

**COURSE DATA****Data Subject**

<b>Code</b>	36526
<b>Name</b>	Legal Issues and Protection of Personal and Big Data
<b>Cycle</b>	Grade
<b>ECTS Credits</b>	6.0
<b>Academic year</b>	2023 - 2024

**Study (s)**

<b>Degree</b>	<b>Center</b>	<b>Acad. year</b>	<b>Period</b>
1332 - Degree in Business Intelligence and Analytics	Faculty of Economics	3	First term

**Subject-matter**

<b>Degree</b>	<b>Subject-matter</b>	<b>Character</b>
1332 - Degree in Business Intelligence and Analytics	22 - Derecho del Tratamiento de Información	Obligatory

**Coordination**

<b>Name</b>	<b>Department</b>
MARTINEZ MARTINEZ, RICARD	55 - Constitutional Law, Political and Administrative Sciences

**SUMMARY**

Legal Aspects in the Processing of Information, Personal Data and Big Data is a compulsory subject that is taught in the third year of the Degree in Business Intelligence and Analytics, during the first term and with a workload of 6.00 ECTS credits. The content will cover the definition of the basic legal framework with particular attention to fundamental rights. The study of the structure of our Law and its implications in the professional field will be considered, with particular attention to fundamental rights. From a sectoral point of view, the legal framework for data protection, the regulation of information society services and the evolution of the legal framework for artificial intelligence will be considered. The student's training will be completed through the analysis of the design and project management models of data analytics and artificial intelligence with particular attention to the ethical dimension of technology.



## PREVIOUS KNOWLEDGE

### Relationship to other subjects of the same degree

There are no specified enrollment restrictions with other subjects of the curriculum.

### Other requirements

This subject is a cornerstone to the whole curriculum. Statutory compliance is the foundation and an essential tool for any development in the field of Business Intelligence. Complying with the rules is not just a precondition. Strategic Management and Technology and Innovation Management imply the assumption of leadership roles that ensure the organisation's commitment to Law and human rights. The Fundamentals of Programming and Algorithms, areas such as Behavioural Economics, Analytical and Consumer Marke

## OUTCOMES

### 1332 - Degree in Business Intelligence and Analytics

- Students must be able to apply their knowledge to their work or vocation in a professional manner and have acquired the competences required for the preparation and defence of arguments and for problem solving in their field of study.
- Students must have the ability to gather and interpret relevant data (usually in their field of study) to make judgements that take relevant social, scientific or ethical issues into consideration.
- Students must have developed the learning skills needed to undertake further study with a high degree of autonomy.
- Be able to solve problems and to communicate and spread knowledge, skills and abilities, taking account of the ethical, egalitarian and professional responsibility of the activity of business intelligence and analytics.
- Be able to make autonomous decisions in digital environments characterised by the abundance and dynamism of data.
- Be able to plan, organise, monitor and evaluate the implementation of business strategies.
- Understand the impact of economic, political-legal, socio-cultural, technological and environmental variables on business activity.
- Demonstrate skills for analysis and synthesis.
- Be able to analyse and search for information from diverse sources.
- Be able to learn autonomously.
- Be able to use ICT, both in academia and in professional practice.
- Be able to define, solve and present complex problems systemically.



- Be able to work in a team demonstrating commitment to quality, ethics, equality and social responsibility.
- Know the basic legal and ethical framework for conducting activities involving the processing of information, personal data and macrodata, as well as for e-commerce and e-contracting.
- Classify the different types of information according to their legal nature and evaluate the legal risks and responsibilities of the data protection delegate and other actors in charge of database management.

## LEARNING OUTCOMES

Students will acquire sufficient knowledge of basic concepts of all those legal and ethical aspects necessary in the framework of Business Intelligence and Analytics activities, requirements that must be analysed in order to design, implement, test and process corporate projects.

They will acquire the practical skills necessary to be able to identify these ethical and legal requirements, locate the available resources and use them, and have sufficient vocabulary and skills to be able to develop their task in multidisciplinary teams as well as identify when for their correct use they need to seek the services or support of professionals from other disciplines.

## DESCRIPTION OF CONTENTS

### 1. Introduction to Law

1. Law: concept and purpose. 2. The legal system. The sectors of the legal system. The legal norm and its scope of application. 3. The sources of the Law: the 1978 Constitution. 4. The law and its different types. 5. Custom. 6. The general principles of Law. 7. The value of jurisprudence in our legal system. Special reference to the value of the judgments issued by the Constitutional Court. 8. The soft law

### 2. Fundamental rights and information technologies

1. The generations of rights: from the rights of freedom to digital rights. 2. Technological development and guarantee of fundamental rights. 3. Special consideration of the rights of the private sphere. 4. Digital rights in Spanish legislation.

### 3. Regulatory compliance by design

1. Regulatory compliance: compliance in organisations. 2. Proactive responsibility and insertion of regulatory compliance in the management models and processes of organisations. 3. Regulatory compliance strategies by design.



#### **4. Additional requirements for data analytics and Artificial Intelligence in organisations**

1. Ethics of Artificial Intelligence. 2. Risk analysis in Artificial Intelligence. 3. Towards a European model for ethical data governance.

#### **5. The processing of personal data in Business Intelligence (I)**

1. The fundamental right to data protection. 2. Scope of application of the legislation on protection of personal data. 3. Basic concepts: personal data, processing, the controller and the processor.

#### **6. Processing of anonymised data in Business Intelligence**

1. Difference between anonymisation and pseudonymisation. 2. Conditions for the anonymisation of personal data. 3. Anonymisation techniques. 4. Conditions for the use of non-personal data in European legislation.

#### **7. The processing of personal data in Business Intelligence (II)**

1. Principles of data protection and proactive responsibility. 2. Conditions of legitimation for the treatment. Special categories of data. 3. Data protection by design and by default. 4. Risk analysis and impact assessment related to data protection. 5. The subcontracting of services that involve the processing of personal data. Special consideration of international data transfers. 6. Data security.

#### **8. The processing of personal data in Business Intelligence (III)**

1. The duty of transparency. 2. Rights of access, rectification, deletion, portability, limitation or opposition to processing. 3. The data protection officer. 4. Administrative guarantee of rights: the Spanish Agency for Data Protection. 5. Infractions and sanctions in data protection. 6. Jurisdictional guarantee.

#### **9. Data sources**

1. Conditions for the analysis of the organisation's own data. 2. Open source data: open data and reuse of public sector data. 3. Transparency portals. 4. Conditions for the use of personal data obtained from publicly accessible sources.

#### **10. Sectoral regulatory frameworks (I)**

1. The regulation of the information society services. Towards a single market for digital services. 2. Digital marketing. From cookies to neuromarketing. 3. Human resources analytics. Staff selection. Performance analysis. 4. The use of data for research purposes. Research using health data. 5. Financial and actuarial risk management. 6. Intellectual and industrial property.

**11. Sectoral regulatory frameworks (II).**

1. Digital identity and electronic signature. 2. Artificial Intelligence in public administrations. 3. Criminal responsibility.

**12. The European Data Spaces in Construction.**

1. The European Digital Strategy and the European Data Strategy. 2. The re-use of data: the Open Data Directive. 3.-Data Act: harmonised rules for fair access to and use of data. 4.-The European Data Governance Regulation. 5. European Health Data Space

**WORKLOAD**

ACTIVITY	Hours	% To be attended
Theory classes	30,00	100
Computer classroom practice	30,00	100
Development of group work	5,00	0
Development of individual work	5,00	0
Study and independent work	60,00	0
Preparation of evaluation activities	7,50	0
Preparing lectures	6,25	0
Preparation of practical classes and problem	6,25	0
<b>TOTAL</b>	<b>150,00</b>	

**TEACHING METHODOLOGY**

The student must acquire the skills and abilities in the subjects listed in the contents of the programme as well as the ability to analyse, interpret and apply these skills to various theoretical-practical situations.

To achieve this objective, within the Plan of the Degree in Business Intelligence and Analytics, 6 ECTS credits are attributed to “Legal Aspects in the Processing of Information, Personal Data and Big Data”, which implies 150 hours of student time during the first term of the course.

The activities to be completed by the student will be fundamentally of three types:

- Face-to-face activities (in the classroom or indicated place) 60 hours.
- Directed activities (outside the classroom) 30 hours.
- Autonomous work by the student (outside the classroom) 60 hours.





The methodology to be used and time required is established as follows:

#### FACE-TO-FACE ACTIVITIES:

Face-to-face activities will take place two days a week throughout the first term (2 hrs + 2 hrs).

Theoretical activities (presentation of the contents of the programme by the tutor), practical/dynamic and complementary activities will be carried out, both in the allocated classroom and in other locations.

From the timetable set for each subject in the Teaching Organization Plan (TOP), a percentage of class time must be allocated to complementary activities, also face-to-face. In the event that these are not carried out, all the time remaining in the schedule must be allocated.

Face-to-face activities are of three types:

1. Face-to-face teaching activities: consist of the transmission of theoretical knowledge by the tutor in a dynamic way, applied to the current reality (30 hrs.) (see schedule in attached Guide).
2. Applied activities: consist of problem solving, computer practice, project development, case studies and resolution, simulations, examination of press clippings, public exhibitions, group work, etc. In advance, the teacher will give the students the necessary instructions on how to complete the task. (30 hrs.) (See schedule in attached Guide)
3. Complementary activities: activities of a different nature that will be carried out in the allocated classroom at the time reserved for the subject or at a different time and day, such as if this involves attending conferences, visits to institutions, etc.

Complementary activities also include tests of dynamics and knowledge that are carried out (e.g., global final test), individual or group tutorials (5 hrs.) (See schedule in attached Guide).

## **TOTAL activities 60 hrs.**

#### DIRECTED ACTIVITIES:

This refers to those non-face-to-face activities that the students will carry out outside the classroom. This includes preparatory work before the class in order to take an active part in the class by knowing in advance the subject matter to be addressed with other students in the classroom, to help consolidate knowledge or skills that have been previously introduced in class (reading the lesson, attending a seminar, preparing material for the applied activities, searching for data and information on the internet ...)

Preparation of individual assignments (5 hrs.). Preparation of group assignments (5 hrs.). Previous reading of materials related to the weekly lesson (25 min. per week x 15 weeks = 6.25 hrs.)

Preparation of applied / dynamic activities (25 min. weekly x 15 weeks = 6.25 hrs.) Study and preparation of evaluation tests and global exam (7.5 hrs.)



**TOTAL supervised activities: 30 hrs.**

**AUTONOMOUS WORK - STUDENT:**

This refers to the work that the student does individually, outside the classroom and without the teacher's direction. Study of the contents and dynamics for the acquisition of competences, skills and knowledge of the subject.

**TOTAL autonomous work: 90 hrs.**

Throughout the course, the tutor will use the virtual platform "Aula virtual" (<http://aulavirtual.uv.es/>) to upload the necessary materials so that students can work in class or outside the classroom and to communicate with students on questions related to the subject

## EVALUATION

The procedure for the evaluation of competencies will be that of continuous assessment based on regular attendance and participation of the student in the different theoretical and applied activities during the term and on the completion of a final global test. Some sessions or activities of compulsory attendance may be established. For the assessment of attendance, a minimum attendance of 80% of sessions will be required

Evaluation of the student will include:

- written test/s, which may be of a multiple choice/short answer structure and include theoretical questions and/or problems/practicals.
- applied activities (dynamic work/practical activities) and complementary. These can be individual and/or in groups. The evaluation will be made based on the preparation of materials, handing in of papers/reports and/or oral presentations as well as student attendance at seminars, conferences or other activities.

At least 2 dynamics/practicals will be evaluated from among those carried out during the term.

The percentages assigned for each activity in the **continuous assessment** modality (applied and complementary activities to be assessed) will be specified in the attached Academic Guide ("Professor's Annex"), having a value of 30% of the final grade.

The grade obtained in the continuous assessment part will be carried over to the second examination session, but NOT to the next academic year. The activities of continuous assessment will be non-recoverable since, due to their very nature, it is not possible to design a test that assesses the acquisition of learning results in the second evaluation.



## REFERENCES

### Basic

- AA. VV. Derecho de Internet. Barcelona, UOC, 2017.
- ARENAS RAMIRO, Mónica y ORTEGA GIMÉNEZ, Alfonso. Comentarios a la Ley Orgánica de Protección de Datos y Garantía de Derechos Digitales (en relación con el RGPD). Madrid, Sepin, 2019.
- COTINO HUESO, Lorenzo y MARTÍNEZ MARTÍNEZ, Ricard. Políticas de transparencia, calidad democrática y buen gobierno en MARTÍN CUBAS, Joaquín et. al. Política y Gobierno en la Comunitat Valenciana. Valencia, Tirant lo Blanch, 2020, págs. 453-464.
- LÓPEZ GUERRA, Luis et al.: Derecho constitucional, vol. I: El ordenamiento constitucional. Derechos y deberes de los ciudadanos, Valencia, Tirant lo Blanch, 2018.
- MARTÍNEZ MARTÍNEZ, Ricard. Inteligencia artificial desde el diseño. Retos y estrategias para el cumplimiento normativo. Revista catalana de dret públic, Nº. 58, págs. 64-81. Disponible en DOI: <http://dx.doi.org/10.2436/rcdp.i58.2019.3317>
- RALLO LOMBARTE, Artemi. Tratado de protección de datos actualizado con la Ley Orgánica 3/2018, de 5 de diciembre, de Protección de Datos Personales y Garantía de los Derechos Digitales. Valencia, Tirant lo Blanch, 2019.

### Additional

- COTINO HUESO, Lorenzo et. al. Un análisis crítico constructivo de la Propuesta de Reglamento de la Unión Europea por el que se establecen normas armonizadas sobre la Inteligencia Artificial (Artificial Intelligence Act). Diario La Ley, 24 de Mayo de 2018, Wolters Kluwer.
- MARTÍNEZ MARTÍNEZ, Ricard. Inteligencia artificial, Derecho y derechos fundamentales, en DE LA QUADRA-SALCEDO Y FERNÁNDEZ DEL CASTILLO, Tomás (dir.). Sociedad Digital y Derecho. Madrid, BOE, 2018, págs. 259-278.
- RECURSOS WEB.
- Agencia Española de Protección de Datos, Sección de guías y herramientas. Disponible en <https://www.aepd.es/es/guias-y-herramientas/guias>.
- Comité Europeo de Protección de Datos. Guías, herramientas y recomendaciones. Disponibles en [https://edpb.europa.eu/our-work-tools/documents/our-documents\\_en](https://edpb.europa.eu/our-work-tools/documents/our-documents_en)
- \* En el aula virtual se insertarán las guías específicas de referencia para cada una unidad de conocimiento.