Rights

1. European Constitutional Documents
2. *S. and Marper v. the United Kingdom* (2008)
3. *Axel Springer AG v. Germany* (No. 2) (2014)
4. State Constitutional Privacy

LECTURE 1.1.4

McGEVERAN: 79–103

Implied Privacy Rights

1. *Griswold v. Connecticut* (1965)
2. *Dobbs v. Jackson Women's Health Org.* (2022)
3. *Whalen v. Roe* (1977)

LECTURE 1.2.1

McGEVERAN: 113–37

Intrusion Upon Seclusion

1. Tort Foundations
2. *Plaxico v. Michael* (1999)
3. *Anderson v. Mergenhagen* (2007)

LECTURE 1.2.2

McGEVERAN: 138–55

Disclosure of Private Facts

1. Publicity: *Bodah v. Lakeville Motor Express* (2003)
2. Private Matters & Highly Offensive: *Y.G. & L.G. v. Jewish Hospital of St. Louis* (1990)
3. Newsworthiness: *Haynes v. Alfred A. Knopf, Inc.* (1993)

LECTURE 1.2.3

McGEVERAN: 175–94

Limits on Tort Liability

1. 47 U.S.C. § 230
2. *S.C. v. Dirty World LLC* (2012)
3. *Gawker Media v. Bollea* (2014)

LECTURE 1.3.1

McGEVERAN: 195–275

Federal Trade Commission

1. 15 U.S.C. § 45
2. The FTC's Approach
3. FTC Consent Decrees
4. The Boundaries of FTC Authority
 - 4.1 *FTC v. Wyndham Worldwide Corp.* (2015)
 - 4.2 *LabMD, Inc. v. FTC* (2018)

LECTURE 1.3.2

McGEVERAN: 275–316

Private Lawsuits

1. Standing: *TransUnion LLC v. Ramirez* (2021)
2. Substantive Claims: *In re Google Assistant Privacy Litigation* (2021)

LECTURE 1.3.3

McGEVERAN: 316–37

Omnibus Consumer Privacy Laws

1. The California Privacy Rights Act
2. California Consumer Privacy Act
3. The American Data Privacy & Protection Act

LECTURE 1.4

McGEVERAN: 339–96

Data Protection

1. Foundations
2. Guidance
3. GDPR Enforcement
 - 3.1 *NOYB & LQDN v. Google* (2019)
 - 3.2 *Irish DPA v. Meta* (2022)

LECTURE 2.1.1

McGEVERAN: 397–441

The Electronic Communications Privacy Act

1. The Wiretap Act
 - 1.1 18 U.S.C. §§ 2510 *et seq.*
 - 1.2 *In re Pharmatrak, Inc. Privacy Litigation* (2003)
 - 1.3 *In re Zynga Privacy Litigation* (2014)
2. The Stored Communications Act
 - 2.1 18 U.S.C. §§ 2701 *et seq.*
 - 2.2 *United States v. Warshak* (2010)

LECTURE 2.1.2

McGEVERAN: 474–500

Consent

1. Implementing Consent
 - 1.1 Colorado Privacy Act Rules
 - 1.2 HIPAA Privacy Rule
 - 1.3 GDPR
 - 1.4 *NOYB & LQDN v. Google* (2019)
2. Assessing Consent

LECTURE 2.2.1

McGEVERAN: 501–21

The Fair Credit Reporting Act

1. 15 U.S.C. §§ 1681 *et seq.*
2. *Bakker v. McKinnon* (1998)
3. *In re Santander Consumer USA Inc.* (2020)

LECTURE 2.2.2

McGEVERAN: 521–44

Purpose Limitations & Automated Decisionmaking

1. Purpose Limitations
2. Automated Decisionmaking

LECTURE 2.3

McGEVERAN: 545–64, 577–98

Storage & Security

1. Data Security Requirements
2. Hacking Laws
 - 2.1 The Computer Fraud & Abuse Act
 - 2.2 *Van Buren v. United States* (2021)

LECTURE 2.4.1

McGEVERAN: 613–35

International Data Transfers

1. GDPR
2. *Schrems II* (2020)

LECTURE 2.4.2

McGEVERAN: 641–68

Speech Protections for Disclosures

1. Public Concern
 - 1.1 *Cohen v. Cowles Media Co.* (1991)
 - 1.2 *Bartnicki v. Vopper* (2001)
2. Personal Data & the First Amendment
 - 2.1 *TransUnion Corp. v. FTC* (2001)
 - 2.2 *Sorrell v. IMS Health Inc.* (2011)

LECTURE 3.1

McGEVERAN: 671–728

National Security

1. Foundations
 - 1.1 The Keith Case (1971)
 - 1.2 Foreign Intelligence Surveillance
2. Post-9/11 Developments
 - 2.1 *FBI v. Fazaga* (2022)
 - 2.2 The Snowden Disclosures
 - 2.3 *Clapper v. Amnesty International* (2013)
 - 2.4 *United States v. Muhtorov* (2021)

LECTURE 3.2.1

McGEVERAN: 779–802

Screening Applicants & Employees

1. Note on Discrimination Law
2. Polygraphs
 - 2.1 Employee Polygraph Protection Act
 - 2.2 *Harmon v. CB Squared Services, Inc.* (2009)
3. Credit Reports
 - 3.1 Fair Credit Reporting Act
 - 3.2 *Gilberg v. California Check Cashing Stores, LLC* (2019)
4. Drug & Alcohol Testing

LECTURE 3.2.2

McGEVERAN: 802–27

Monitoring Employees

1. *Hernandez v. Hillsides, Inc.* (2009)
2. *Deal v. Spears* (1992)
3. *Arias v. Mutual Central Alarm Service, Inc.* (2000)

LECTURE 3.3

McGEVERAN: 843–92

Medical Privacy

1. Evidentiary Privileges: *Dierickx v. Cottage Hospital Corp.* (1986)
2. Torts
 - 2.1 *Humphers v. First Interstate Bank of Oregon* (1985)
 - 2.2 *Tarasoff v. Regents of the University of California* (1976)

- 3. HIPAA
 - 3.1 HIPAA Privacy Rule
 - 3.2 HIPAA Security Rule

LECTURE 3.4

McGEVERAN: 929–45, 948–71

Communications Privacy

- 1. Cable Communications Policy Act: *Pruitt v. Comcast Cable Holdings, LLC* (2004)
- 2. Video Privacy Protection Act
 - 1. *Sterk v. Redbox Automated Retail, LLC* (2012)
 - 2. *Eichenberger v. ESPN, Inc.* (2017)
- 3. Telephone Consumer Protection Act: *Facebook v. Duguid* (2021)

LECTURE 3.5

McGEVERAN: 973–99, 1017–37

Youth Privacy

- 1. Children's Privacy
 - 1.1 Children's Online Privacy Protection Rule
 - 1.2 *United States v. Epic Games, Inc.* (2022)
 - 1.3 GDPR
- 2. School Records
 - 2.1 FERPA
 - 2.2 *Press-Citizen Co. v. University of Iowa* (2012)