Spring 2017 Syllabus  
UIC CS 477,  
Public Policy, Legal, & Ethical Issues in Computing, Privacy, and Security;  
Chicago-Kent Special Topics, Computer and Network Privacy and Security

Tuesdays and Thursdays, 2:00–3:15

Team taught:  
Prof. Robert Sloan, UIC Computer Science Department, sloan@uic.edu  
Office hours: 10–11 am Tuesdays, 1112 SEO (or drop by—I’m in a lot)  
Prof. Richard Warner, Chicago-Kent/IIT School of Law, rwarner@kentlaw.iit.edu

This unusual course will meet with a mixed class of UIC students from computer science, communications, and other disciplines concerned with privacy and security in the modern era, and Kent Law school students. Meeting times:  
Tuesdays: IIT Chicago-Kent, 565 West Adams, room 520.  

Course Description, Goals, and Objectives

In this course you will learn what is “inside the box” of modern electronic security and privacy. We will do our best to make the course self-contained, so law students will learn about how tracking cookies, cryptography, and malware work, and computer science students will learn how to read appellate court decisions, and everybody will learn a bit of economics.

Required book:  
Sloan and Warner, Unauthorized Access: The Crisis in Online Privacy and Security, available in the CK and UIC bookstores and on Amazon,  

Recommended book:  

Numerous other provided readings.

Course requirements, evaluation, and grading

The heavy majority of the course grade will be based on an original term paper on a policy topic of the student’s choice.  
Other small factors will include:
• Occasional short written or technological assignments, graded on a completed/not completed basis
• Participation in in-class discussion
Course Topics

Security

1. The data breaches and voting machines: Week of January 17

Sloan/Warner, Chapter 1, Chapter 8, pp. 181–187 only.


Andy Greenberg, Hacked or Not, Audit This Election (And All Future Ones), WIRED, 11.23.16, https://www.wired.com/2016/11/hacked-not-audit-election-rest/


Recommended reading


2. Why Not Just Negligence Liability? For Tuesday, January 24

Kline v. 1500 Massachusetts Ave. Apartment Corporation


Recommended reading


3. **Software Failures and More on Vulnerabilities** For Thursday, January 26

Sloan/Warner, Chapters 6–7.


4. **Human Vulnerabilities**


**Recommended reading**

Brian Krebs, *SPAM NATION: THE INSIDE STORY OF ORGANIZED CYBERCRIME-FROM GLOBAL EPIDEMIC TO YOUR FRONT DOOR*

5. **Network Vulnerabilities**

Sloan/Warner, Chapters 8


Committee On Commerce, Science, And Transportation, A “Kill Chain” Analysis of the 2013 Target Data Breach,
Recommended reading

Douglas W. Hubbard and Richard Seiersen, HOW TO MEASURE ANYTHING IN CYBERSECURITY RISK,
https://www.amazon.com/dp/B01J4XYM16/ref=pe_385040_118058080_TE_M1DP

David Thaw, The Efficacy of Cybersecurity Regulation, GEORGIA STATE UNIVERSITY LAW REVIEW, Vol. 30, 2014. Available at SSRN:
http://ssrn.com/abstract=2241838 or
http://dx.doi.org/10.2139/ssrn.2241838

6. Malware

Sloan/Warner, Chapter 9.

Recommended reading

Paul Schmehl, Past its Prime: Is Anti-Virus Scanning Obsolete?,

Jeffrey Hunker, CREEPING FAILURE: HOW WE BROKE THE INTERNET AND WHAT WE CAN DO TO FIX IT (McClelland & Stewart, 2010)

Kim Zetter, COUNTDOWN TO ZERO DAY: STUXNET AND THE LAUNCH OF THE WORLD’S FIRST DIGITAL WEAPON

7. Lemons Market Issues


Recommended reading


8. The FTC and the FCC
**FTC v. Wyndham**, available on Piazza

**FTC v. LabMD**, available on Piazza

**Recommended reading**

Chris Hoofnagle, *FEDERAL TRADE COMMISSION PRIVACY LAW AND POLICY*

### 9. Outsourcing Solutions

Bruce Schneier, *The Case for Outsourcing Security*,

*Why (and when) outsourcing security makes sense*,

*Can't Touch This--New Encryption Scheme Targets Transaction Tampering*: An Estonia-based cybersecurity firm adopts a “blockchain” public ledger system to verify online transfers of sensitive information,

**Recommended reading**


### 10. The Computer Fraud and Abuse Act

*United States v. Morris*

*Facebook v. Power Ventures*

**Recommended reading**


11. Network Neutrality [fits with the CFAA as another attempt to control access for business purposes]


Recommended reading

Angela Daly, PRIVATE POWER, ONLINE INFORMATION FLOWS AND EU LAW: MIND THE GAP

12. Espionage, Sabotage, and Cyberwar


Recommended reading

DANA PRIEST AND WILLIAM M. ARKIN, TOP SECRET AMERICA: THE RISE OF THE NEW AMERICAN SECURITY STATE

JAMES BAMFORD, THE SHADOW FACTORY: THE NSA FROM 9/11 TO THE EAVESDROPPING ON AMERICA

Ronald J. Deibert, BLACK CODE: SURVEILLANCE, PRIVACY, AND THE DARK SIDE OF THE INTERNET

Thomas Rid, CYBERWAR WILL NOT TAKE PLACE

Privacy

13. Privacy from the late 1800s to roughly 1984


Olmstead v. United States, 277 U. S. 438 (1928), (first few paragraphs for the facts and) Brandeis dissent.


Isaac Asimov, “The Dead Past,” probably available online at http://readnovelonline.com/ScienceFiction/Asimov41/27323.html
“Computers may soon know you better than your spouse,” news item from Jan. 12, 2015, http://www.computerworld.com/article/2868013/computers-may-soon-know-you-better-than-your-spouse.html

Recommended reading

Vance Packard, THE NAKED SOCIETY
Alan Westin, PRIVACY AND FREEDOM
David Vincent, PRIVACY: A SHORT HISTORY, 2016
HTTPS://WWW.AMAZON.COM/PRIVACY-SHORT-HISTORY-DAVID-VINCENT/DP/0745671136

14. Private sector privacy in the era of the web

Sloan/Warner, Chapters 3–5

a. A look at the early modern era

Dwyer v. American Express, 273 Ill. App. 3d 742


Recommended reading

James Rule, PRIVACY IN PERIL


b. How the internet, the web, and web tracking work

Sloan/Warner, Chapter 2 (skipping Primer on computers), Chapter 10

c. Private Sector Privacy Tradeoffs: The Dominance of the Online Contract

Sloan/Warner, Chapter 11

d. Policy and economics


Recommended reading

Kenneth Bamberger and Deirdre Mulligan, PRIVACY ON THE GROUND DRIVING CORPORATE BEHAVIOR IN THE UNITED STATES AND EUROPE (strongly recommended), https://www.amazon.com/Privacy-Ground-Corporate-Behavior-Information/dp/0262029987/ref=asap_bc?ie=UTF8


15. "Big Data": predictive analytics, network analysis


Recommended Reading

Steven Finlay, PREDICTIVE ANALYTICS, DATA MINING AND BIG DATA: MYTHS, MISCONCEPTIONS AND METHODS, 2014 (strongly recommended)

Nate Silver, THE SIGNAL AND THE NOISE: WHY SO MANY PREDICTIONS FAIL — BUT SOME DON'T

Foster Provost, Tom Fawcett, DATA SCIENCE FOR BUSINESS: WHAT YOU NEED TO KNOW ABOUT DATA-MINING AND DATA ANALYTIC THINKING

Solon Barocas and Helen Nissenbaum, Big Data's End Run Around Procedural Privacy Protections, November 2014 Communications of the ACM.

16. The dominant regulatory response: Notice and Choice


Recommended reading


17. Governmental Surveillance: Fourth Amendment


*Smith v. Maryland*, 442 US 735 (1979)

§ 2703 of the Stored Communications Act
( Wiretaps, pen registers, trap and trace devices: telephone surveillance c. 1970 - 2013, and related rules on email metadata surveillance from ECPA)


18. Governmental Surveillance: A First look at Terrorism and Intelligence

a. Why should we care: Privacy (from the government) and the self


b. An initial look at the NSA’s authority

Reading:


Foreign Intelligence Surveillance Act, Section 702 (50 U. S. Code § 1881a) [http://www.law.cornell.edu/uscode/text/50/1881a](http://www.law.cornell.edu/uscode/text/50/1881a) (skim)


c. A synthesis and analysis of all the surveillance statutes
19. Compelled decryption, the Fifth Amendment, and Snowden’s Email Provider

*US v Lavabit*, 749 F.3d 276 (4th Cir. 2014)


**Recommended reading:**

20. Technology Time: Cryptography Revisited, especially in email context

a. What precisely is encrypted, or TLS vs. PGP
b. Usability, or why we don’t encrypt our email
c. Alleged NSA attempts to weaken crypto standards


21. Governmental Surveillance: Terrorism and Intelligence: Snowden revelations and responses

“INCENSER, or how NSA and GCHQ are tapping internet cables,” [http://electrospaces.blogspot.com/2014/11/incenser-or-how-nsa-and-gchq-are.html](http://electrospaces.blogspot.com/2014/11/incenser-or-how-nsa-and-gchq-are.html)


**Recommended Reading**


**GLENN GREENWALD, NO PLACE TO HIDE: EDWARD SNOWDEN, THE NSA, AND THE U.S. SURVEILLANCE STATE**

**JULIA ANGWIN, DRAGNET NATION: A QUEST FOR PRIVACY, SECURITY, AND FREEDOM IN A WORLD OF RELENTLESS SURVEILLANCE**

Privacy Oversight Board Report on Patriot Act Section 215
22. Governmental Surveillance: Effectiveness

Bruce Schneier, We're Giving Up Privacy and Getting Little in Return, [https://www.schneier.com/essays/archives/2006/05/were_giving_up_privacy.html](https://www.schneier.com/essays/archives/2006/05/were_giving_up_privacy.html)

Privacy Oversight Board Report on Patriot Act Section 215 (selections)

Privacy Oversight Board Report on Patriot Act Section 702 (selections)

23. Proposed solutions

a. Legislation


b. "Context”


c. Coordination norms

Sloan/Warner, Chapter 12

Warner/Sloan, *Relational Privacy*