

# Chris Jay Hoofnagle

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Languages: L<sup>A</sup>T<sub>E</sub>X, Python, STATA, Web

## Appointments

2020–Present	Teaching Professor of Law In Residence (security of employment granted July 2020), School of Law, University of California, Berkeley
2020–Present	Affiliated Faculty, Simons Institute for the Theory of Computing
2016–Present	Professor of Practice, School of Information, University of California, Berkeley
2015–Present	Faculty Director, Berkeley Center for Law & Technology
2015–Present	Of counsel, Gunderson Dettmer Stough Villeneuve Franklin & Hachigian, LLP
2016–2020	Adjunct Full Professor, School of Law, University of California, Berkeley
2009–2015	Lecturer in Residence, School of Law
2006–2015	Senior Fellow, Samuelson Law, Technology & Public Policy Clinic
2005–2006	Non-Residential Fellow, Stanford University Law School Center for Internet and Society
2000–2006	Electronic Privacy Information Center

**Academic publishing  $h$ -index = 27,  $i10$  = 38**

## In progress works

- Chris Jay Hoofnagle and Simson L. Garfinkel. *Law and Policy for the Quantum Age*. Cambridge University Press, 2021
- Cybersecurity in Context (with Jennifer Urban), course reader in progress

## Published works—Academic

- [1] Chris Jay Hoofnagle, Aniket Kesari, and Aaron Perzanowski. “The Tethered Economy”. In: *Geo. Wash. L. Rev.* 87.4 (2019), p. 783

- [2] Chris Jay Hoofnagle, Bart van der Sloot, and Frederik Zuiderveen Borgesius. “The European Union general data protection regulation: what it is and what it means”. In: *Information & Communications Technology Law* 28.1 (2019), pp. 65–98
- [3] Chris Jay Hoofnagle. “Designing for Consent”. In: *Journal of European Consumer and Market Law* 7.4 (2018), pp. 162–171
- [4] Sophie C Boerman, Natali Helberger, Guda van Noort, and Chris Jay Hoofnagle. “Sponsored Blog Content: What Do the Regulations Say: And What Do Bloggers Say”. In: *J. Intell. Prop. Info. Tech. & Elec. Com. L.* 9 (2018), p. 146
- [5] Chris Jay Hoofnagle. “Facebook in the Spotlight: Dataism vs. Personal Autonomy”. In: *JU- RIST - Academic Commentary* (2018)
- [6] Chris Hoofnagle. “The Federal Trade Commission’s Inner Privacy Struggle”. In: *The Cambridge Handbook of Consumer Privacy*. Ed. by Evan Selinger, Jules Polonetsky, and Omer Tene. Cambridge University Press, 2018, p. 168
- [7] Aniket Kesari, Chris Jay Hoofnagle, and Damon McCoy. “Deterring Cybercrime: Focus on Intermediaries”. In: *Berkeley Technology Law Journal* 32.3 (2017), p. 1093
- [8] Aaron Perzanowski and Chris Jay Hoofnagle. “What We Buy When We ‘Buy Now’”. In: *University of Pennsylvania Law Review* 165 (2017), p. 315
- Reviewed in Jotwell: Robert Hillman, *What Does “Buy Now” Really Mean?*, Jotwell (October 10, 2016) (reviewing Aaron Perzanowski & Chris Jay Hoofnagle, *What We Buy When We ‘Buy Now,’* 165 U. Pa. L. Rev. 315 (2017))
- [9] Nico van Eijk, Chris Jay Hoofnagle, and Emilie Kannekens. “Unfair Commercial Practices: A Complementary Approach to Privacy Protection”. In: *Eur. Data Prot. L. Rev.* 3 (2017), p. 325
- [10] Chris Jay Hoofnagle. “FTC Regulation of Cybersecurity and Surveillance”. In: *The Cambridge Handbook of Surveillance Law*. Ed. by David Gray and Stephen Henderson. Cambridge Univ. Press, 2017
- [11] Ibrahim Altaweel, Maximillian Hils, and Chris Jay Hoofnagle. “Privacy on Adult Websites”. In: *Workshop on Technology and Consumer Protection (ConPro’17), co-located with the 38th IEEE Symposium on Security and Privacy, San Jose, CA (2017)*. 2017
- [12] Chris Jay Hoofnagle, Ibrahim Altaweel, Jaime Cabrera, Hen Su Choi, Katie Ho, and Nathaniel Good. “Online pharmacies and technology crime”. In: *The Routledge Handbook of Technology, Crime and Justice*. Ed. by Michael McGuire and Thomas J. Holt. Routledge, 2017, pp. 146–160
- [13] Chris Jay Hoofnagle. *Federal Trade Commission Privacy Law and Policy*. Cambridge University Press, 2016
- Translation into Chinese by Peking University Press (forthcoming 2020)
  - Translated into Japanese by Keiso Shobo Publishing Co. (2018)
  - Reviewed in ICON: Bilyana Petkova, Book Review: Federal Trade Commission Privacy Law and Policy, 14(3) *Int J Constitutional Law* 781–783 (2016)
  - Reviewed in EDPLR: Ferretti, F., & Mantelero, A., Book Review, 2(2) *European Data Protection Law Review* 278–283 (2016)

- Reviewed in ABA Antitrust Source: Aaron J. Burstein, Putting Privacy into Context: A Review of Chris Hoofnagle's Federal Trade Commission Privacy Law and Policy, 16(5) The Antitrust Source (Apr. 2107).
  - Reviewed in the JEL: Kai-Lung Hui, Federal Trade Commission Privacy Law and Policy, 55(2) Journal of Economic Literature 660 (Jun. 2017) JEL 2017-0237.
  - Reviewed in World Competition: Spencer Weber Waller, Book Review, 40(4) World Competition 658 (2017).
- [14] Chris Jay Hoofnagle. "Assessing the Federal Trade Commission's Privacy Assessments". In: *IEEE Security & Privacy* 14.2 (2016), pp. 58-64
- [15] Chris Jay Hoofnagle. "US Regulatory Values and Privacy Consequences". In: *Eur. Data Prot. L. Rev.* 2 (2016), p. 169
- [16] EdTech: Promise and Peril, Keynote address at TLPC: Privacy and Education in a Social Environment, Jun. 10, 2016, Istanbul, Turkey. *This article continues to be in progress because of the political situation in Turkey.*
- [17] Chris Hoofnagle and Eduard Meleshinsky. "Native Advertising and Endorsement: Schema, Source-Based Misleadingness, and Omission of Material Facts". In: *Technology Science* 20151215.03 (2015)
- [18] Ibrahim Altaweel, Jaime Cabrera, Hen Su Choi, Katie Ho, Nathan Good, and Chris Hoofnagle. "Web Privacy Census: HTML5 Storage Takes the Spotlight As Flash Returns". In: *SSRN* ()
- [19] Chris Jay Hoofnagle and Nathan Good. "Web privacy census". In: *Technology Science*. 2015121502 (2015)
- [20] Jennifer M Urban and Chris Jay Hoofnagle. "The privacy pragmatic as privacy vulnerable". In: *Symposium on Usable Privacy and Security (SOUPS) 2014, July 9-11, 2014, Menlo Park, CA.* 2014
- [21] Chris Jay Hoofnagle and Jennifer M Urban. "Alan Westin's privacy homo economicus". In: *Wake Forest L. Rev* 49 (2014), p. 261
- [22] Chris Jay Hoofnagle and Jan Whittington. "Free: accounting for the costs of the internet's most popular price". In: *UCLA L. Rev.* 61 (2014), p. 606
- Reviewed in Paul Ohm, *Free for the Taking (Or Why Libertarians Are Wrong About Markets for Privacy)*, Jotwell, May 26, 2014.
  - Selected for "Privacy Paper for Policy Makers," a volume of peer-selected papers on policy-relevant privacy research, September 2014.
- [23] Chris Jay Hoofnagle. "The Origin of Fair Information Practices: Archive of the Meetings of the Secretary's Advisory Committee on Automated Personal Data Systems (SACAPDS)". in: *SSRN 2466418* (2014)
- [24] Chris Jay Hoofnagle. "How the fair credit reporting act regulates big data". In: *Future of privacy forum workshop on big data and privacy: making ends meet.* 2013
- [25] Chris Jay Hoofnagle, Jennifer Urban, and Su Li. "Mobile Payments: Consumer Benefits & New Privacy Concerns". In: *The European Financial Review* (2013)

- Selected for "Privacy Paper for Policy Makers," a volume of peer-selected papers on policy-relevant privacy research, September 2012.
- [26] Jan Whittington and Chris Jay Hoofnagle. "Unpacking Privacy's Price". In: *N.C. L. Rev.* 90 (2012), p. 1327
- [27] Chris Jay Hoofnagle, Ashkan Soltani, Nathan Good, Dietrich James Wambach, and Mika D Ayenson. "Behavioral advertising: the offer you cannot refuse". In: *Harv. L. & Pol'y Rev.* 6 (2012), p. 273
- Received the 2014 Conference on Privacy and Data Protection Multidisciplinary Privacy Award.
- [28] Chris Jay Hoofnagle, Jennifer M Urban, and Su Li. "Mobile payments: Consumer benefits & new privacy concerns". In: *Available at SSRN 2045580* (2012)
- [29] Chris Jay Hoofnagle, Jennifer M Urban, and Su Li. "Privacy and Advertising Mail (Junk Mail)". In: *SSRN* (2012)
- [30] Chris Jay Hoofnagle, Jennifer M Urban, and Su Li. "Privacy and modern advertising: Most us Internet users want 'do not track' to stop collection of data about their online activities". In: *SSRN* (2012)
- [31] Chris Jay Hoofnagle. "Post privacy's paternalism". In: *Informationsfreiheit Und Information-srecht: Jahrbuch* (2011)
- [32] Mika D. Ayenson, Dietrich James Wambach, Ashkan Soltani, Nathan Good, and Chris Jay Hoofnagle. "Flash cookies and privacy II: Now with HTML5 and ETag respawning". In: *Available at SSRN 1898390* (2011)
- [33] Elizabeth Eraker, Colin Hector, and Chris Jay Hoofnagle. "Mobile Payments: Consumer Benefits & New Privacy Concerns". In: *BNA Privacy & Security Law Report* (2011). Reprinted in 75 United States Law Week 2095 (Mar. 15, 2011)
- [34] Chris Jay Hoofnagle, Jennifer King, Su Li, and Joseph Turow. "How different are young adults from older adults when it comes to information privacy attitudes and policies?" In: *Available at SSRN 1589864* (2010)
- Selected for "Privacy Paper for Policy Makers," a volume of peer-selected papers on policy-relevant privacy research, September 2010.
- [35] Ashkan Soltani et al. "Flash cookies and privacy". In: *2010 AAAI Spring Symposium Series*. 2010
- [36] Chris Jay Hoofnagle. "Internalizing Identity Theft". In: *UCLA Journal of Law & Technology* 13.2 (2009), p. 1
- [37] Alvaro Cardenas, Svetlana Radosavac, Jens Grossklags, John Chuang, and Chris Jay Hoofnagle. "An economic map of cybercrime". In: *TPRC*. 2009
- [38] Joseph Turow, Jennifer King, Chris Jay Hoofnagle, Amy Bleakley, and Michael Hennessy. "Americans reject tailored advertising and three activities that enable it". In: *Available at SSRN 1478214* (2009)
- [39] Lauren Thomas and Chris Hoofnagle. "Exploring Information Sharing through California's 'Shine the Light' Law". In: *SSRN <http://ssrn.com/abstract=1448365>* (2009)

- [40] Chris Jay Hoofnagle. “Beyond Google and evil: How policy makers, journalists and consumers should talk differently about Google and privacy”. In: *First Monday* 14.4-6 (2009)
- [41] Chris Jay Hoofnagle. “Towards a Market for Bank Safety”. In: *Loy. Consumer L. Rev.* 21 (2008), p. 155
- [42] Chris Jay Hoofnagle and Jennifer King. “What Californians understand about privacy offline”. In: *Available at SSRN* (2008)
- [43] Chris Jay Hoofnagle and Jennifer King. “Research report: What Californians understand about privacy online”. In: *Available at SSRN 1133075* (2008)
- [44] Jennifer King and Chris Jay Hoofnagle. “Wireless Location Privacy: Californians’ Awareness and Attitudes Towards Wireless Location Tracking”. In: *Telecommunications Policy Research Conference*. 2008
- [45] Chris Jay Hoofnagle and Jennifer King. “Consumer information sharing: where the sun still don’t shine”. In: *Available at SSRN 1137990* (2007)
- [46] Chris Jay Hoofnagle. “Identity theft: Making the known unknowns known”. In: *Harv. JL & Tech.* 21 (2007), p. 97
- [47] Joseph Turow, Chris Jay Hoofnagle, Deirdre K Mulligan, Nathaniel Good, and Jens Grossklags. “The FTC and consumer privacy in the coming decade”. In: *I/S: A Journal of Law and Policy for the Information Society* 3.2007 (2006), p. 724
- [48] Daniel J. Solove and Chris Jay Hoofnagle. “A model regime of privacy protection”. In: *U. Ill. L. Rev.* (2006), p. 357
- [49] Chris Jay Hoofnagle. “Privacy self regulation: A decade of disappointment”. In: *Consumer Protection in the Age of the ‘Information Economy’* (Jane Winn, ed.) Ashgate, 2006
- [50] Chris Jay Hoofnagle. “Putting identity theft on ice: Freezing credit reports to prevent lending to impostors”. In: *Securing Privacy in the Internet Age*. Ed. by Anupam Chander, Margaret Radin, and Lauren Gelman. Stanford University Press, 2005
- [51] Chris Jay Hoofnagle. “Big Brother’s Little Helpers: How ChoicePoint and Other Commercial Data Brokers Collect and Package Your Data for Law Enforcement”. In: *NCJ Int’l L. & Com. Reg.* 29 (2003), p. 595
- [52] Chris Jay Hoofnagle. “Digital rights management: Many technical controls on digital content distribution can create a surveillance society”. In: *The Columbia Science and Technology Law Review* 5 (2004), pp. 1–8
- [53] Chris Jay Hoofnagle. “Reflections on the NC JOLT Symposium: The Privacy Self-Regulation Race to the Bottom”. In: *NCJL & Tech.* 5 (2003), p. 213
- [54] Chris Hoofnagle. “Matters of Public Concern and the Public University Professor”. In: *Journal of College & University Law* 27 (2000), p. 669

### **Published works—Public Policy**

- [55] Chris Jay Hoofnagle. “The Apple Privacy Debate: Scanning Photos Is in Service of “Human Freedoms””. In: *Future of Sex* (Aug. 2021)

- [56] Bryan Cunningham, John Grant, and Chris Jay Hoofnagle. “Fighting Insider Abuse After Van Buren”. In: *Lawfare: Hard National Security Choices* (2021)
- [57] James Dempsey, Chris Jay Hoofnagle, Ira S. Rubinstein, and Katherine J. Strandburg. *Breaking the Privacy Gridlock: A Broader Look at Remedies*. 2021
- [58] Joseph Turow and Chris Jay Hoofnagle. “Mark Zuckerberg’s Delusion of Consumer Consent”. In: *The New York Times* (Jan. 2019)
- [59] Chris Jay Hoofnagle. “Facebook and Google are the new data brokers”. In: *Cornell Digital Life Initiative Critical Reflections* (2018)
- [60] Terrell McSweeney and Chris Jay Hoofnagle. “Congress Is About To Give Away Your Online Privacy”. In: *Wired* (Apr. 2017)
- [61] Chris Jay Hoofnagle. “FTC’s Early Consumer Protection Challenges Endure”. In: *Law360* (Mar. 2016)
- [62] Julie E Cohen, Chris Jay Hoofnagle, William McGeeveran, Paul Ohm, Joel R Reidenberg, Neil M Richards, David Thaw, and Lauren E Willis. “Information Privacy Law Scholars’ Brief in Spokeo, Inc. v. Robins”. In: *UC Berkeley Public Law Research Paper* 2656482 (2015)
- [63] Catherine Crump, Chris Jay Hoofnagle, Madeline Barker Mai, Jonathan Francis, and Kelly Vargas. “CDT & EFF Brief in FTC v. Wyndham Worldwide Corporation”. In: (2014)
- [64] Simone Fischer-Hübner, Chris Jay Hoofnagle, Ioannis Krontiris, Kai Rannenberg, and Michael Waidner. “Online Privacy: Towards Informational Self-Determination on the Internet”. In: *Dagstuhl Manifestos 1.1* (2011), pp. 1–20
- [65] Chris Jay Hoofnagle, Ashkan Soltani, Nathaniel Good, Dietrich J Wambach, and Mika D Ayenson. “Can Advertisers Learn That “No Means No””. In: *BNA Privacy and Security Law Report* 10 (2011), pp. 1–4
- [66] Douwe Korff, Ian Brown, P Blume, G Greenleaf, C Hoofnagle, L Mitrou, F Pospisil, H Svatosova, M Tichy, R Anderson, et al. “Comparative study on different approaches to new privacy challenges, in particular in the light of technological developments”. In: *Jan 20* (2010), p. 86

## Education

- May 2000      University of Georgia School of Law, Juris Doctorate  
My writing requirement was published as *Matters of Public Concern and the Public University Professor*, 27 J. of College & Univ L. 669 (2001)(peer reviewed).
- Dec. 1999      University of Georgia, Bachelor of Arts *cum laude*

## Professional Membership

- Admitted to practice in California, D.C., and inactive in Maryland
- Elected member, American Law Institute

## Teaching (evaluations available upon request)

Spring 2021	Computer Programming for Lawyers
Spring 2021	Future of Cybersecurity Reading Group
Fall 2020	Cybersecurity in Context
Spring 2020	Cybersecurity in Context
Spring 2020	Future of Cybersecurity Reading Group
Fall 2019	Cybersecurity in Context
Spring 2019	Privacy Law for Technologists
Fall 2019	Cybersecurity in Context
Spring 2019	Privacy Law for Technologists
Spring 2019	Future of Cybersecurity Reading Group
Fall 2018	Cybersecurity in Context
Summer 2018	Cybersecurity in Context
Spring 2018	Privacy and Security Lab
Spring 2018	Future of Cybersecurity Reading Group
Fall 2017	Future of Cybersecurity Reading Group
Fall 2017	Privacy Law for Technologists
Spring 2017	Regulation of Technology: Artificial Intelligence, Machine Learning, CRISPR, Speech Intermediaries
Spring 2017	Privacy & Security Lab
Spring 2017	Future of Cybersecurity Reading Group
Fall 2016	Privacy Law for Technologists
Spring 2016	Education Technology: Law, Policy, and Design
Fall 2015	Computer Crime Law
Spring 2015	FTC Privacy Seminar
Fall 2014	Samuelson Law, Technology & Public Policy Clinic
Fall 2014	Computer Crime Law
Spring 2014	Samuelson Law, Technology & Public Policy Clinic
Fall 2013	Computer Crime Law
Fall 2013	Samuelson Law, Technology & Public Policy Clinic
Spring 2013	Cyberlaw
Fall 2012	Computer Crime Law
Spring 2012	Information Privacy Law
Fall 2011	Computer Crime Law
Spring 2011	Samuelson Law, Technology & Public Policy Clinic
Fall 2010	Samuelson Law, Technology & Public Policy Clinic
Spring 2010	FTC Privacy Seminar
Fall 2009	Samuelson Law, Technology & Public Policy Clinic
Fall 2009	Law & Technology Writing Workshop
Fall 2008	Law & Technology Writing Workshop
Fall 2007	Law & Technology Writing Workshop

## Other academic activities

### Sponsored research

- Co-Principal Investigator (with James X. Dempsey), Privacy Remedies Project Research, \$75,000, Microsoft Corp.
- Investigator, Center for Long Term Cybersecurity, 2014 (\$15,000,000).
- Principal Investigator, Consumer Knowledge Assessment Study (human subjects study concerning consumer protection and deceptive marketing techniques), 2013 (\$75,000)
- Principal Investigator (with Dean of Engineering Professor Shankar Sastry), National Science Foundation Research Experience for Undergraduates Site, 2012-2015 (\$300,000).
- Investigator (Professor Vern Paxson, principal investigator) National Science Foundation Social and Economic Factors in Computer Crime, 2012-2017 (\$10,000,000).
- Investigator (Professor Deirdre K. Mulligan, principal investigator) National Science Foundation Team for Research in Ubiquitous Secure Computing, 2005-2015.
- National Consumer Survey Research 2012, supported by Nokia (\$75,000)
- Consumer Privacy Complaint Tool Development, supported by the Rose Foundation for Communities and the Environment
- The FACTA Access Study, supported by NSF-TRUST and the California Consumer Protection Foundation (SPO Award 2007-3411)
- National Consumer Survey Research, supported by the Rose Foundation for Communities and the Environment (SPO Award 025629-003)
- The SB 27 “Shine the Light” Study, supported by the California Consumer Protection Foundation (SPO Award 2007-3411)

### Program committee work & notable speaking

- Editorial Board, Technology Science, 2015-present.
- Program Committee Member, Workshop on Technology and Consumer Protection (ConPro), May 2021
- Quantum Technologies and Policy, Ohio State University School of Law, Mar. 2021
- Quantum Technologies and Policy, Sandia National Laboratory, Bay Area Strategic Engagement Seminar (BASES), Jan. 2021
- Programming committee member, Conference on Privacy and Data Protection (Brussels), Jan. 2021
- Quantum: Legal, Technological and Policymaking Challenges, Center for Cyber Law and Policy, University of Haifa, Jan. 2020
- National Association of Attorneys General, plenary speaker, California Consumer Privacy Act, Oct. 2020



- Dark Web Intelligence: Methods and Legal Issues, Research2Practice, BCLT, Berkeley, CA, July 2020
- Co-Chair (with Professor Daniel J. Solove), Privacy Law Scholars Conference, Jun. 2020
- Program Committee Member, Workshop on Technology and Consumer Protection (ConPro), May 2020
- Program Committee Member, Privacy Law Scholars Conference Europe, April 2020
- Co-Chair (with Professor Daniel J. Solove), Privacy Law Scholars Conference, Jun. 2019
- Yale Law & Tech Workshop: Political Economy of the Quantum Information Age, April 2019
- Harvard Cyber Workshop: FTC cyber & surveillance regulation, March 2019
- Associate Editor, International Conference on Information Systems (ICIS) 2018, December 2018
- Research Directions: AI Affordances and the Law, University of Amsterdam, Nov. 2018
- Keynote address, Amsterdam Privacy Conference, Oct. 2018
- Papers Track Chair, Amsterdam Privacy Conference, Oct. 2018
- Co-Chair (with Professor Daniel J. Solove), Privacy Law Scholars Conference, Jun. 2018
- Keynote address, GDPR Day Conference, University of Copenhagen, May 25, 2018
- Program Committee Member, Workshop on Technology and Consumer Protection (ConPro), May 2018
- Consumer Law in the Data Economy conference panelist, University of Amsterdam, April 2018
- Chicago-Kent Faculty Workshop, Chicago-Kent Law, April 2018
- Programming committee member, Conference on Privacy and Data Protection (Brussels), Jan. 2018
- Co-Chair (with Professor Daniel J. Solove), Privacy Law Scholars Conference, Jun. 2017
- Program Committee Member, Workshop on Technology and Consumer Protection (ConPro), May 2017
- Does the FTC Own Cybersecurity?, Harvard Belfer Center, March 2017
- FTC Privacy Law and Policy, UW Tech Law Lab Talk, March 2017
- Programming committee member, Conference on Privacy and Data Protection (Brussels), Jan. 2017.
- Editorial Board, Bureau of National Affairs, Privacy Law & Security Report, 2014-2016.
- Co-Chair (with Professor Daniel J. Solove), Privacy Law Scholars Conference, Jun. 2016
- Co-Chair (with Professor Helen Nissenbaum) Symposium on Responsible Open Data, November 2015.
- Chair, Privacy Law Scholars Conference Europe, University of Amsterdam, October 2015.
- Co-Chair (with Professor Daniel J. Solove), Privacy Law Scholars Conference, Jun. 2015

- Chair, BCLT Symposium on “Open Data,” Apr. 2015
- Programming committee member, TILTING Perspectives, Tilburg University, Tilburg, the Netherlands, Apr. 2015.
- Programming committee member, Conference on Privacy and Data Protection (Brussels), Jan. 2015.
- Co-Chair (with Daniel J. Solove), Privacy Law Scholars Conference, Jun. 2014
- Co-Chair, San Francisco Electronic Crimes Task Force Quarterly Meeting, February 2014
- Co-Chair, Comparative Perspectives on Online Tracking, Brussels, Belgium, February 2014
- Co-Chair (with Daniel J. Solove), Privacy Law Scholars Conference, Jun. 2013
- Programming committee member, Amsterdam Privacy Conference 2012 (APC2012), Oct. 7-10, 2012.
- Co-Chair (with Daniel J. Solove), Privacy Law Scholars Conference, Jun. 2012
- Co-Chair, Web Privacy Measurement, Berkeley, May 31-June 1, 2012.
- Chair, Effective Consumer Privacy Enforcement, UC Berkeley Law, October 13-14, 2011
- Co-Chair, European Online Behavioral Advertising Workshop, Brussels, Belgium, June 20-21, 2011.
- Co-Chair (with Daniel J. Solove), Privacy Law Scholars Conference, Berkeley, CA, Jun. 3-4, 2011
- Programming committee member, Media Law Resource Center “Legal Frontiers in Digital Media,” Stanford, May 19-20, 2011.
- Co-Chair, Dagstuhl Perspectives Workshop on Online Privacy (no. 11061), Feb. 7-11, 2011, Dagstuhl, Germany.
- Chair, Privacy Scholars Speaker Series, three events focusing upon employee privacy, human computer interaction, and technology practice before the Federal Trade Commission, Spring 2011
- Age and Privacy Attitudes, 32nd International Conference of Data Protection and Privacy Commissioners, Jerusalem, Israel (plenary panel) October 2010.
- Co-Chair (with GWU Law Professor Daniel J. Solove, George Washington University School of Law), Privacy Law Scholars Conference, Washington, DC, June 3-4, 2010
- Programming committee member, CODEX: Privacy 2010, Stanford University, March 23-25, 2010.
- Co-Chair (with UW Law Professor Anita Ramasastry, University of Washington School of Law), E-Commerce and Consumer Protection, Spring 2010.
- Co-Chair (with Daniel J. Solove), Privacy Law Scholars Conference, Berkeley, CA, Jun. 4-5, 2009
- Co-Chair (with UW Law Professor Anita Ramasastry), Security Breach Notification Seven Years Later, BCLT/BTLJ 13th Annual Symposium, Mar. 6, 2009

- Co-Chair (with GWU Law Professor Daniel J. Solove), Privacy Law Scholars Conference, Washington, DC, Jun. 12-13, 2008
- The Law and Business of Online Advertising, UC-Berkeley, Apr. 18, 2008 (programmed significant portion of conference).
- American Law Institute-American Bar Association, Privacy Law: Developments, Planning, and Litigation, Washington, DC, Mar. 13-14, 2008 (programmed and chaired half-day program on security breach notification law).

## **Multidisciplinary student supervision**

- JSD qualification exam committee chair, Ella Coren (Law), “The Consent Failure in Digital Markets”
- JSD qualification exam committee chair, Sylvia Liu (Law), “DataData Privacy, Artificial Intelligence and Algorithmic Transparency:A Comparative Perspective
- Thesis project supervisor, James Carney, Joanne Jia, Archana Kulkarni, Cameron Lopez, PrivacyBot (Information). This project received the James R. Chen Award for Outstanding MIMS Final Project
- Thesis supervisor, Grace Gordon, Master of Development Practice
- Senior thesis committee, Morgan Livingston, Interdisciplinary Studies Field (ISF)
- Senior thesis committee, Rachna Mandalam, (ISF)
- PhD Committee, Irene Kamara, Standardising data protection: a European perspective in an interconnected world, Tilburg University (Netherlands)
- PhD Qualification Exam, Sam Kumar (CS)
- PhD Committee, Sam Kumar (CS)
- PhD Committee, Nikita Samarin (CS)
- JSD Committee, Zehra Betul Ayranci (Law)
- PhD Committee, Aniket Kesari (Law), Essays on U.S. Data Protection Law & Policy
- Thesis project supervisor, Ankeet Shankar (Information), Priv-SecF1
- JSD Committee, Amit Elizari (Law)
- JSD Committee, Arianne Vanessa Josephine T. Jimenez (Law), Towards A Data Protection Soft Law Framework for the ASEAN Region
- Dissertation Defense Committee Bart van der Sloot, “Privacy as Virtue: moving beyond the individual in the age of Big Data,” University of Amsterdam, June 2017.
- Faculty supervisor, Summer Undergraduate Program in Engineering Research at Berkeley, project focusing on ETags, work was highlighted in numerous publications, Summer 2011.
- Dissertation Committee Nicole van der Meulen, “Fertile Grounds: The Facilitation of Financial Identity Theft in the United States and the Netherlands,” Tilburg University (Netherlands), December 2010.

- Faculty supervisor, Summer Undergraduate Program in Engineering Research at Berkeley, project focusing on Flash Cookies, work was highlighted in numerous publications, Summer 2009.
- Advised “Know Privacy” student team from the School of Information, whose work was highlighted by the New York Times, Fall 2008-Spring-2009.

## Service

### School service

- School of Law Disqualification Appeals Committee member, 2021-2022
- School of Information, Cyber Adjunct Search Committee Secretary (accepted offers to Andrew Reddie and Daniel Aranki), 2021
- School of Information MICS Cyber Program and Curriculum Committee Chair, 2020–2021, 2019–2020
- School of Information MICS Program Head Graduate Advisor, 2021, 2020, 2019, 2018, 2017
- Applied Data Science Certificate Curriculum Committee, 2020–2021, 2019–2020, 2018–2019
- School of Information Curtis B. Smith Selection Committee, 2021, 2020, 2019, 2018
- Search Committee Member, School of Information Cybersecurity professor search, 2021
- Grant reviewer, CLTC GDPR/CCPA Program Search, 2021
- School of Law Search Committee for Executive Director of the Center for Consumer Law and Economic Justice (CLEJ), Chair 2020-2021
- School of Law LLM/JSD Committee, 2020–2021, 2021-2022
- School of Information Space Committee, 2019–2020
- School of Information RSA Security Scholar Selection Committee, 2021, 2019, 2018
- School of Information MICS Admissions Committee, 2019, 2018, 2017
- School of Information MIMS Program and Curriculum Committee, 2017
- School of Information MIMS Admissions Committee, 2016, 2017
- School of Information MICS Cyber Program and Curriculum Committee, 2018, 2017, 2016

### Campus service

- Berkeley Academic Senate, Committee on Academic Freedom (ACFR), AY21–22
- Note: I became a senate member in July 2020, and thus was ineligible for most campus service prior to then.
- Committee for Protection of Human Subjects-2 (IRB), AY16–17, 17–18, 18–19 Years
- Data Science Professional Graduate Certificate (Applied Data Science), Co-Chair, 2017
- Faculty Budget Forum, Moderator, 2017-present
- Member, Committee to select a Chief Privacy Officer, 2014.
- Member, Campus Privacy & Technology Committee, 2014.

## Policy work

### Congressional hearings

- Hearing on Exploring The Offline And Online Collection And Use Of Consumer Information, Before the House Energy and Commerce Subcommittees on Commerce, Trade, and Consumer Protection and Communications, Technology, and the Internet, 111 Cong. 1st Sess. (2009).
- Hearing on Identity Theft: Innovative Solutions for an Evolving Problem, Before the Senate Committee on the Judiciary Subcommittee on Terrorism, Technology and Homeland Security, 110 Cong. 1st Sess. (2007).
- Hearing on Protecting the Privacy of Consumers' Social Security Numbers, Before the House Commerce Subcom. on Commerce, Trade, and Consumer Protection, 108th Cong. 2d Sess. (2004).
- Hearing on Enhancing Social Security Number Privacy, Before the House Ways and Means Subcomm. on Social Security, 108th Cong. 2d Sess. (2004).
- Hearing on Use and Misuse of the Social Security Number, Before the House Ways and Means Subcomm. on Social Security, 108th Cong. (2003).
- Hearing on H.R. 2622, the Fair and Accurate Credit Transactions Act of 2003, Before the House Financial Services Committee, 108th Cong. (2003).
- Preserving the Integrity of Social Security Numbers and Preventing Their Misuse by Terrorists and Identity Thieves: Joint Hearing Before the House Ways and Means Subcomm. on Social Security and the House Judiciary Subcomm. on Immigration, Border Security and Claims, 107th Cong. (2002).

### Amicus briefs

- Authored successful petition to the Federal Communications Commission urging the agency to enhance privacy protections for telephone records in light of "pretexting;" the FCC unanimously granted this petition and adopted opt-in rules for third party sharing of phone records. These rules were upheld in *NCTA v. FCC* (D.C. Cir. 2009).
- Authored brief joined by AARP, ACLU of N. Cal., CALPIRG, Consumers Union, Privacy Rights Clearinghouse, and the National Association of Consumer Attorneys in *ABA v. Lockyer*, No. 05-16560 (9th. Cir. Sept. 8, 2004). This case concerned the preemptive effect of the Fair and Accurate Credit Transactions Act of 2003 to more restrictive California financial services regulations.
- Authored brief joined by the ACLU of Fla. In *Kehoe v. Fidelity Federal Bank and Trust*, No. 04-13306 (11th Cir. Aug. 31, 2004). In this case, the 11th Circuit agreed with the argument we made in support of plaintiffs that the Drivers Privacy Protection Act afforded successful plaintiffs liquidated damages for violations of privacy. The case settled for \$50,000,000 with direct payments to plaintiffs.
- Authored brief in *Remsburg v. Docusearch* ("Amy Boyer" case), 149 N.H. 148 (N.H. 2003). In this case, the New Hampshire Supreme Court held that private investigators owe a duty of

care to the individuals they investigate.

## **Industry/government relations**

- Advisory Board Member, Palantir Technologies, 2011–present
- Member, San Francisco Cyber Fraud Task Force (CFTF) (formerly SFO-Electronic Crimes Task Force), 2011-present
- Advisor, National Academies of Sciences, Engineering, and Medicine’s Intelligence Science and Technology Experts Group (ISTEG), 2015-present
- Advisor, K-8 Study Group, FoolProof Foundation, 2016–present
- Board of Directors Member, Constella Intelligence (formerly 4iQ), 2018–present
- EU-U.S. and Swiss-U.S. Privacy Shield Arbitrator, 2018–present
- President, Digital Trust Foundation, 2014–2019
- Fellow, Center for Democracy & Technology, 2016–2018
- US Expert to the European Commission, Comparative Study on Different Approaches to Privacy Challenges (JLS/2008/C4/011) (Author of USA Country Report)
- Advisor, LifeLock Council for Identity Protection, 2011-2013
- Director, Catalog Choice, 2010-2012
- Advisory Board Member, Without My Consent, 2011-2012
- Member, Future of Privacy Foundation’s Advisory Council, 2008-2012
- Member, TRUSTe Advisory Council, 2009
- Microsoft Consumer Dialogue, 2008-2011

## **References**

Available on request.

A search for the terms "Hoofnagle" and "privacy" results in over 1,000 hits in the LexisNexis All News database and over 300 hits in the national television transcripts database. My work regularly appears in the New York Times, Wall Street Journal, and Washington Post, on NPR, and on major television networks. In 2007, my article on identity theft was profiled by the New York Times.

THE NEW YORK TIMES, WEDNESDAY, MARCH 21, 2007

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## To Fight Identity Theft, a Call for Banks to Disclose All Incidents

By BRAD STONE

Is the identity theft scourge getting better or growing worse?

There is little consensus on whether financial institutions and law enforcement agencies are making headway in combating identity theft. But Congress is nonetheless taking aim at the crime as a major consumer protection problem.

The Senate Judiciary Committee's subcommittee on terrorism, technology and homeland security will take up the issue in a scheduled hearing today titled "Identity Theft: Innovative Solutions for an Evolving Problem."

The hearing will revolve around two bills proposed by Senator Dianne Feinstein, Democrat of California. One would require companies to reveal when they have suffered a data breach — a measure modeled on a California law that has led to the disclosure of several prominent thefts of consumer information. The other bill would limit the use of Social Security numbers and establish criminal penalties for their misuse.

The subcommittee will also hear a radical new idea on a way to obtain reliable numbers on the extent of identity theft.

The proposal, submitted by Chris Jay Hoofnagle, a lawyer and senior fellow at the Berkeley Center for Law and Technology at the University of California, recommends that lending institutions like banks and credit card companies, and payment firms like PayPal, be required to report their internal figures on fraud and identity theft publicly.

"Currently our understanding of identity theft is clouded by politically motivated polls and bad methods for collecting data," said Mr. Hoofnagle, who will testify at today's hearing. "If we have a better understanding of the crisis, regulators and law enforcement can figure out how to attack it."

In the past, financial companies have resisted making this information public because it exposes them to embarrassment and to further regulatory attention from the government.

The proposal recommends that the government require lending institutions to disclose how many cases of



Noah Berger for The New York Times

Chris Jay Hoofnagle recommends that lending institutions be required to report their internal data on fraud.

identity theft their customers have suffered, the kind of fraud attempted and the losses incurred.

Mr. Hoofnagle argues that such reporting would also help illuminate a criminal tactic called synthetic identity theft, in which fraud artists combine pieces of real and fictional identities from several sources to open accounts. Polls may shed little light on this particular problem, which may produce losses for banks but not for individual consumers.

Critics cite synthetic identity theft as one reason that recent attempts to measure identity fraud may be creating a distorted picture.

In February, Javelin Strategy and Research, an industry analysis firm in Pleasanton, Calif., published a report claiming that its survey showed a four-year decline in the incidence of identity theft.

The report was widely cited as good news.

But critics pointed out that the survey was sponsored by Visa, Check-Free and Wells Fargo, three financial institutions that want to keep regulators at bay.

Critics also say that such polls may understate the incidence of fraud because those surveyed may be reluctant to acknowledge that they are victims, or may simply be wary of taking part.

Linda Foley, co-founder of the Identity Theft Resource Center, a San Diego-based nonprofit group that provides advice to consumers and legislators, says that reports that the identity theft situation is improving "do not make logical sense for people who are experts in the field."

### One bill would limit the use of Social Security numbers.

"We are hearing the opposite at meetings where there are teams of fraud investigators from police and financial institutions," she said. "They are all talking and complaining about more and more cases."

Other indicators show the number of identity theft cases holding relatively steady. The Federal Trade Commission reported last month that calls about identity theft to its consumer complaint hotline constituted 36 percent of all calls last year — little changed from 37 percent in 2005.

Mr. Hoofnagle's proposal for direct reporting by lending institutions has already attracted some expressions of support, and some skepticism.

Daniel J. Solove, an associate professor at George Washington University Law School, says that blame for identity theft is generally directed at criminals and victims who are lax with their personal data — not companies that fail to protect customer accounts. Direct reporting "brings attention to the fact that financial institutions contribute significantly to the problem, and it will make them more accountable," he said.

Mr. Solove supports the direct reporting proposal, although he fears that banks will be motivated to challenge customer reports of identity theft, because mounting fraud will make them look bad.

Mike Cook, the co-founder of ID Analytics, a firm that helps companies protect against fraud, also expressed concern that the proposal would penalize the wrong people. He said banks that do a good job reporting on identity theft cases might end up looking worse than less conscientious banks.

The financial services industry opposes the plan. Doug Johnson, a senior policy adviser at the American Bankers Association, an industry trade group, said that revealing internal bank data on identity theft would not do much to help fight the problem. He said that it might actually distract financial institutions, which now privately share information among themselves and collaborate to fashion antifraud techniques.

Complying with the direct reporting proposal would "take our eye off the ball," he said. "We should be watching what's happening today, not what happened in the past."

Mr. Johnson said that most identity theft originates at companies like retailers or independent data brokers. For that reason, the bankers association supports the disclosure law proposed by Senator Feinstein, which he says is "on target" because it tries to bring those third-party companies "up to our level of security."



## Do You Mind?

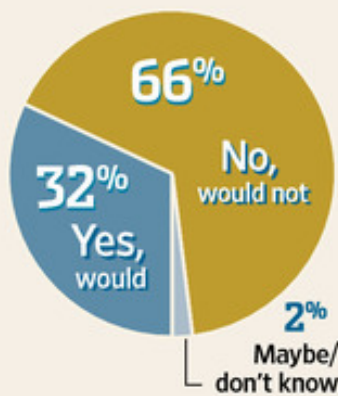
Adults of all age groups generally would like more privacy online than they currently get, according to survey data. The percentage of those asked, by age, who say they:

	18-24	25-34	35-44	45-54	55-64	65-plus	Total
◆ Think there should be a law that requires websites and advertising companies to delete all stored information about an individual	88%	91%	90%	94%	94%	90%	92%
◆ Have refused to give information to a business or a company because they thought it was not really necessary or was too personal	82	84	91	93	92	85	88
◆ Agree that generally speaking, anyone who uploads a clearly recognizable photo or video of someone else to the Internet should first get that person's permission	84	81	86	90	91	88	86
◆ Think there should be a law that gives people the right to know everything a website knows about them	62	68	73	71	64	69	68

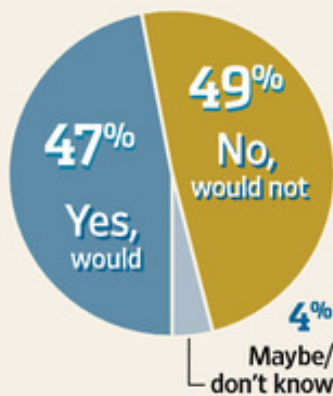
## Stop Looking Over My Shoulder!

How surveyed adults responded when asked whether they would like websites they visit to:

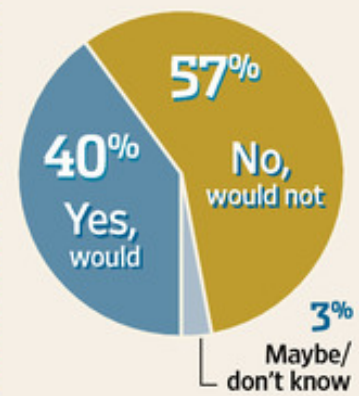
◆ Show them ads tailored to their interests



◆ Offer discounts tailored to their interests



◆ Show them news tailored to their interests



Sources: "How Different Are Young Adults From Older Adults When It Comes to Information Privacy Attitudes and Policies?," Chris Hoofnagle et al.; "Americans Reject Tailored Advertising," Joseph Turow et al.

Results from 2009 information privacy survey results republished in, Julia Angwin, *How Much Should People Worry About the Loss of Online Privacy*, The Wall Street Journal, Nov. 15, 2011.