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

PhD course 21-22 October 2020

The 21st of October 2020

9:30-10:00:	'*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
10:00-10:45:	"*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:	"*Access to Justice under the Future Digitalised Public Administration*",
	Lecturer: Bettina Lemann Kristiansen, the Department of Law, Aarhus BSS, AU
11:30-12:45:	Plenum discussion related to the challenges stated in the students' papers
12:45-13:30:	Lunch
13:30-14:15:	"*The Operating Conditions for Administrative Appeal Boards in a Digitalised Administration – What are the Challenges?*"
	Lecturer: Ellen Margrethe Basse, the Department of Law, Aarhus BSS, AU
14:15-15:00	"*Criminal Investigations and Confiscation in the Age of Digitalisation*",
	Lecturer: Nicolaj Sivan Holst, the Department of Law Department, 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	"*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

16:30-17.15   *"The rule of law-approach related to e-government – what are the challenges?"*

Lecturer: Ellen Margrethe Basse Law, Department of Law, BSS Aarhus University

18:00-   Dinner

The 22nd of October 2020

09:00-9:45:   *"Digital challenges by the law applicable to contracts and property"*

Lecturer: Morten Midtgaard Fogt, Department of Law, Aarhus BSS, AU

9:45-10:30:   *Barriers to digitalization in international trade transactions. The limits of the concept of a 'document' in international private law treaties.*

Lecturer: Kristina Siig, Department of Law, University of Southern Denmark

10:30-10:45:   Coffee

10:45-11:15:   *"Digitalisation and the challenges of regulation (Platforms and online sale)"*
Lecturer: Marie Jull Sørensen, Department of Law, Aalborg University

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, Department of Law, Aarhus BSS, AU

12:15-12:30   Plenum discussion on platform economics

12:30-13:30   Lunch

13:30-14:15:   *"AI impact on privacy and safety of workers",*

Lecturer: Vincenzo Pietrogiovanni, Department of Law, Aarhus BSS, AU

14:15-14:30	Plenum discussion
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 2019. 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_acts

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*:*

   o *is the ICT development affecting the legal situation of the actors that are covered by your research project?*
   o *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?*
   o *does the digitalisation help providing better access and better informed citizens? and/or*
   o *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.:

Woodrow Barfield and Ugo Pagalio (eds.), Research Handbook on the Law of Articial Intelligence, Elgar Publishing, 2018

Business Law

Alberto De Franceschi and Reinr Schulze (eds.): Digital Revolution – New hallenges for Law. Data protection, Artificial Intelligence, Smar Products, Blockchin Technology and Virtual Currencies, C.H. Beck and NOMOS, 2019

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 eGoverment 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

The European Commission's Joint Research Center's report "The Future of Government 2030+. A Citizen Centric Perspective on New Government Models"

https://publications.jrc.ec.europa.eu/repository/bitstream/JRC115008/futurgov_web_lq_v2.pdf

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