Privacy Law Fundamentals

Daniel J. Solove
John Marshall Harlan Research Professor of Law
George Washington University Law School
and
Senior Policy Advisor
Hogan Lovells
and
Founder
TeachPrivacy, LLC

&

Paul M. Schwartz
Professor of Law
U.C. Berkeley School of Law
and
Director
Berkeley Center for Law & Technology

An IAPP Publication
Daniel J. Solove is the John Marshall Harlan Research Professor of Law at the George Washington University Law School. He is also a senior policy advisor at Hogan Lovells and the founder of TeachPrivacy, http://teachprivacy.com, a company that provides privacy and data security training to organizations in a wide array of industries. One of the world’s leading experts in privacy law, Solove is the author of numerous books, including Nothing to Hide: The False Tradeoff Between Privacy and Security (Yale 2011), Understanding Privacy (Harvard 2008), The Future of Reputation: Gossip and Rumor in the Information Age (Yale 2007; winner of the 2007 McGannon Award), and The Digital Person: Technology and Privacy in the Information Age (NYU 2004). Professor Solove is also the co-author (with Paul Schwartz) of a textbook, Information Privacy Law, with Aspen Publishing Co., now in its fourth edition.

Additionally, he is the author of several other textbooks, including Privacy and the Media (1st edition, Aspen Publishing Co. 2009) and Privacy, Information, and Technology (3rd edition, Aspen Publishing Co. 2012), all with Paul Schwartz. He has published nearly 40 articles and essays.

Solove has testified before the U.S. Congress and has been involved as an expert and consultant in a number of high-profile privacy cases. He has been interviewed and featured in several hundred media broadcasts and articles in publications and on networks including The New York Times, The Wall Street Journal, The Washington Post, Chicago Tribune, USA Today, Associated Press, Time, Newsweek, People, Reader’s Digest, ABC, CBS, NBC, CNN, NPR and C-SPAN’s “Book TV.”

He blogs at LinkedIn and at www.concurringopinions.com. More information about his work can be found at www.danielsolove.com. He can also be followed on Twitter at http://twitter.com/DanielSolove.

Schwartz has testified as an expert before congressional committees in the United States and provided legal reports to the Commission of the European Community and Department of Justice, Canada. He has assisted numerous corporations in the United States and abroad with information privacy issues. A member of the American Law Institute, Schwartz has received scholarship and grants from the American Academy in Berlin, where he was a Berlin Prize Fellow; the Alexander von Humboldt Foundation; German Marshall Fund; Fulbright Foundation; the German Academic Exchange, and the Harry Frank Guggenheim Foundation. He is a member of the organizing committee of the Privacy Law Salon and of the American Law Institute.

Schwartz belongs to the editorial boards of International Data Privacy Law, the International Journal of Law and Information Technology, and the Zeitschrift für Datenschutz (Data Protection Journal).

Schwartz received a JD degree from Yale Law School, where he was a senior editor on The Yale Law Journal, and a BA degree from Brown University. His homepage is www.paulschwartz.net.
DEDICATION

To Pamela and Griffin—DJS

To Steffie, Clara and Leo—PMS
This book provides a concise guide to privacy law. *Privacy Law Fundamentals* is not a treatise. Instead, it is designed to serve as a primer of the essential information one needs to know about the field. For the student of privacy law or the beginning privacy professional, the book will provide an overview of the field that can be digested readily. For the more seasoned and experienced, the book will serve as a handy reference guide, a way to refresh one’s memory of key components of privacy laws and central cases. It will help close gaps in knowledge and inform on areas of the field about which one wants to know more.

In writing this book, we have aimed to avoid the “too-much-information” problem by singling out the essential provisions of law, regulations and judicial decisions. Far too often, the key definitions, provisions and concepts become lost in a litany of very long and dense statutes and in a mass of cases. We have endeavored to distill the field down to its fundamentals and present this information in as clear and useful a manner as possible. Wherever possible, we have developed charts and lists to convey the material.

The book is organized in fourteen chapters:

- Chapter One—a review of the key privacy developments since the last edition of this book.

- Chapter Two—an overview of privacy law in all its varied types and forms and a timeline with key points in the development of privacy law.

- Chapter Three—privacy law involving the media, including the privacy torts, defamation and the First Amendment.
- Chapter Four—the law of domestic law enforcement, focusing on the Fourth Amendment and the statutes regulating electronic surveillance.

- Chapter Five—national security law, including the Foreign Intelligence Surveillance Act.

- Chapter Six—government records and laws, such as the Privacy Act and the Freedom of Information Act.

- Chapter Seven—the laws and regulations that pertain to health and genetic data, including HIPAA.

- Chapter Eight—the laws concerning financial information, including the Fair Credit Reporting Act and the Gramm-Leach-Bliley Act.

- Chapter Nine—legal regulation of the privacy of consumer data and business records, involving statutes, tort protections and FTC enforcement actions.

- Chapter Ten—the standards for government access to private-sector records, such as the Bank Secrecy Act, National Security Letters and subpoenas.

- Chapter Eleven—data security law, including the varying laws in a majority of the states.

- Chapter Twelve—school privacy, including the Family Educational Rights and Privacy Act.

- Chapter Thirteen—the regulation of employment privacy, including the different rules for government and private-sector employees.

- Chapter Fourteen—international privacy law, including the EU Data Protection Directive, the OECD Guidelines, the APEC Privacy Framework and rules of international data transfers.

For his suggestions on our chapter about school privacy, we wish to thank Steven McDonald. This book also benefitted greatly from the proofreading and research assistance of Benedikt Burger, Leah Duranti, Yan Fang, Bill Friedman, Jesse Koehler and Lea Mekhneche.

For further references, including books, websites, statutes and other sources of news and legal materials, visit our website (http://informationprivacylaw.com), and for our casebooks, click on the “resources” tab at the top.

We look forward to keeping this book up to date and to finding additional ways to make it as useful as possible. Please feel free to contact us with any suggestions and feedback about the book.

Daniel J. Solove  
Washington, DC  
dsolove@law.gwu.edu

Paul M. Schwartz  
Berkeley, CA  
pschwartz@law.berkeley.edu
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