

Class Two: The Fourth Amendment



Admin

- Next Time: Assignment has changed from Syllabus
- Don't forget to check the website: Some big changes in Weeks Five through Seven
- Signing up for Response memos
 - Technology not yet in place.
 - Posts due by Noon on Monday EVERYBODY must read (check the website for details) before class.

Week three people:

- E-mail me your written responses OR
- Record your voice digitally and e-mail me the file

Paper Topics

- Topics Due: 5pm, Tuesday, September 23, 2008** — Three weeks from today!
- Sources
 - Blogs — See Syllabus
 - SciAm issue 
 - SSRN's Information Privacy archive 

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Paper Topics

Topics

Problem Topics

- The easiest for students to tackle.
- New technology
 - Importation Literature
 - "cookies help track a user's behavior while visiting a website."
- New practices
 - "ISPs are beginning to keep track of where users surf"
- Market-driven problems
 - "Advertisers will pay more for ads targeted to past behavior."
- Norm-driven problems
 - "Network administrators rarely agree on the norms of network monitoring."

Theory Topics

- The hardest for students to tackle.
- What is privacy?
- Solove's Taxonomy.

Doctrine Topics

- Constitutional
- Statutory
 - ECPA
 - HIPAA
 - FERPA
 - Breach Notification
 - List at SRS 31-33
- Common Law
 - The Four Privacy Torts

"Regulation" Topics

- How technology can police privacy
- How to change/influence norms
- There should be a law...

Using the Syllabus to find general topics

The Fourth Amendment

Basic Doctrine

Search/Seizure

- From Olmstead/Trespass Theory...
 - Brandeis dissent quotes on 67 +
- ...to Katz
 - People, not places
 - Knowing exposure
 - Harlan Concurrence
 - REP
- Search: Reasonable Expectation of Privacy
 - Katz/Harlan Concurrence (71)
 - Objective
 - Subjective
 - Circularity and Conditioned EP (73)

A little odd that they bury this so far into the chapter

Searches/Seizures must be reasonable +

Remedy for violations: Suppression

Applied to Technology +