

Seminar Syllabus

Introduction to U.S. Cybersecurity Law

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University of Lisbon Faculty of Law

October 9-13, 2023

Professor Houser is a Fulbright Specialist in cyberlaw with 15 years advisory board experience and more than 25 years of corporate law expertise as Chief Operating Officer. Internationally recognized for academic research on corporate governance, data governance, and the law and ethics of artificial intelligence. Invited speaker to K4I Horizon 2020 debates at the European Parliament on the use of AI to increase investment in women-led startups and subject matter expert for the 2021 Report to the European Commission on the risks of AI in the workplace and 2023 Report to the UN Committee on CEDAW on the role of AI. Industry experience across multiple fields including technology, retail, wholesale, supply chain logistics, healthcare, franchise, energy, commercial real estate, and telecommunications.

SYLLABUS

Seminar Objectives: This seminar will introduce students to the basics of U.S. cybersecurity law, including federal and state data protection and data breach notification laws, the heightened standards for financial and health information, cybersecurity disclosure requirements, governmental concerns with cybersecurity, and the international backdrop and differing perspectives on cybersecurity as between the United States and the European Union.

The seminar will involve class discussions on the readings and a paper. Student performance will be assessed with a final case study based on cybersecurity ethics. It is assumed that the students have a background in European data protection law.

Expected Student Learning Outcomes: Students will be able to contrast U.S. cybersecurity law and European cybersecurity law.

Text and Other Resources: Selected seminar readings are available via the links in the course schedule below.

Optional Resources:

[Politico's Morning Cybersecurity](#)

[Lawfare](#)

Seminar Schedule: The seminar will meet for five sessions, starting Monday, October 9 through Friday, October 13, 2023, in two-hour seminar meetings from _____ to _____, Lisbon time.

Class Attendance: Students are expected to attend all five of the seminar sessions. One absence may be excused by the Erasmus administration based on valid reason.

Course Format, Expectations, and Student Assessment: As noted above, the seminar will focus on class discussions on the assigned readings. Students are encouraged to prepare for class by reading a few assigned materials prior to each class. Also, students will be asked to “team up” with a partner to provide a summary of their assigned article and open the discussion for similarities and differences between U.S. and European data protection law. The course will conclude with a cybersecurity case study on the final day.

Course Grading: Students’ grades will be administered according to the traditional numerical system in place at the University of Lisbon Law Faculty. Final grades in the course will be computed on the following basis: class participation and reading summaries 40%, case study 60%.

Office Hours: Prof. Houser will be available for private conversations with students by appointment. Prof. Houser may be contacted most easily via e-mail at khouser@wm.edu.

Course Schedule

Oct. 9	Intro to Cybersecurity	Guided discussion focusing on the meaning of cybersecurity and the risks it presents.	Class discussion and reading summaries
Oct. 10	U.S. Federal and State Law	Guided discussion focusing on the federal and state law and voluntary initiatives.	Class discussion and reading summaries
Oct. 11	Cybersecurity Incident Disclosure Requirements	Guided discussion focusing on cybersecurity incident disclosure rules.	Class discussion and reading summaries
Oct. 12	U.S. v EU Cybersecurity Perspectives	Guided discussion focusing on the differences between U.S. and EU cybersecurity perspectives.	Class discussion and reading summaries
Oct. 13	Cybersecurity Ethics	The first half of class will focus on ethical decision-making and the second half on the case study.	Case Study

Oct. 9 - Monday: Introduction to Cybersecurity, U.S. Cybersecurity Law, U.S. v EU Ideological Differences

Deliverable: Come prepared to discuss the readings

Readings:

1. CISA, [What is Cybersecurity?](#) (Feb. 1, 2021)
2. Congressional Research Service, [Cybersecurity: A Primer](#) (Dec. 8, 2022)
3. Aaron P Simpson & Lisa J Sotto, [Q&A: the data protection legal framework in USA](#) (Jul. 27, 2022)
4. Helena Tapp Barroso & Tiago Félix da Costa, [Q&A: the data protection legal framework in Portugal](#) (Jul. 14, 2023)
5. The White Houser, [FACT SHEET: Biden-Harris Administration Announces National Cybersecurity Strategy](#) (Mar. 2, 2023)
6. [SEC Adopts Rules on Cybersecurity Risk Management, Strategy, Governance, and Incident Disclosure by Public Companies](#) (Jul. 26, 2023)
7. Kimberly A. Houser & W. Gregory Voss, [GDPR: The End of Google and Facebook or a New Paradigm in Data Privacy?](#), 25 RICH. J.L. & TECH. 1 (2018) [Read pages 5-10 and 21-25]

Class Activity: *Discuss cybersecurity as a holistic concept, how it relates to privacy and data protection, and how the U.S. and EU differ in their ideology around data use.*

Oct. 10 Tuesday: United States federal and state cybersecurity laws

Deliverable: Present summaries of readings

Readings:

1. [COMPUTER FRAUD AND ABUSE ACT OF 1986](#), 18 U.S.C. § 1030 [Read preamble and introduction]
2. Robert M. Chesney, [CHESNEY ON CYBERSECURITY LAW, POLICY, AND INSTITUTIONS](#) (v. 3.1) (Aug. 2021) – The Computer Fraud and Abuse Act [Reads pages 19-21]
3. Samantha Schwartz, [A company is suing its hackers – it doesn't know who they are](#) (Jan. 7, 2020)
4. NCSL, [Cybersecurity Legislation 2022](#) (Jul. 22, 2022)
5. ICLG, [Cybersecurity Laws and Regulations USA 2023](#) (Nov. 14, 2022) [Read chapter 2]

Class Activity: *Discuss the difference between federal and state action on cybersecurity law. Determine what these varying laws mean for businesses. Discuss how the omnibus approach of the EU differs.*

Oct. 11 Wednesday: Cybersecurity Incident Disclosure Requirements

Deliverable: Present summaries of readings

Readings:

1. EY, [How to prepare for the NIS2 Directive?](#) (May 16, 2023) [Read Chapter 1]
2. ENISA, [Incident Reporting](#) (n.d.)
3. Taylor Wessing, [In brief: cyberthreat detection and reporting in European Union](#) (Feb. 13, 2023)
4. Deloitte, [SEC Issues New Requirements for Cybersecurity Disclosures](#) (Jul. 30, 2023)
5. White & Case, [SEC Adopts Mandatory Cybersecurity Disclosure Rules](#) (Aug. 1, 2023)

Optional Readings
[SEC Fact Sheet](#)

Class Activity: *Discuss the reasoning for and against disclosure requirements. Why is the U.S.*

Securities Exchange Commission, an agency which regulates public corporations, requiring disclosures? Does the U.S. have a data protection agency?

Oct. 12 Thursday: The International Backdrop (the GDPR)

Deliverable: Present summaries of readings

Readings:

1. GDPR.EU, [What is GDPR, the EU's new data protection law?](#) (2023)
2. W. Gregory Voss & Kimberly A. Houser, [Personal Data and the GDPR: Providing a Competitive Advantage for U.S. Companies](#) (2019) [Read 1-8]
3. Cyberwatching.eu, [Regulations vs. Guidelines: A Look at How the EU and the US are Dealing with Standards and Certification in Cybersecurity](#) (n.d.)
4. Nuvias, [Cybersecurity Perspectives: Europe vs. USA](#) (Oct. 17, 2022)

Class Activity: *Compare and contrast the various state and federal cybersecurity laws in the United States and the various EU level and member state level cybersecurity laws. What are the advantages to the U.S. model? What are the advantages to the European model?*

Oct. 13 Friday: Ethical Decision-Making and Cybersecurity

Deliverable: Present summaries of readings Complete case study assignment

Readings:

1. Manuel Velasquez, Claire Andre, Thomas Shanks, S.J., and Michael J. Meyer, [Thinking Ethically](#), Markkula Center for Applied Ethics (Aug. 1, 2015)
2. [Making an Ethical Decision](#), Markkula Center for Applied Ethics (2009)
3. [Apple vs FBI: All you need to know](#), CNBC (Mar. 29, 2023)

Optional Readings

U.S. Department of Homeland Security, [Cybersecurity](#) (May 30, 2023)
[Apple v. FBI](#), EPIC (2016)

Class Activity: *Discussion of ethical decision-making theory and cybersecurity. Case Study.*
