

# WOODROW HARTZOG

Professor of Law and Computer Science  
Northeastern University  
School of Law  
College of Computer and Information Science

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## CURRICULUM VITAE

(updated August 2017)

### ACADEMIC APPOINTMENTS

**Professor of Law and Computer Science**, Northeastern University School of Law and College of Computer and Information Science (joint appointment), 2017-present.

**Starnes Professor of Law**, Samford University's Cumberland School of Law, 2016-2017 (Associate Professor, 2014-2016, Assistant Professor, 2011-2014).

- Harvey S. Jackson Excellence in Teaching Award, 2013.
- Lightfoot, Franklin & White Faculty Scholarship Award, 2012, 2015.

**Affiliate Scholar**, Center for Internet and Society at Stanford Law School, 2010-present.

**Visiting Associate Professor**, Notre Dame Law School, Fall 2014, Summer 2016, 2017.

**Visiting Professor**, University of Maine School of Law, Summer 2014.

**Roy H. Park Fellow, Instructor of Record**, University of North Carolina at Chapel Hill, School of Journalism and Mass Communication, Chapel Hill, NC, 2008-2011.

### PUBLICATIONS

#### BOOKS

**PRIVACY'S BLUEPRINT: THE BATTLE TO CONTROL THE DESIGN OF NEW TECHNOLOGIES**  
(Harvard University Press, forthcoming 2018).

#### LAW REVIEW ARTICLES, ESSAYS, AND BOOK REVIEWS

*The Indispensable, Inadequate Fair Information Practices*  
76 MARYLAND LAW REVIEW 952 (2017) (symposium).

*Privacy's Trust Gap*  
126 YALE LAW JOURNAL 1180 (2017) (book review with Neil Richards).

*Trusting Big Data Research*  
65 DEPAUL LAW REVIEW 579 (2017) (symposium) (with Neil Richards).

*Taking Trust Seriously in Privacy Law*

19 STANFORD TECHNOLOGY LAW REVIEW 431 (2016) (with Neil Richards).

- Winner of the Future of Privacy Forum's Privacy Papers for Policy Makers award

*Anonymization and Risk*

90 WASHINGTON LAW REVIEW 703 (2016) (with Ira Rubinstein).

- Winner of the Future of Privacy Forum's Privacy Papers for Policy Makers award

*The Internet of Heirlooms and Disposable Things*

17 NORTH CAROLINA JOURNAL OF LAW AND TECHNOLOGY 581 (2016) (symposium) (with Evan Selinger).

*Inefficiently Automated Law Enforcement*

2015 MICHIGAN STATE LAW REVIEW 1763 (2016) (with Gregory Conti, Lisa Shay and Jon Nelson).

*Unfair and Deceptive Robots*

74 MARYLAND LAW REVIEW 785 (2015).

*The Scope and Potential of FTC Data Protection*

83 GEORGE WASHINGTON LAW REVIEW 2230 (2015) (symposium) (with Daniel J. Solove).

- Winner of the Future of Privacy Forum's Privacy Papers for Policy Makers award

*Surveillance as Loss of Obscurity*

72 WASHINGTON AND LEE LAW REVIEW 1343 (2015) (symposium) (with Evan Selinger).

*The FTC and the New Common Law of Privacy*

114 COLUMBIA LAW REVIEW 583 (2014) (with Daniel J. Solove).

- Winner of the International Association of Privacy Professionals Scholarship award
- Winner the Future of Privacy Forum's Privacy Papers for Policy Makers award

*Reviving Implied Confidentiality*

89 INDIANA LAW JOURNAL 763 (2014).

*The Value of Modest Privacy Protections in a Hyper Social World*

12 COLORADO TECHNOLOGY LAW JOURNAL 332 (2014) (symposium).

*Social Data*

74 OHIO STATE LAW JOURNAL 995 (2013) (symposium).

*Obscurity by Design*

88 WASHINGTON LAW REVIEW 385 (2013) (with Fred Stutzman) (symposium).

- Winner of the Future of Privacy Forum's Privacy Papers for Policy Makers award

*The Fight to Frame Privacy*

111 MICHIGAN LAW REVIEW 1021 (2013) (book review).

*The Case for Online Obscurity*

101 CALIFORNIA LAW REVIEW 1 (2013) (with Fred Stutzman).

- *Winner of the International Association of Privacy Professionals – Future of Privacy Forum Privacy Papers for Policy Makers award*
- *Excerpted in Daniel J. Solove & Paul M. Schwartz, INFORMATION PRIVACY LAW (Wolters Kluwer: 5th ed. 2014)*

*Big Data in Small Hands*

66 STANFORD LAW REVIEW ONLINE 81 (2013) (with Evan Selinger).

*Chain-Link Confidentiality*

46 GEORGIA LAW REVIEW 657 (2012) (symposium).

*Website Design as Contract*

60 AMERICAN UNIVERSITY LAW REVIEW 1635 (2011).

- *Excerpted in Daniel J. Solove & Paul M. Schwartz, INFORMATION PRIVACY LAW (Wolters Kluwer: 4th ed. 2011, 5th ed. 2014)*

*Promises and Privacy: Promissory Estoppel and Confidential Disclosure in Online Communities*

82 TEMPLE LAW REVIEW 891 (2009).

- *Excerpted in Daniel J. Solove & Paul M. Schwartz, INFORMATION PRIVACY LAW (Wolters Kluwer: 4th ed. 2011, 5th ed. 2014)*

*Falling on Deaf Ears: Is the 'Fail Safe' Triennial Exemption Provision in the Digital Millennium Copyright Act Effective in Protecting Fair Use?*

12 JOURNAL OF INTELLECTUAL PROPERTY LAW 309 (2005).

*Gaining Momentum: A Review of Recent Developments Surrounding the Expansion of the Copyright Misuse Doctrine and Analysis of the Doctrine in its Current Form*

10 MICHIGAN TELECOMMUNICATIONS AND TECHNOLOGY LAW REVIEW 373 (2004).

**BOOK CHAPTERS**

*Obscurity and Privacy*

THE ROUTLEDGE COMPANION TO THE PHILOSOPHY OF TECHNOLOGY (Routledge: by Joseph Pitt & Ashley Shew, eds. 2016) (with Evan Selinger).

*Do Robots Dream of Electric Laws? An Experiment in Law as Algorithm*

ROBOT LAW (Edward Elgar: Ryan Calo, Michael Fromkin, & Ian Kerr, eds. 2016) (with Lisa Shay, Greg Conti, Dominic Larkin, and John Nelson).

*Confronting Automated Law Enforcement*

ROBOT LAW (Edward Elgar: Ryan Calo, Michael Fromkin, & Ian Kerr, eds. 2016) (with Lisa Shay, Greg Conti, and John Nelson).

*Privacy & Terms of Use*

SOCIAL MEDIA & THE LAW: A GUIDE FOR PROFESSIONAL COMMUNICATORS (Routledge: Daxton Stewart, ed. 2012).

**PEER-REVIEWED WORKS**

*The Anonymization Debate Should Be About Risk, Not Perfection*

60 COMMUNICATIONS OF THE ACM (VIEWPOINT) 22 (2017) (with Ira Rubinstein).

*Et Tu, Android? Regulating Dangerous and Dishonest Robots*

5 JOURNAL OF HUMAN ROBOT INTERACTION 70 (2016).

*Facebook's Emotional Contagion Study and the Ethical Problem of Co-opted Identity in Mediated Environments Where Users Lack Control*

12 RESEARCH ETHICS 35 (2016) (with Evan Selinger).

*Beyond Sunglasses and Spray Paint: A Taxonomy of Surveillance Countermeasures*

IEEE International Symposium on Technology and Society (ISTAS '13). Toronto, Canada, June 2013 (with Lisa Shay and Greg Conti) (publication in proceedings).

*Boundary Regulation in Social Media*

ACM Conference on Computer Supported Cooperative Work (CSCW '12). Seattle, WA, February 2012 (with Fred Stutzman) (publication in proceedings).

*The New Price to Play: Are Passive Online Media Users Bound by Terms of Use?*

15 COMMUNICATION LAW AND POLICY 405 (2010).

*The Privacy Box: A Software Proposal*

14(11) FIRST MONDAY (2009).

**SHORTER WORKS**

*Five Unexpected Lessons from the Ashley Madison Breach*

ARS TECHNICA (2016) (with Danielle Citron).

*The Feds Are Wrong to Warn of "Warrant-Proof" Phones*

MIT TECHNOLOGY REVIEW (2016).

*There Is No Such Thing as "Public" Data*

SLATE (2016).

*Apple v the FBI: Why the 1789 All Writs Act is the Wrong Tool*

THE GUARDIAN (2016) (with Neil Richards).

*The Ugliest Side of Facial Recognition Technology*

THE CHRISTIAN SCIENCE MONITOR (2015) (with Evan Selinger).

*When Selfies Become Surveillance Beacons*

SCHIRN MAGAZINE (of the Schirn Kunsthalle Frankfurt) (2016) (with Evan Selinger).

*The Ultimate Unifying Approach to Complying with All Laws and Regulations*

19 GREEN BAG 2d 223 (2016) (with Daniel Solove).

*Facebook's New Digital Assistant 'M' Will Need to Earn Your Trust*

THE GUARDIAN (2015) (with Neil Richards).

*It's Time to Give Up on the Ideal of Perfect Privacy Online*

AEON MAGAZINE (2015) (with Evan Selinger).

*Increasing the Transaction Costs of Harassment*

BOSTON UNIVERSITY LAW REVIEW ANNEX (2015) (with Evan Selinger).

*Don't Kill the Password. Change the Password*

WIRED (2015) (with Daniel Solove).

*Google's Action on Revenge Porn Opens the Door on Right to Be Forgotten in US*

THE GUARDIAN (2015) (with Evan Selinger).

*The Dangers of Trusting Robots*

BBC (2015) (with Evan Selinger).

*Twitter's Privacy Blunder*

THE CHRISTIAN SCIENCE MONITOR (2015) (with Evan Selinger).

*Should the FTC Kill the Password? The Case for Better Authentication*

BLOOMBERG BNA PRIVACY AND SECURITY LAW REPORT, 14 PVL R 1353 (July 27, 2015)  
(with Daniel J. Solove).

*It's Time for an About-face on Facial Recognition*

THE CHRISTIAN SCIENCE MONITOR (2015) (with Evan Selinger).

*Social Media Needs More Limitations, Not Choices*

WIRED (2015).

*Why You Have the Right to Obscurity*

THE CHRISTIAN SCIENCE MONITOR (2015) (with Evan Selinger).

*The Decision That Could Finally Kill the Revenge-Porn Business*

THE ATLANTIC (2015) (with Danielle Citron).

*Keep Nude Photos Offline? Here's a Better Idea*

CNN (2014).

*Don't Listen to Snapchat's Excuses. Security Is Its Job*

WIRED (2014).

*Google Can't Forget You, But It Should Make You Hard to Find*

WIRED (2014) (with Evan Selinger).

*Deconstructing the Relationship Between Privacy and Security*

IEEE TECHNOLOGY AND SOCIETY MAGAZINE (Summer 2014) (with Greg Conti and Lisa Shay).

*How to Stop Facebook From Making Us Pawns in Its Corporate Agenda*

WIRED (2014) (with Evan Selinger).

*The FTC as Data Security Regulator: FTC v. Wyndham and its Implications*

BLOOMBERG BNA PRIVACY AND SECURITY LAW REPORT, 13 PVLR 621 (April 14, 2014) (with Daniel J. Solove).

*The FTC and Privacy and Security Duties for the Cloud*

BLOOMBERG BNA PRIVACY AND SECURITY LAW REPORT, 13 PVLR 577 (April 7, 2014) (with Daniel J. Solove).

*I See You: The Databases That Facial-Recognition Technologies Need To Survive*

THE ATLANTIC (2014) (with Evan Selinger).

*Less Kept, Soonest Mended*

NEW SCIENTIST (2013).

*Why is Facebook Putting Teens at Risk?*

BLOOMBERG (2013) (with Evan Selinger).

*Fighting Facebook, a Campaign for a People's Terms of Service*

THE NATION (2013) (with Ari Melber and Evan Selinger).

*How to Fight Revenge Porn*

THE ATLANTIC (2013).

*Quitters Never Win: The Costs of Leaving Social Media*

THE ATLANTIC (2013) (with Evan Selinger).

*Obscurity: A Better Way to Think About Your Data Than 'Privacy'*

THE ATLANTIC (2013) (with Evan Selinger).

*Privacy, in* OXFORD ENCYCLOPEDIA OF AMERICAN POLITICAL AND LEGAL HISTORY

(Paul Boyer, ed. 2012).

*About That Fine Print: What Are the Promises to be Kept?*

CAROLINA COMMUNICATOR, Summer (2010).

## TESTIMONY

Congressional Testimony: *What are the Elements of Sound Data Breach Legislation?*, Committee on Energy and Commerce, U.S. House of Representatives, January 27, 2015.

Congressional Testimony: *The Federal Trade Commission and Its Section 5 Authority: Prosecutor, Judge, and Jury*, Committee on Oversight and Government Reform, U.S. House of Representatives, July 24, 2014.

## EDUCATION

### **Ph.D.**, Mass Communication

University of North Carolina at Chapel Hill, Chapel Hill, NC, December 2011.

- Recipient, Outstanding Graduating Ph.D. Student
- Recipient, John B. Adams Award for Excellence in Mass Communication Law
- Recipient, Margaret Blanchard Dissertation Support Fund

### **LL.M.**, Intellectual Property, *with highest honors*

The George Washington University Law School, Washington, DC, May 2004.

### **J.D.**, *cum laude*

Samford University's Cumberland School of Law, Birmingham, AL, December 2002.

- Member, *Curia Honoris*
- Associate Editor, Cumberland Law Review

### **B.A.**, Journalism and Mass Communication

Samford University, Birmingham, AL, May 2000.

## COURSES

Information Privacy Law  
Torts  
Contracts  
Copyright Law  
The FTC and Privacy

Intellectual Property  
Media Law  
Payment Systems  
Internet Law  
Comparative Privacy & Data Protection Law

## PRESENTATIONS

This summary lists the places and years where I gave keynote, workshop, panelist and other featured presentations.

### **Law Schools**

Brooklyn Law School (2014)  
Charlotte School of Law (2012)  
Elon University School of Law (2013)  
Fordham University School of Law (2016)  
George Mason University Law School (2012, 2013, 2014)  
George Washington University Law School (2014)  
IIT Chicago-Kent College of Law (2015)  
Michigan State University College of Law (2013)

New York Law School (2012)  
New York University School of Law (2013)  
Notre Dame Law School (2013, 2014, 2016)  
Ohio State University Moritz College of Law (2012)  
Santa Clara University School of Law (2013)  
Samford University's Cumberland School of Law (2011, 2012, 2013, 2014, 2015)  
University of California, Berkeley, School of Law (2012, 2016)  
University of Colorado Law School (2014)  
University of Georgia School of Law (2011)  
University of Houston Law Center (2016)  
University of Maryland School of Law (2017)  
University of Nebraska College of Law (2016)  
University of Nevada Las Vegas Boyd School of Law (2015)  
University of Pennsylvania Law School (2015)  
University of Washington School of Law (2013)  
Washington & Lee Law School (2015)  
William and Mary Law School (2013)  
Yale Law School (2012)

### **Government**

Federal Trade Commission (2013)

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

American Association of Law Libraries (2012)  
American Association of Law Schools (2014, 2015)  
Association for Education in Journalism and Mass Communication (AEJMC) (2009, 2012, 2014, 2015)  
Association for Computing Machinery (ACM) Conference on Computer Supported Cooperative Work (CSCW) (2012)  
Association of Internet Researchers (AoIR) (2009)  
Birmingham Bar Association (2004)  
DEF CON (2012)  
Future of Privacy Forum (2013)  
Human-Robot Interaction (HRI) (2015)  
International Association of Privacy Professionals (IAPP) (2011, 2013)  
North Carolina Literary Festival (2009)  
Privacy Law Salon (2013-2015, 2017)  
Privacy Law Scholars Conference (PLSC) (2009-2016)  
Privacy and Security Forum (2015, 2016)  
Slate Future Tense Event with the New America Foundation (2016)  
Southeast Colloquium for the Association for Education in Journalism and Mass Communication (SEAEJMC) (2009, 2010, 2012)  
Southeastern Association of Law Schools (SEALS) (2013, 2014)  
We Robot (2012, 2013, 2014, 2015, 2016)  
World Wide Web Conference (WWW) (2010)

### **International**

Amsterdam Privacy Conference (2015)  
Asian Privacy Law Scholars International Conference (Auckland, New Zealand 2016)  
Reboot Annual Privacy and Security Conference (Victoria, British Columbia 2014)  
Global Data Privacy Dialogue (Brasilia, Brazil 2015)

Japanese Ministry of Economy, Trade and Industry (Tokyo, Japan 2016)  
Keio University APRU Summer Sessions (Tokyo, Japan 2015-2016)  
Open Data Institute (Keynote) (London, England 2016)  
Privacy & Access 20/20 Conference (Vancouver, British Columbia 2015)  
University of Cambridge (2013)  
University of Melbourne (2017)  
University of Tokyo (2014)

## **OTHER PROFESSIONAL ACTIVITIES**

### **Organizer & Co-Organizer**

Data Security Conference, Notre Dame Law School (2017)  
ACM/IEEE International Conference on Human-Robot Interaction (HRI) 2015 workshop on the emerging policy and ethics of human-robot interaction (2015)  
Midwestern Privacy Law Scholars Workshop, Notre Dame Law School (2015)  
Data Privacy Day event on mobile phone privacy, Samford University (2012)

### **Program Committee**

Privacy Law Scholars Conference (2015-present)  
IEEE International Conference on Cloud Engineering (IC2E) 2015 workshop on legal and technical issues in cloud computing (2015, 2017)  
ACM Conference on Computer Supported Cooperative Work and Social Computing (CSCW) 2015 workshop on the future of networked privacy (2012-2015)  
ACM Conference on Human Factors in Computing Systems (CHI) 2011 workshop on privacy and social media (2011)

### **Chair**

American Association of Law Schools Section on Defamation and Privacy, 2014.

## **OTHER LEGAL EXPERIENCE**

Trademark Examining Attorney, United States Patent and Trademark Office, Alexandria, VA, 2005-2008.

Associate Attorney, Burr & Forman LLP, Birmingham, AL, 2003, 2004-2005.

Clerk, Electronic Privacy Information Center, Washington, DC, 2004.

## **BAR ADMISSIONS**

Alabama State Bar, inducted 2003.

Mississippi State Bar, inducted 2004.

## **AFFILIATIONS**

Scholar, Technology | Academics | Policy (TAP), 2014-present.

Advisory Board Member, The Law & Technology Centre, The University of Hong Kong, 2017-present.

Academic Advisory Council Member, Asia Pacific Institute for the Digital Economy (APIDE), 2015-present.

Advisory Board Member, Future of Privacy Forum, 2013-present.