

Proactive and Responsible Legal Approaches to Digitalisation – Legal Challenges and Theories

PhD course 22-23 October 2019

The 22nd of October 2019

- 9:30-9:45: *‘Welcome and introduction to the overall issues of the first day’*
Lecturer: Ellen Margrethe Basse, Center of Legal Informatics, the Department of Law, Aarhus BSS, AU
- 9:45-10:30: *“Legal theories and methodologies challenged by the digitalisation of law”,*
Lecturer: Sten Schaumburg Müller, Department of Law, University of Southern Denmark
- 10:45-11:30: *“Legal Methodology to be used in the Development of Digitalized Solutions”,*
Lecturer: Henrik Palmer Olsen, The Faculty of Law, Copenhagen University
- 11:30-12:15: *“The rule of law-approach related to e-government – what are the challenges?”*
Lecturer: Ellen Margrethe Basse Law, Department of Law, BSS Aarhus University
- 12:15-12:45 Plenum discussion related to the issues covered by the three first lecturers
- 12:45-13:30: Lunch
- 13:30-14:15: *“The Principle of Administrative Law by Design and the Requirement of Good Administrative Impact Assessment”*
Lecturer: Ayo Næsborg-Andersen, the Department of Law, University of Southern Denmark
- 14:15-15:00 *“Data protection of the Children under the Regulation and the Danish Act on the Protection of Natural Persons”*
Lecturer: Caroline Adolphsen, the Department of Law, Aarhus BSS, AU

- 15:00-15:45 Coffee and plenum discussion related to the digitalisation and data protection under public law
- 15:45-16:30 *“Access to Justice under the Future Digitalised Public Administration”*,
Lecturer: Bettina Lemann Kristiansen, the Department of Law, Aarhus BSS, AU
- 16:30-17.15 *“Criminal Investigations and Confiscation in the Age of Digitalisation”*,
Lecturer: Nicolaj Sivan Holst, the Department of Law Department, Aarhus BSS, AU
- 18:00- Dinner

The 23rd of October 2018

- 09:00-9:45: *“Peer-to-peer lending – a new intermediary, new legal challenges”*,
Lecturer: Tanja Jørgensen, Center of Legal Informatics, Department of Law, BSS, Aarhus University
- 9:45-10:30: *“Contract Management in the Age of Digitalisation”*,
Lecturer: Réne Franz Henschel, Center of Legal Informatics, the Department of Law, Aarhus BSS, AU
- 10:30-10:45: Coffee
- 10:45-11:15: *“Legal challenges to contract and tort law by digitalisation”*
Lecturer: Morten Midtgaard Fogt, Center of Legal Informatics, the Department of Law, Aarhus BSS, AU
- 11:15-11:30 Plenum discussion on the legal challenges related to the digitalisation of private law issues
- 11:30-12:15 *“Platform economies and its consequences on the employments sector – including the consequences on the Danish Model”*,
Lecturer: Natalie Videbæk Munkholm, Center of Legal Informatics, the Department of Law, Aarhus BSS, AU

12:15-12:30	Plenum discussion on platform economics
12:30-13:30	Lunch
13:30-14:15:	<p>“<i>The Impact on of Digitalisation on the Traditional Business Models</i>”, Lecturer: Mette Neville, the Department of Law, Aarhus BSS, AU</p>
14:15-14:30	Plenum discussion on legal challenges related to the construction law
14:30-15:00	Coffee
15:00 -16:30:	The PhD-students’ workshop in groups – the workshop will be related to the research projects of the participants (questions to be discussed in the groups will be formulated on the basis of the challenges mentioned in the papers received from the Ph.D.-students)
16:30 -17:00:	Plenum discussion on the impact of digitalisation on the research projects of the participants

Assignments for PhD students

Participation in the course requires that each PhD student prepare a paper – deadline 8 October 2018. The paper should be no more than 6 pages (a standard page includes 2,400 characters, including spaces). Your paper should include a presentation of your research project and the use of digitalisation in the legal service infrastructure. Please read (as your inspiration on how to make a legal research project related to digitalisation)

- 1) S. Gostojic, Z. Konjovic and B. Milosavljevic “Modelling MetaLex/CEN Compliant Legal Acts, is available at the Internet, see https://www.researchgate.net/publication/230984537_Modeling_MetaLexCEN_compliant_legal_act_s
- 2) pages 21-107 in the thesis of R.M. Peters “*The Law, the Map and the citizen. Designing a Legal Service Infrastructure Where Rules Make Sense Again*”, UvA-DARE (Digital Academic Repository), University of Amsterdam, 2016. The thesis is available at the Internet, see https://pure.uva.nl/ws/files/2722727/178347_Peters_Thesis_complete.pdf

In your answer of the relevance, please include the following questions:

- *is the ICT development affecting the legal situation of the actors that are covered by your research project?*
- *has the legislation that is the object of your research project been made ready for digitalisation? if the answer is yes – how are the legal design changed?*
- *does the digitalisation help providing better access and better informed citizens? and/or*
- *does the digitalisation constitute any challenges to the traditional legal handling of the legal interpretation of the law and the use of legal principles in the area covered by your research project?*

Other relevant materials – articles etc.:

Business Law

The Informal Company Law Expert Group (ICLEG): Report on digitalisation in company law, March 2016

http://ec.europa.eu/justice/civil/files/company-law/icleg-report-on-digitalisation-24-march-2016_en.pdf

BDI The Voice of German Industry: “Industrie 4.0 Legal challenges of digitalization. An input for the public debate”

https://www.noerr.com/~/_/media/Noerr/PressAndPublications/Brochures/studien/Legal-challenges-of%20digitalisation-Industrie-40.pdf

Concerning eGovernment and Data Protection of children

Milda Macenaite & Eleni Kosta (2017) “Consent for processing children’s personal data in the EU: following in US footsteps?”, Information & Communications Technology Law, 26:2, 146-197 available at the Internet, <https://www.tandfonline.com/doi/full/10.1080/13600834.2017.1321096>

The European Commission's communication on EU eGovernment Action Plan 2016-2020. Accelerating the digital transformation of government; COM(2016) 179 final of 19 April 2016

<https://ec.europa.eu/digital-single-market/en/news/communication-eu-egovernment-action-plan-2016-2020-accelerating-digital-transformation>

Judgment of the European Court of Justice in joined cases C-293/12 and C-594/12 *Digital Rights Ireland Ltd* – the preliminary ruling concerning the validity of Directive 2006/24/EC on the retention of data generated or processed in connection with the provision of public available electronic communication services or of public communications networks

Thomas Zwahr and Matthias Finger “Critical steps towards e-Governance: a case study analysis”
https://www.researchgate.net/publication/37423655_Critical_steps_towards_e-Governance_a_case_study_analysis

Thomas Zwahr, Matthias Finger and Philipp Mueller, “More than Digitalisation – The Transformative Potential of E-Governance: An Exploratory Case Study”
<https://www.computer.org/csdl/proceedings/hicss/2005/2268/05/22680127-abs.html>

Motzfeldt, H. M., and Næsborg-Andersen, A., 2018. Developing Administrative Law into Handling the Challenges of Digital Government in Denmark. *The Electronic Journal of e-Government*, 16(2), pp. 136-146, available online at www.ejeg.com

Jørgensen, Tanja “Peer-to-Peer Lending – A New Digital Intermediary, New Legal Challenges” <https://journals.aau.dk/index.php/NJCL/issue/view/236>

Cybercrime and the Charter of Fundamental Rights

The European Commission's Communication of 10 January 2017 on Exchanging Protecting Personal Data in a Globalised World; COM(2017) 7 final - http://europa.eu/rapid/press-release_IP-17-16_en.htm

The Convention on Cybercrime (Budapest Convention)

http://www.europarl.europa.eu/meetdocs/2014_2019/documents/libe/dv/7_conv_budapest_/7_conv_budapest_en.pdf