

# DANIEL J. SOLOVE

## CURRICULUM VITAE

(last updated September 3, 2013)

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## EMPLOYMENT

### Current

**John Marshall Harlan Research Professor of Law,  
George Washington University Law School** (2004-present)  
John Marshall Harlan Research Professor, 2010-present  
Full Professor 2008-2010  
Associate Professor 2004-2008

**Senior Policy Advisor, Hogan Lovells LLP**, Washington, DC (2011-present)

**Principal and Founder, TeachPrivacy LLC** (2010-present)

**Reporter, American Law Institute Restatement of Privacy Principles** (2013-present)

### Previous

**Associate Professor of Law, Seton Hall Law School** (2000-2004)

**Law Clerk, The Honorable Pamela Ann Rymer** (1999-2000)  
U.S. Court of Appeals, 9th Circuit, Pasadena, CA

**Associate, Arnold & Porter**, Washington, DC (1998-1999)

**Law Clerk, The Honorable Stanley Sporkin** (1997-1998)  
U.S. District Court, Washington, DC

## EDUCATION

**Yale Law School**, New Haven, Connecticut (J.D. 1997)

- Field Prize (university-wide scholarly writing prize)
- Coker Fellow (teaching assistant to Professor Joseph Goldstein)
- Symposium Editor, *Yale Law Journal* (1996-1997)
- Editor, *Yale Law Journal* (1995-1996)
- Editor, *Yale Journal of Law & the Humanities* (1994-1995)

**Washington University**, St. Louis, MO (A.B., English Literature, 1994)

- Phi Beta Kappa (early selection)

## PUBLICATIONS

### Books

NOTHING TO HIDE: THE FALSE TRADEOFF BETWEEN PRIVACY AND SECURITY  
(Yale University Press, 2011)

UNDERSTANDING PRIVACY  
(Harvard University Press, 2008)  
• *Translated into Korean and Japanese*

THE FUTURE OF REPUTATION: GOSSIP, RUMOR, AND PRIVACY ON THE INTERNET  
(Yale University Press, 2007)  
• *Winner of the 2007 Donald McGannon Award for Social and Ethical Relevance in Communications Policy Research*  
• *Translated into Italian, Korean, and Chinese*

THE DIGITAL PERSON: TECHNOLOGY AND PRIVACY IN THE INFORMATION AGE  
(NYU Press, 2004)  
• *Translated into Bulgarian*

### Textbooks

PRIVACY LAW FUNDAMENTALS 2013 (with Paul Schwartz)  
(IAPP, 2013) (1st edition published in 2011)

INFORMATION PRIVACY LAW  
• 4th edition (Aspen, 2012) (with Paul M. Schwartz)  
(1st edition published in 2003)

PRIVACY, INFORMATION, AND TECHNOLOGY  
• 3rd edition (Aspen, 2012) (with Paul M. Schwartz)  
(1st edition published in 2006)

PRIVACY AND THE MEDIA  
• 1st edition (Aspen, 2009) (with Paul M. Schwartz)

INFORMATION PRIVACY STATUTES AND REGULATIONS 2010-2011  
(Aspen, 2010) (with Paul M. Schwartz)

## Articles, Essays, and Book Reviews

*The FTC and the New Common Law of Privacy* (with Woodrow Hartzog)  
forthcoming 114 COLUMBIA LAW REVIEW (2014)

- winner of the International Association of Privacy Professionals scholarship award for 2013

*Privacy Self-Management and the Consent Dilemma*  
126 HARVARD LAW REVIEW 1880 (2013)

*Reconciling Personal Information in the United States and European Union*  
Work-in-progress (with Paul M. Schwartz)

*The PII Problem: Privacy and a New Concept of Personally Identifiable Information*  
86 NEW YORK UNIVERSITY LAW REVIEW 1814 (2011) (with Paul M. Schwartz)  
• selected by the Future of Privacy Forum for its Privacy Papers for Policy Makers award

*Fourth Amendment Pragmatism*  
51 BOSTON COLLEGE LAW REVIEW 1511 (2010)

*Prosser's Privacy Law: A Mixed Legacy*  
98 CALIFORNIA LAW REVIEW 1887 (2010) (with Neil M. Richards)

*Rethinking Free Speech and Civil Liability*  
109 COLUMBIA LAW REVIEW 1650 (2009) (with Neil M. Richards)

*Data Mining and the Security-Liberty Debate*  
74 UNIVERSITY OF CHICAGO LAW REVIEW 343 (2008)

*Privacy's Other Path: Recovering the Law of Confidentiality*  
96 GEORGETOWN LAW JOURNAL 123 (2007) (with Neil M. Richards)

*The First Amendment as Criminal Procedure*  
82 NEW YORK UNIVERSITY LAW REVIEW 112 (2007)  
• reprinted in *The First Amendment Law Handbook 2007-08* (Rodney Smolla ed.)

*"I've Got Nothing to Hide" and Other Misunderstandings of Privacy*  
44 SAN DIEGO LAW REVIEW 745 (2007)

*A Taxonomy of Privacy*  
154 UNIVERSITY OF PENNSYLVANIA LAW REVIEW 477 (2006)  
• winner of the 2006 Privacy Enhancing Technologies Award (sponsored by Microsoft) for outstanding scholarship  
• cited in the U.S. Supreme Court case, *Sorrell v. IMS Health, Inc.*

*The Multistate Bar Exam as a Theory of Law*  
104 MICHIGAN LAW REVIEW 1403 (2006)

*A Model Regime of Privacy Protection*

2006 UNIVERSITY OF ILLINOIS LAW REVIEW 357 (2006) (with Chris Hoofnagle)

*A Tale of Two Bloggers: Free Speech and Privacy in the Blogosphere*

84 WASHINGTON UNIVERSITY LAW REVIEW 1195 (2006)

*Fourth Amendment Codification and Professor Kerr's Misguided Call for Judicial Deference*

73 FORDHAM LAW REVIEW 747 (2005)

*Melville's Billy Budd and Security in Times of Crisis*

26 CARDOZO LAW REVIEW 2443 (2005)

*Reconstructing Electronic Surveillance Law*

72 GEORGE WASHINGTON LAW REVIEW 1264 (2004)

*The Virtues of Knowing Less: Justifying Privacy Protections Against Disclosure*

53 DUKE LAW JOURNAL 967 (2003)

*Can Pragmatism Be Radical?: Richard Posner and Legal Pragmatism*

113 YALE LAW JOURNAL 687 (2003) (with Michael Sullivan)

*Identity Theft, Privacy, and the Architecture of Vulnerability*

54 HASTINGS LAW JOURNAL 1227 (2003)

*Digital Dossiers and the Dissipation of Fourth Amendment Privacy*

75 SOUTHERN CALIFORNIA LAW REVIEW 1083 (2002)

*Conceptualizing Privacy*

90 CALIFORNIA LAW REVIEW 1087 (2002)

*Access and Aggregation: Privacy, Public Records, and the Constitution*

86 MINNESOTA LAW REVIEW 1137 (2002)

*Privacy and Power: Computer Databases and Metaphors for Information Privacy*

53 STANFORD LAW REVIEW 1393 (2001)

*The Darkest Domain: Deference, Judicial Review, and the Bill of Rights*

84 IOWA LAW REVIEW 941 (1999)

*Postures of Judging: An Exploration of Judicial Decisionmaking*

9 CARDOZO STUDIES IN LAW & LITERATURE 173 (1997)

*Faith Profaned: The Religious Freedom Restoration Act and Religion in the Prisons*

106 YALE LAW JOURNAL 459 (1996)

• winner of Yale University's Field Prize

*Fictions About Fictions*

105 YALE LAW JOURNAL 1439 (1996)

## Book Chapters

### *Radical Pragmatism*

THE CAMBRIDGE COMPANION TO PRAGMATISM (Alan Malacowski ed. forthcoming 2013)  
(with Michael Sullivan)

### *Reforming the Concept of Personally Identified Information: U.S. Privacy Law and PII 2.0* (with Paul Schwartz)

NEUER REGULIERUNGSSCHUB IM DATENSCHUTZRECHT? (Rolf H. Weber & Florent  
Thouvenin eds. 2012)

### *Speech, Privacy, and Reputation on the Internet*

THE OFFENSIVE INTERNET: SPEECH, PRIVACY AND THE INTERNET (Martha Nussbaum &  
Saul Levmore eds. 2011)

### *Bedeutung soziale Netzwerke das Ende der Privatsphäre?*

PUBLIC LIFE: DIGITALE INTIMITÄT, DIE PRIVATSPHÄRE UND DAS NETZ (Hrsg. von der Heinrich-  
Böll-Stiftung ed. 2011)

### *The New Vulnerability: Personal Information and Data Security*

SECURING PRIVACY IN THE INFORMATION AGE (Stanford University Press: Anupam Chander,  
Lauren Gelman, & Margaret Jane Radin eds. 2008)

### *A Brief History of Information Privacy Law*

PROSKAUER ON PRIVACY (Christopher Wolf, ed. 2006)

### *The Digital Person and the Future of Privacy*

DESAFÍOS DEL DERECHO A LA INTIMIDAD Y A LA PROTECCIÓN DE DATOS PERSONALES EN LOS  
ALBORES DEL SIGLO XXI (María Verónica Pérez Asinari – Pablo Palazzi, eds., 2006)

### *The Digital Person and the Future of Privacy*

PRIVACY AND IDENTITY: THE PROMISE AND PERILS OF A TECHNOLOGICAL AGE (Kluwer, 2005)

### *The Origins and Growth of Information Privacy Law*

- 748 PLI/PAT FOURTH ANNUAL INSTITUTE ON PRIVACY LAW 29 (2003)
- 828 PLI/PAT SIXTH ANNUAL INSTITUTE ON PRIVACY LAW 83 (2005) (updated version)

## Shorter Works

### *Five Myths About Privacy*

WASHINGTON POST (June 13, 2013)

### *HIPAA Turns 10: Analyzing the Past, Present, and Future Impact*

84 JOURNAL OF AHIMA 22 (April 2013)

### *HIPAA Mighty and Flawed: Regulation has Wide-Reaching Impact on the Healthcare Industry*, 84 JOURNAL OF AHIMA 30 (April 2013)

*United States v. Jones and the Future of Privacy Law: The Potential Far-Reaching Implications of the GPS Surveillance Case*

BLOOMBERG BNA PRIVACY & SECURITY LAW REPORT (Jan. 30, 2012)

*PII 2.0: Privacy and a New Approach to Personal Information*

BLOOMBERG BNA PRIVACY & SECURITY LAW REPORT, 11 PVLR 142 (Jan. 23, 2012)  
(with Paul M. Schwartz)

*The Virtues of Anonymity*

NEW YORK TIMES: ROOM FOR DEBATE (June 21, 2011)

*School Discipline for Off-Campus Speech and the First Amendment*

HUFFINGTON POST (June 20, 2011)

*Why "Security" Keeps Winning Out Over Privacy*

SALON.COM (May 31, 2011)

*Gainful Employment: A Privacy Black Hole?*

INSIDE HIGHER ED (May 26, 2011)

*Privacy Matters Even If You Have "Nothing to Hide"*

THE CHRONICLE OF HIGHER EDUCATION (May 15, 2011)

*The Slow Demise of Defamation and the Privacy Torts*

HUFFINGTON POST (Oct. 11, 2010)

*The Clementi Suicide, Privacy, and How We Are Failing Generation Google*

HUFFINGTON POST (Oct. 7, 2010)

*Dizzied by Data*

THE CHRONICLE OF HIGHER EDUCATION (August 29, 2010)

*The Meaning and Value of Privacy*

OPEN Magazine (Netherlands) (2010) (in Dutch)

Preface to WILLIAM J. CUDDIHY, *THE FOURTH AMENDMENT: ORIGINS AND ORIGINAL*

*MEANING: 602-1791* (Oxford University Press, 2008)

*The End of Privacy?*

SCIENTIFIC AMERICAN MAGAZINE (September 2008)

*The Future of Privacy*

AMERICAN LIBRARIES MAGAZINE (September 2008)

*Understanding Privacy*

BNA PRIVACY & SECURITY LAW REPORTER (September 2008)

*Data Privacy and the Vanishing Fourth Amendment*

CHAMPION MAGAZINE (May 2005)

*Privacy in the Digital Age: Information-Age Privacy Concerns Are More Kafkaesque Than Orwellian.* THE CHRONICLE OF HIGHER EDUCATION (December 10, 2004) at B6

*United States v. Miller*, in ENCYCLOPEDIA OF AMERICAN CIVIL LIBERTIES

(Paul Finkelman, ed. 2006)

*California v. Greenwood*, in ENCYCLOPEDIA OF AMERICAN CIVIL LIBERTIES

(Paul Finkelman, ed. 2006)

*Privacy Torts*, in ENCYCLOPEDIA OF PRIVACY

(William Staples, ed. 2006)

*Reasonable Expectation of Privacy*, in ENCYCLOPEDIA OF PRIVACY

(William Staples, ed. 2006)

## COURSES

Information Privacy Law  
Law and Literature

Criminal Law  
Criminal Procedure

## MEMBERSHIPS AND AFFILIATIONS

### **Electronic Frontier Foundation**

Advisory Board (2009-present)

### **Future of Privacy Forum**

Advisory Board (2008-present)

### **The Ponemon Institute**

Fellow (2010-present)

### **Yale Law School's Information Society Project**

Fellow (2007-present)

### **Law and Humanities Institute**

President (2005-2007)

Board of Governors (2002-present)

### **Bar of the District of Columbia**

Member (1998-present)

## ORGANIZER OF CONFERENCES

Privacy Law Scholars Conference (annual event) (2007-Present)  
Privacy Law Salon (annual event) (2011-Present)  
Health Privacy Law Salon (annual event) (2012-Present)  
Privacy Law Salon: A Dialogue with Policymakers (annual event) (2012-Present)  
Higher Education Privacy and Information Management Forum (annual event) (2012-Present)  
Harvard Law Review Symposium on Privacy Law (faculty advisor) (2012)

## PRESENTATIONS

This summary lists the places and years where keynote and panelist presentations were given:

### Law Schools

Arizona State University College of Law (2009)  
Berkeley Law School (2002, 2005, 2007, 2010)  
Cardozo School of Law (2004)  
Case Western University School of Law (2008)  
Columbia Law School (2001, 2005)  
University of Chicago Law School (2007, 2008)  
DePaul University College of Law (2004)  
Drexel University College of Law (2007)  
Emory Law School (2001)  
Fordham Law School (2005, 2008)  
George Washington Law School (2002, 2004, 2005, 2008, 2010, 2012, 2013)  
Georgetown University Law Center (2008)  
Harvard Law School (2005, 2006, 2012)  
Hofstra Law School (2004)  
University of Maryland School of Law (2009)  
University of Minnesota Law School (2002)  
New York University Law School (2009)  
University of Pennsylvania Law School (2005, 2006)  
University of Puerto Rico Law School (2006)  
University of San Diego Law School (2007)  
Santa Clara University School of Law (2006)  
Seton Hall Law School (2001)  
Southern Methodist University School of Law (2005)  
Stanford Law School (2004, 2005)  
Temple University Law School (2005)  
University of Toronto Faculty of Law (2005)  
Washington University Law School (2005)  
Yale Law School (2004, 2005, 2007, 2011)



### **Universities and Colleges**

American University (2013)  
Cornell University (2003, 2011)  
Duke University (2009)  
Emory University (2011)  
Fordham University (2009)  
Georgetown University (2006)  
Harvard University (2008)  
Millersville University (2005)  
New York University (2009)  
Oxford University (2009)  
Princeton University (2007)  
Texas Lutheran University (2011)  
University of Virginia (2009)  
University of North Carolina (2009)

### **Government**

California Office of Privacy Protection (2003)  
U.S. Congress – House of Representatives (briefing) (2005)  
U.S. Congress – House of Representatives (testimony) (2005)  
U.S. Department of Education (2013)  
U.S. Department of Homeland Security (2005, 2008, 2013)  
District of Columbia Superior Court (2012)  
Federal Bench Bar Forum (New Brunswick, NJ) (2004)  
U.S. Federal Communications Commission (2011)  
U.S. Federal Trade Commission (2012, 2013)  
Library of Congress (2006)  
U.S. Mint Treasury Executive Institute (2007, 2008)  
National Committee for Vital Health Statistics (2005)  
National Science Foundation (2006)  
New Jersey Judicial Administration Forum (New Brunswick, NJ) (2002)

### **Associations, Professional Groups, and Non-Governmental Organizations**

American Association of Law Schools Annual Conference (2002, 2005, 2007, 2009)  
American Bar Association Spring Meeting (2013)  
American Law Institute (2012)  
American Philosophical Association (2002)  
Association of Computing Machinery (Washington, DC) (2009)  
Association of Internet Researchers (2001)  
Computers, Freedom, and Privacy (2005, 2006, 2011)  
Congressional Internet Caucus (2008)  
Consortium of Social Science Associations (2005)  
EDUCAUSE (2011, 2013)  
Electronic Privacy Information Center (2003, 2004 2005)  
Future of Privacy Forum (2011)  
Insurance Society of Philadelphia (2012)  
International Association of Privacy Professionals (2005, 2008, 2012, 2013)  
Law & Humanities Institute (1997)

Law & Society Association Annual Meeting (2005, 2008)  
National Association of Independent Schools (2011)  
Northwest Academic Computing Consortium (2011)  
Southeastern Association of Law Schools (2006)

**International**

Columbian Ministry of ICT (Bogota, Columbia) (2010)  
Darklight Film Festival (Dublin, Ireland) (2008)  
Nikkei and Yahoo Japan (Tokyo, Japan) (2012)  
Oxford University (2009)  
Privacy and Security Conference (British Columbia, Canada) (2008, 2010, 2012)  
Privacy and Information Security Congress (Ottawa, Canada) (2011)  
VeerStichting Symposium (Leiden, Netherlands) (2009)  
University of Ottawa Faculty of Law (Ottawa, Canada) (2009)  
University of Toronto Faculty of Law (Toronto, Canada) 2005)

**Companies, Law Firms, and Private-Sector Entities**

America Online (2008)  
Google (2008)  
Microsoft (2012)  
MedStar (2009)  
Reed Smith (2004)

**Other**

Barnes & Noble Bookstore (Washington, DC) (2005, 2007)  
Barnes & Noble Bookstore (Lancaster, PA) (2004)  
Barnes & Noble Bookstore (New Haven, CT) (2005)  
Borders Bookstore (Lancaster, PA) (2008)  
Cosmos Club (Washington, DC) (2006)  
Gilman School (Baltimore, MD) (2011)  
Politics & Prose Bookstore (Washington, DC) (2011) (for *Nothing to Hide*)  
PLI (2002, 2003, 2005)  
Privacy Working Group (Washington, DC) (2010) (debate with Tyler Cowen)

**TESTIMONY AND COMMENTS**

Congressional Testimony: *Hearing on Securing Consumers' Data*  
Before the House Subcommittee on Commerce, Trade, and Consumer Protection,  
Committee on Energy & Commerce, 109th Cong., 1st Sess. (May 11, 2005)

Testimony: *RFID Tags and Information Privacy*  
National Committee for Vital Health Statistics (Jan. 11, 2005)

Comments to the FTC Regarding Free Credit Reports Under the FACTA  
Federal Trade Commission (Apr. 16, 2004) (with Chris Hoofnagle, EPIC)

Addendum to Comments on the Privacy of Home Addresses and Phone Numbers Under OPRA  
(Reply to the Testimony of Professor Fred Cate)  
New Jersey Privacy Study Commission (Mar. 19, 2004)

Comments on the Privacy of Home Addresses and Phone Numbers Under OPRA  
New Jersey Privacy Study Commission (July 2003)

Comments on the Draft Model Policy on Public Access to Court Records  
National Center for State Courts and the Justice Management Institute (Apr. 26, 2002)

## BLOGGING

Blogger (“Influencer”), *LinkedIn*, <http://www.linkedin.com/influencer/2259773> (2012-present)  
• selected to be among the 150 inaugural “thought leaders” providing commentary on *LinkedIn*

Blogger & Founder, *Concurring Opinions*, <http://concurringopinions.com> (2005 – present)  
• selected by the *ABA Journal* as one of the top 100 law blogs in 2007, 2008, and 2009

Blogger, *Huffington Post*, <http://www.huffingtonpost.com/> (2010 – present)

Blogger, *Balkinization*, <http://balkin.blogspot.com> (2005)

Blogger, *PrawfsBlawg*, <http://prawfsblawg.blogs.com> (2005)

## OTHER PROFESSIONAL ACTIVITIES

Reporter, ALI Project on Information Privacy Law (2013-Present)

American Association of Law Schools Defamation & Privacy Section Chair (2006-2007)

Letter to the FTC Requesting Investigation into Data Broker Products for Compliance with FCRA (Dec. 16, 2004) (co-authored with Chris Hoofnagle, EPIC)

Participated in drafting U.S. Supreme Court amicus briefs in *FAA v. Cooper*, *Hibel v. Sixth Judicial Circuit*, *Doe v. Chao*, *Bureau of Alcohol, Tobacco, and Firearms v. Chicago*, and *Watchtower Bible v. Stratton*

## SELECTED MEDIA INTERVIEWS AND PROFILES

### Newspapers (US)

*Arizona Daily Star*  
*Boston Herald*  
*Chicago Tribune*  
*Chronicle of Higher Education*  
*Denver Post*  
*Hartford Courant*  
*Houston Chronicle*  
*Lancaster Sunday News*  
*LA Times*  
*Minneapolis Star Tribune*  
*National Law Journal*  
*Newark Star-Ledger*  
*Newsday*  
*New York Daily News*  
*New York Times*  
*Palm Beach Post*  
*Philadelphia Inquirer*  
*Pittsburgh Post Gazette*  
*Richmond Times Dispatch*  
*San Jose Mercury News*  
*St. Louis Post Dispatch*  
*San Francisco Chronicle*  
*Tampa Tribune*  
*Washington Post*  
*Wall Street Journal*  
*USA Today*  
*Village Voice*

### International Newspapers

*The Australian*  
*The Chosun Ilbo* (Korea)  
*Der Spiegel* (Germany)  
*Diario El País* (Spain)  
*Excelsior* (Mexico)  
*Financial Times*  
*Gestión Magazine* (Argentina)  
*Globe and Mail* (Canada)  
*Il Recensore* (Italy)  
*Le Monde* (France)  
*Lifeweek Magazine* (China)  
*Montreal Gazette*  
*Népszabadság Könyvek* (Hungary)  
*New Zealand Herald*  
*Toronto Star*  
*Toronto Globe and Mail*  
*Veja* (Brazil)  
*Ventiquattro Magazine* (Italy)

### Television

ABC Evening News  
 ABC Good Morning America  
 CBS The Early Show  
 CBS Up to the Minute  
 CBS Evening News  
 CBS Sunday Morning  
 CNBC  
 CNN News Night  
 CNN International  
 CSPAN Book TV  
 NBC Evening News  
 NBC Today Show  
 PBS

### Radio

Air America  
 ABC Radio  
 CBS Radio  
 KERA (Chris Boyd)  
 KTRS St. Louis  
 KQED (Michael Kransy)  
 KVVN (Jeff Schechtm)  
 KZSU (David Levine)  
 IT Conversations  
 NPR Day to Day  
 NPR Kojo Nnamdi Show  
 NPR Morning Edition  
 NPR Talk of the Nation  
 Radio Canada  
 WHYI (Radio Times)  
 WNYC (Brian Lehrer)  
 WNYC (Brooke Gladstone)  
 WHYI-Philadelphia  
 Voice of America

### Syndicates

Associated Press  
 Cox News Service  
 Knight-Ridder  
 Reuters  
 Scripps-Howard

### Magazines

*ABA Journal*  
*The Atlantic*  
*Business Week*  
*Computer World*  
*Consumer Affairs*  
*CS Monitor*  
*Federal Computer Week*  
*Forbes*  
*Harvard Business Review*  
*MIT's Technology Review*  
*Money Magazine*  
*The Nation*  
*National Review*  
*Newsweek*  
*The New Republic*  
*New York Times Magazine*  
*The New Yorker*  
*Oprah Magazine*  
*PC World*  
*Wired*  
*People*  
*Reader's Digest*  
*Time*  
*Utne Reader*

### Other Media

AOL News  
 BNA Privacy & Security Report  
 CNET News  
 CNN.com  
 Congressional Quarterly  
 Findlaw.com  
 Fox News  
 Freakonomics Blog  
 Investment News  
 Law.com  
 MSN  
 MSNBC.com  
 New York Times Video  
 Onion AV Club  
 Slate