

# PRAVNI VIDIKI INFORMACIJSKIH TEHNOLOGIJ

## UČNI NAČRT PREDMETA/COURSE SYLLABUS

<b>Predmet:</b>	Pravni vidiki informacijskih tehnologij
<b>Course title:</b>	IT law
<b>Članica nosilka/UL Member:</b>	UL FRI

Študijski programi in stopnja	Študijska smer	Letnik	Semestri	Izbirnost
Računalništvo in informatika, prva stopnja, visokošolski strokovni (v postopku)	Ni členitve (študijski program)		2. semester	izbirni

<b>Univerzitetna koda predmeta/University course code:</b>	0643540
<b>Koda učne enote na članici/UL Member course code:</b>	63772

Predavanja /Lectures	Seminar /Seminar	Vaje /Tutorials	Klinične vaje /Clinical tutorials	Druge oblike študija /Other forms of study	Samostojno delo /Individual student work	ECTS
45		30			105	6

**Nosilec predmeta/Lecturer:** Karmen Lutman

**Vrsta predmeta/Course type:** izbirni-strokovni/elective-vocational

<b>Jeziki/Languages:</b>	Predavanja/Lectures:	Angleščina, Slovenščina
	Vaje/Tutorial:	Angleščina, Slovenščina

<b>Pogoji za vključitev v delo oz. za opravljanje študijskih obveznosti:</b>	<b>Prerequisites:</b>
Vpis v letnik.	Enrollment in the study year.

### Vsebina:

- Uvod v pravo**
  - Hierarhija pravnih aktov;
  - Delitev na javno in zasebno pravo;
  - Vloga prava EU v slovenskem pravnem redu;
  - Splošno o pravosodnem sistemu in pravnih sankcijah.
- Varstvo (osebnih) podatkov**
  - Pojem osebnih podatkov;
  - Temeljna načela;
  - Pravni okviri zbiranja in obdelovanja osebnih podatkov;
  - Zasebnopravne in javnopravne posledice kršitve prava varstva osebnih podatkov.
- Kibernetska varnost in kibernetska kriminaliteta**

### Content (Syllabus outline):

- Introduction to law**
  - Legal acts and hierarchy of legal norms;
  - Public and private law division;
  - Meaning and role of the EU law in the Slovenian legal order;
  - Judicial system and legal sanctions: the basics.
- (Personal) data protection**
  - Personal data: definition;
  - General principles;
  - Data collection and data processing: legal framework;
  - Private and public law sanctions for personal data breach.
- Cyber security and cyber crime**
  - Cyber crime: phenomenology, epidemiology, laws related to cyber crime;

<ol style="list-style-type: none"> <li>1. Kibernetska kriminaliteta: fenomenologija, epidemiologija, pravni boj zoper kibernetsko kriminaliteto;</li> <li>2. Kibernetska varnost in kibernetska kriminaliteta: podobnosti in razlike;</li> <li>3. Kazenskopravni okviri v veljavni slovenski zakonodaji;</li> <li>4. Analiza izbranih institutov.</li> </ol> <p><b>4. Varstvo pravic intelektualne lastnine</b></p> <ol style="list-style-type: none"> <li>1. Splošno o pravicah intelektualne lastnine (avtorska in sorodne pravice ter pravice industrijske lastnine – patenti, znamke, modeli ipd.);</li> <li>2. Analiza konkretnih pravic intelektualne lastnine v povezavi z informacijskimi tehnologijami (vključno z licencami za programsko opremo).</li> </ol> <p><b>5. Elektronsko poslovanje</b></p> <ol style="list-style-type: none"> <li>5.1. Pravne osnove sklepanja pogodb in elektronskega poslovanja;</li> <li>5.2. Izbrane vrste pogodb na področju elektronskega poslovanja (ovojne pogodbe, pogodbe s klikom, pogodbe v oblaku, pametne pogodbe ipd.);</li> <li>5.3. Pravni vidiki elektronskih podpisov;</li> <li>5.4. Pravni vidiki spletnih platform (sklepanje pogodb, odgovornost upravljavcev spletnih platform, spletne ocene in varstvo potrošnikov, spori s čezmejnimi elementom in relevantne navezne okoliščine ipd.).</li> </ol> <p><b>6. Varstvo zasebnosti</b></p> <ol style="list-style-type: none"> <li>1. Uvod: pojem, pravne dimenzije zasebnosti in obseg varstva;</li> <li>2. Pravni okviri varstva zasebnosti v luči informacijskih tehnologij;</li> <li>3. Kršitev pravic zasebnosti: pravne sankcije.</li> </ol> <p><b>7. Pravni vidiki umetne inteligence</b></p> <ol style="list-style-type: none"> <li>1. Pravni izzivi regulacije umetne inteligence;</li> <li>2. Odgovornost za škodo, ki jo povzročijo sistemi umetne inteligence;</li> <li>3. Kazenskopravna odgovornost za ravnanja sistemov umetne inteligence.</li> </ol>	<ol style="list-style-type: none"> <li>2. Cyber security and cyber crime: similarities and differences;</li> <li>3. Cyber crime offences in Slovenian law;</li> <li>4. Analysis of selected issues.</li> </ol> <p><b>4. Intellectual property</b></p> <ol style="list-style-type: none"> <li>1. General introduction (copyright and industrial property rights – patents, trademarks, models etc.);</li> <li>2. Analysis of selected IP rights related to information technologies (including software licenses).</li> </ol> <p><b>5. E-commerce</b></p> <ol style="list-style-type: none"> <li>1. Formation of contracts and e-commerce: general introduction;</li> <li>2. Selected types of contracts related to e-commerce (shrink-wrap contracts, click-wrap contracts, cloud computing contracts, smart contracts etc.);</li> <li>3. Electronic signatures: legal aspects;</li> <li>4. Legal regulation of online platforms (contract formation, online intermediary liability, online reviews and consumer protection, cross-border scenarios and international private law issues etc.).</li> </ol> <p><b>6. Privacy</b></p> <ol style="list-style-type: none"> <li>1. Introduction: terminology, legal aspects of privacy and boundaries of legal protection;</li> <li>2. Legal aspects of privacy protection related to information technology.</li> <li>3. Privacy breach: legal sanctions.</li> </ol> <p><b>7. Legal aspects of artificial intelligence</b></p> <ol style="list-style-type: none"> <li>1. Challenges of legal regulation;</li> <li>2. AI systems and civil liability;</li> <li>3. AI systems and criminal liability.</li> </ol>
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### Temeljna literatura in viri/Readings:

1. Završnik/Lutman/Šarf/Gorkič: Information Technology Law in Slovenia, Kluwer, 2022.
2. Grundmann (ur.): European Contract Law in the Digital Age, Intersentia, 2018.
3. De Franceschi/Schulze (ur.): Digital Revolution – New Challenges for Law, C.H. Beck, Nomos, 2019.
4. Lohsse/Schulze/Staudenmayer (ur.): Liability for Artificial Intelligence and the Internet of Things, Nomos, Hart, 2019.
5. Schulze/Staudenmayer (ur.): EU Digital Law, Beck, Hart, Nomos, 2020.
6. Devolder: The Platform Economy, Intersentia, 2019.
7. Frosio (ur.): Oxford Handbook of Online Intermediary Liability, Oxford University Press, 2020.
8. Ebers/Navas (ur.): Algorithms and Law, Cambridge University Press, 2020.
9. Busch/De Franceschi: Algorithmic Regulation and Personalized Law, Beck, Hart, Nomos, 2021.

### Cilji in kompetence:

Namen predmeta je študente seznaniti z osnovami pravne regulacije na področju informacijskih

### Objectives and competences:

The purpose of the course is to acquaint students with the basics of legal regulation in the field of

<p>tehnologij. V okviru izbranih tem bodo študentje pridobili vpogled v relevantne pravne predpise in temeljne dileme, ki jih sodobne tehnologije predstavljajo za obstoječo pravno regulacijo. Predmet bo študentom nudil pridobitev temeljnih znanj za reševanje zasebnopravnih in javnopravnih vprašanj pri uporabi digitalnih tehnologij v praksi.</p>	<p>information technologies. Within the framework of the selected topics, students will gain insight into the relevant legal regulations and the fundamental dilemmas that modern technologies present to the existing legal regulation. The course will provide students with basic knowledge for solving private and public law issues in the use of digital technologies in practice.</p>
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<p><b>Predvideni študijski rezultati:</b></p> <p>Znanje in razumevanje:</p> <ul style="list-style-type: none"> <li>• Ko študent opravi vse predvidene obveznosti, pridobi znanje o temeljnih pravnih institutih, pravnih virih in relevantni sodni praksi obravnavanega področja.</li> <li>• Študenti bodo sposobni razumevanja in uporabe različnih pravnih virov: zakonodaje, sodne prakse in pravne teorije.</li> </ul>	<p><b>Intended learning outcomes:</b></p> <p>Knowledge and understanding:</p> <ul style="list-style-type: none"> <li>• After completion, the students will have the knowledge of relevant legal institutes, legal sources and the jurisprudence.</li> <li>• The students will be capable of understanding and applying relevant legal sources: legislation, jurisprudence and legal theory.</li> </ul>
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<p><b>Metode poučevanja in učenja:</b></p> <p>-predavanja: predstavitev temeljnih teoretičnih naukov;  - vaje (reševanje in analiza konkretnih primerov iz prakse – študije primerov, analiza sodne prakse in konkretnih pravnih določb);  - individualne zadolžitve študentov.</p>	<p><b>Learning and teaching methods:</b></p> <p>-lectures on basic theoretical knowledge;  - tutorials (case studies, analysis of jurisprudence and applicable statutory provisions);  - individual assignments.</p>
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<b>Načini ocenjevanja:</b>	<b>Delež/Weight</b>	<b>Assessment:</b>
Način (pisni izpit, ustno izpraševanje, naloge, projekt):		Type (examination, oral, coursework, project):
Sprotno preverjanje (domače naloge, projektno delo)	10,00 %	Continuous (home assignments, project work)
Končno preverjanje (pisni izpit)	90,00 %	Final (written exam)
Ocene: 6-10 pozitivno, 5 negativno (v skladu s Statutom UL)		Scale: 6-10 pass, 5 and below fail (According to the rules and ordinances of the University of Ljubljana)

<p><b>Reference nosilca/Lecturer's references:</b></p> <p>ZAVRŠNIK, Aleš, ŠARF, Pika, LUTMAN, Karmen, GORKIČ, Primož. Privacy and technology law Slovenia : information technology law. Alphen aan den Rijn: Kluwer Law International, 2022. 1 spletni vir (180 str.), ilustr. International Encyclopaedia of Laws. ISBN 978-90-411-2188-2. <a href="https://kluwerlawonline.com/EncyclopediaChapter/IEL+Privacy+and+Technology+Law/CYB20220006">https://kluwerlawonline.com/EncyclopediaChapter/IEL+Privacy+and+Technology+Law/CYB20220006</a>. [COBISS.SI-ID 141036035].</p> <p>DAMJAN, Matija, LUTMAN, Karmen. Administrative enforcement of EU consumer law : a disoriented tiger in the regulatory jungle of e-commerce. EuCML. [Tiskana izd.]. 2022, vol. 11, iss. 4, str. 130-138. ISSN 2364-4710. [COBISS.SI-ID 118715907].</p> <p>LUTMAN, Karmen. Artificial intelligence and the prohibition of discrimination in the EU : a private law perspective. V: ZAVRŠNIK, Aleš (ur.), SIMONČIČ, Katja (ur.). Artificial intelligence, social harms and human rights. Cham: Springer Nature, cop. 2023. Str. 77-97. Critical criminological perspectives. ISBN 978-3-031-19148-0. ISSN 2731-0604. DOI: 10.1007/978-3-031-19149-7_4. [COBISS.SI-ID 137647619].</p> <p>LUTMAN, Karmen. Restitution after termination for breach of contract for the supply of digital content and services : a tough row to hoe. V: TOT, Ivan (ur.), SLAKOPER, Zvonimir (ur.). 2nd Zagreb International Conference on the Law of Obligations : 28-30 September 2022 : book of abstracts. [Zagreb]: University of Zagreb, Faculty of Economics and Business, 2022. Str. 27-28. ISBN 978-953-346-186-1. [COBISS.SI-ID 125109763].</p>
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LUTMAN, Karmen. Challenges of cross-border enforcement of consumer law : unfair contract terms. V:  
SLAKOPER, Zvonimir (ur.), TOT, Ivan (ur.). EU private law and the CISG : the effects for national law.  
London [i. e.] Abingdon; New York: Routledge, Taylor & Francis Group, 2021, str. [61]-72. [COBISS.SI-ID  
74952451].