

UČNI NAČRT

UČNI NAČRT PREDMETA / COURSE SYLLABUS							
Predmet:		Varstvo zasebnosti v kazenskih postopkih					
Course title:		Protection of Privacy in Criminal Justice System					
Študijski program in stopnja Study programme and level		Študijska smer Study field		Letnik Academic year		Semester Semester	
Enoviti magistrski študijski program Pravo		/		2.,3.		3.,5.	
Integrated master study programme Law		/		2 nd ,3 rd		3 rd ,5 th	
Vrsta predmeta / Course type				Izbirni / Elective			
Univerzitetna koda predmeta / University course code:							
Predavanja Lectures		Seminar Seminar	Vaje Tutorial	Klinične vaje work	Druge oblike študija	Samost. delo Individ. work	ECTS
45		15	0	0	0	60	4
Nosilec predmeta / Lecturer:		prof. dr. Aleš Završnik, izr. prof. dr. Primož Gorkič					
Jeziki / Languages:		Predavanja / Lectures:	Slovenski / Slovenian				
		Vaje / Tutorial:					
Pogoji za vključitev v delo oz. za opravljanje študijskih obveznosti:				Prerequisites:			
Za vključitev v predmet mora študent dokončati prvi in drugi semester študija.				In order to be included in the course, the student must complete the first and second semester of studies.			
Vsebina:				Content (Syllabus outline):			

<p>Splošna vprašanja</p> <ol style="list-style-type: none"> 1. Pojem (pravice do) zasebnosti 2. Pravica do zasebnosti in tehnološki razvoj: razvoj novih preiskovalnih dejanj in dokaznih sredstev 3. Pravica do zasebnosti in tehnološki razvoj: vpliv na temeljna načela kazenskega (procesnega) prava 4. Pravica do zasebnosti, nadzor in policijska dejavnost 5. Razvoj varstva osebnih podatkov in povezovanje zbirk osebnih podatkov v EU: kazenskopravni vidiki 6. Enkripcija in vpliv na preiskovanje kaznivih dejanj 7. Varstvo osebnih podatkov, avtomatizirano odločanje in umetna inteligenca v kazenskem postopku <p>Izbirne vsebine:</p> <ol style="list-style-type: none"> 1. Prometni podatki 2. Policijska dejavnost na svetovnem spletu 3. Informatorji 4. Meje med obveščevalno in policijsko dejavnostjo 5. Lovilec IMSI 6. (Oddaljena) preiskava elektronskih naprav 7. Brezpilotni letalniki in sistemi 8. Biometrija: prepoznavna obrazov, emocij 9. Evidenca potnikov iz sistema rezervacij letalskih vozovnic (PNR) 10. DNK podatki in zbirke 11. Digitalna forenzika naprav, vozil in interneta stvari <p>Izbirne vsebine bodo obravnavane v dogovoru s študenti.</p>	<p>General questions</p> <ol style="list-style-type: none"> 1. Concept of (the right to) privacy 2. The right to privacy and technological development: the development of new investigative actions and means of evidence 3. The right to privacy and technological development: influence on the fundamental principles of criminal (procedural) law 4. Right to privacy, surveillance and policing 5. Development of personal data protection and integration of personal data collections in the EU: criminal law aspects 6. Encryption and its impact on criminal investigations 7. Protection of personal data, automated decision-making and artificial intelligence in criminal proceedings <p>Elective content:</p> <ol style="list-style-type: none"> 1. Traffic data 2. Police activity on the World Wide Web 3. Informants 4. Boundaries between intelligence and police activity 5. IMSI Catcher 6. (Remote) investigation of electronic devices 7. Unmanned aircraft and systems 8. Biometrics: recognition of faces, emotions 9. Passenger records from the air ticket reservation system (PNR) 10. DNA data and collections 11. Digital forensics of devices, vehicles and the Internet of Things <p>Elective topics will be discussed in agreement with the students.</p>
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Temeljni literatura in viri / Readings:

- SOLOVE, Daniel, J. Conceptualising Privacy. *California Law Review*, 90, str. 1087 in nasl.
- SOLOVE, Daniel J. "I've Got Nothing to Hide" and Other Misunderstandings of Privacy. *San Diego Law Review*, 44, str. 745 in nasl.
- SOLOVE, Daniel J. Access and Aggregation: Privacy, Public Records, and the Constitution. *Minnesota Law Review*, 86, str. 1136 in nasl.
- KERR, Orin S. Searches and seizures in a digital world. *Harvard Law Review*, 119, str. 531 in nasl.
- GORKIČ, Primož. Sodobni prikriti preiskovalni ukrepi : prvič: lovilec IMSI. *Odvetnik : glasilo Odvetniške zbornice Slovenije*, ISSN 1408-9440, apr. 2014, leto 16, št. 2, str. 47-53.
- GORKIČ, Primož. Judicial oversight of the (mass) collection and processing of personal data. V: ZAVRŠNIK, Aleš (ur.). *Big data, crime and social control*, (Routledge frontiers of criminal justice, 50). London [i. e.] Abingdon; New York: Routledge, Taylor & Francis Group. 2018, str. 179-196.
- GORKIČ, Primož. The (f)utility of privacy laws : the case of drones?. V: ZAVRŠNIK, Aleš (ur.). *Drones and unmanned aerial systems : legal and social implications for security and surveillance*. Cham [etc.]: Springer. cop. 2016, str. 69-81.
- ZAVRŠNIK, Aleš. Algorithmic justice : algorithms and big data in criminal justice settings. *European journal of criminology*, ISSN 1741-2609, sep. 2019, str. 1-20.
- ZAVRŠNIK, Aleš, KRŽNAR, Primož. Legal standards of location privacy in light of the mosaic theory. V: NEWELL, Bryce Clayton (ur.), TIMAN, Tjerk (ur.), KOOPS, Bert-Jaap (ur.). *Surveillance, privacy and public space*, (Routledge studies in surveillance, 2). Abingdon; New York: Routledge. 2018, str. 199-220.
- ZAVRŠNIK, Aleš. Blurring the line between law enforcement and intelligence : sharpening the gaze of surveillance?. *Journal of contemporary European research*. <Online ed.>. 2013, vol. 9, no. 1, str. 181-202.
- ZAVRŠNIK, Aleš. The european digital fortress and large biometric EU IT systems : border criminology, technology, and human rights. *Dve domovini : razprave o izseljenstvu*. [Tiskana izd.]. 2019, [št.] 49, str. 51-67.

Dodatna literatura in (zlasti) sodna praksa bo slušateljsem/icam glede na aktualnost materije sporočena na predavanjih.

Cilji in kompetence:

Cilj predmeta je slušatelju ponuditi specifična teoretična znanja s področja varstva zasebnosti v kontekstu kazenskega postopka, ki niso zajeta v učnih načrtih obveznih predmetov kazenskopravne narave. Študenti pridobijo teoretična znanja o naravi pravice do zasebnosti, vključno z varstvom osebnih podatkov, in znanja o sodobnih oblastnih in (za kazenski postopek pomembnih) zasebnih posegih v pravico do zasebnosti.

Objectives and competences:

The goal of the course is to offer the listener specific theoretical knowledge in the field of privacy protection in the context of criminal proceedings, which are not covered in the curricula of compulsory courses of a criminal law nature. Students acquire theoretical knowledge about the nature of the right to privacy, including the protection of personal data, and information about modern governmental and (as far as relevant to criminal proceedings) private intrusions in the right to privacy.

Predvideni študijski rezultati:

Študent pridobi osnovno znanje o teoretičnih podlagah za obravnavo posegov v zasebnost, in specifična znanja o oblikah oblastnega poseganja v pravico do zasebnosti. Zaradi predvidene interaktivne in informacijsko podprte izvedbe predmeta je pričakovati, da bodo študenti sposobni oblikovati in zastopati

Intended learning outcomes:

The student acquires basic knowledge about the theoretical bases for dealing with privacy intrusions, and specific knowledge about forms of governmental interference with the right to privacy. Due to the intended interactive and information-supported implementation of the course, it is expected that students will be able

argumente, uporabne v javnih razpravah in v svojem poklicnem okolju, npr. nevladnih organizacijah, pravosodju, gospodarstvu.

to formulate and represent arguments useful in public debates and in their professional environment, e.g. non-governmental organizations, justice system, economy.

Metode poučevanja in učenja:

Predavanja, z različnimi oblikami sodelovanja študentov (delo v skupinah, problemsko učenje...); individualno delo študentov.

Learning and teaching methods:

Lectures, with various forms of student participation (work in groups, problem-based learning...); individual work of students.

Načini ocenjevanja:

Pisni izpit.
Seminarska naloga.

Izpit se oceni z ocenjevalno lestvico od 1 - 10: od 6-10 (pozitivno) oziroma 1-5 (negativno); ob upoštevanju Statuta UL in pravil Pravne fakultete.

Delež (v %) /
Weight (in %)

Assessment:

Written examination
Seminar paper

The exam is graded on a scale of 1-10: 6-10 (positive) and 1-5 (negative); taking into account the UL Statute and the rules of the Faculty of Law.

Reference nosilca / Lecturer's references:

izr. prof. dr. Primož Gorkič

- GORKIČ, Primož. Judicial oversight of the (mass) collection and processing of personal data. V: ZAVRŠNIK, Aleš (ur.). Big data, crime and social control, (Routledge frontiers of criminal justice, 50). London [i. e.] Abingdon; New York: Routledge, Taylor & Francis Group. 2018, str. 179-196.
- GORKIČ, Primož. The (f)utility of privacy laws : the case of drones?. V: ZAVRŠNIK, Aleš (ur.). Drones and unmanned aerial systems : legal and social implications for security and surveillance. Cham [etc.]: Springer. cop. 2016, str. 69-81.
- GORKIČ, Primož, ŠUGMAN STUBBS, Katja. Dokazovanje v kazenskem postopku. Ljubljana: GV Založba, 2011.

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- ZAVRŠNIK, Aleš. Algorithmic justice : algorithms and big data in criminal justice settings. European journal of criminology, ISSN 1741-2609, sep. 2019, str. 1-20
- ZAVRŠNIK, Aleš. Algoritmčno nadzorstvo: veliko podatkovje, algoritmi in družbeni nadzor. Revija za kriminalistiko in kriminologijo, ISSN 0034-690X, apr.-jun. 2017, letn. 68, št. 2, str. 135-149.
- ZAVRŠNIK, Aleš. Kibernetska kriminaliteta. 1. natis. Ljubljana: IUS Software, GV založba: Inštitut za kriminologijo pri Pravni fakulteti, 2015. 157 str.