

PRIVACY LAW SCHOLARS CONFERENCE



GW LAW SCHOOL - BERKELEY LAW

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The 2nd Annual Privacy Law Scholars Conference June 4-5, 2009

Hosted by the Berkeley Law School
at the Claremont Resort & Spa
Berkeley, CA



BERKELEY CENTER FOR
LAW & TECHNOLOGY

Berkeley Law School and **The George Washington University Law School** will be holding the second annual Privacy Law Scholars Conference (PLSC) on June 4-5, 2009. The PLSC aims to assemble a wide array of privacy law scholars and practitioners from around the world to discuss current issues and foster greater connections between academia and practice. It will bring together privacy law scholars, privacy scholars from other disciplines (economics, philosophy, political science, computer science), and practitioners (industry, legal, advocacy, and government). Our goal is to enhance ties within the privacy law community and to facilitate dialogue between the different parts of that community (academy, government, industry, and public interest).

The PLSC is an annual event, alternating between Berkeley and GW Law Schools.

[Click here for the website of the 1st Annual PLSC of 2008](#), held at GW Law School on June 12-13, 2008.

Hosts: The Berkeley Center for Law & Technology and the GW Law School Intellectual Property Law Program

Organizers: [Daniel J. Solove](#) and [Chris Hoofnagle](#)

Co-chairs: Pamela Samuelson, Orin Kerr, Paul Schwartz, Peter Swire, and Deirdre Mulligan

Participants: A list of participants will be announced soon.

Location:

[Claremont Resort & Spa](#)

41 Tunnel Road
Berkeley, CA 94705
(510) 843-3000

SPONSORS

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The organizers of this conference thank the following sponsors their generous support:

The Thursday dinner and overall conference is sponsored by the Future of Privacy Forum.



The Thursday reception is sponsored by TRUSTe and Oracle.



PAPERS

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Paper titles, authors, and abstracts are listed in the schedule below. There will be 6 groupings of concurrent workshops, with 5 papers being workshopped concurrently during each time slot.

Prior to the conference, please select the workshop you want to attend (A, B, C, D, and E) for each of the 6 time slots below. There will be 5 concurrent workshops held for each of the 6 time slots.

INSTRUCTIONS TO PARTICIPANTS:

1. Please select and download the papers for the workshops you wish to attend.

(a) ABSTRACTS: Please check out the *paper abstracts* to decide which paper workshops you desire to attend.

[Please click here to download](#) the Word document containing all abstracts for the papers below.

(b) PAPERS: In the chart below, please download one paper (A, B, C, D, or E) for each of the 6 time slots (on the left).

You should download and read 6 papers in all. You can certainly download and read more of the papers if you desire.

For each time slot, you can choose whichever paper workshop you want to attend.

You need not commit to any one particular track.

As papers become available, hyperlinks will be inserted to the paper titles in the chart below.

2. Please download *Alan Westin's* paper for the plenary session (Thursday, June 4, 1:30 PM to 2:45 PM) by clicking the link below.

Alan F. Westin, [Historical Perspectives on Privacy: From the Hebrews to the Greeks to the American Republic](#)

PLEASE NOTE: Participants are expected to have read the papers in advance of the conference so that discussions can launch quickly into the issues.

	TRACK A	TRACK B	TRACK C	TRACK D	TRACK E
	General & Philosophical	Economics & Business Practices	Technology & Anonymity	Internet, Social Networking, & Media	Government Data Gathering & Surveillance
			Ryan Calo		
June 4	Ann Bartow	Alessandro Acquisti		Anupam Chander	David Flaherty
9:00 AM to 10:15 AM	Virtual Women (Commenter: Danielle Citron) Location: Monterey	The Impact of Relative Standards on Concern about Privacy (Commenter: Lauren Willis) Location: Napa 1	People Can Be So Fake: On the Limitations of Privacy and Technology Scholarship (Commenter: Andrea Matwyshyn) Location: Napa 2	Youthful Indiscretion in an Internet Age (Commenter: Ian Kerr) Location: Napa 3	Reflections on Reform of the Federal Privacy Act (Commenter: Michael Geist) Location: Mendocino
June 4	Daniel Solove & Neil Richards	Heng Xu, John W. Bagby, & Terence Ryan Melonas	Stephen Wicker & Dawn Schrader	Amy Gadjia	Stephen Henderson
10:45 AM to 12:00 PM	Rethinking Free Speech and Civil Liability (Commenter: Raymond Ku) Location: Napa 3	Incentivizing Innovation in Wireless Advertising Messaging	Privacy-Aware Design Practices for Mobile Networks	Privacy Before The Right to Privacy: Truthful Libel and the Earliest Underpinnings of the Privacy Tort	Government Access to Records (Commenter: Chris Slobogin) Location: Napa 1

		<p>(WAM): Balancing Privacy Enhancing Security with Regulation</p> <p><i>Version Updated 5/18</i>(Commenter: Andrew Serwin)</p> <p>Location: Monterey</p>	<p>(Commenter: Lance Hoffman)</p> <p>Location: Napa 2</p>	<p>(Commenter: Dorothy Glancy)</p> <p>Location: Mendocino</p>	
	Kenneth Farrall	Deirdre Mulligan & Ken Bamberger		Jacqueline Lipton	Erin Murphy
<p>June 4</p> <p>3:15 PM to 4:30 PM</p>	<p>Production or Collection? Towards an Alternate Framing of the Problem of Information Privacy</p> <p>(Commenter: Colin Bennett)</p> <p>Location: Napa 2</p>	<p>From Privacy on the Books to Privacy on the Ground: The Evolution of a New American Metric</p> <p>(Commenter: Jeff Sovern)</p> <p>Location: Mendocino</p>	<p>Jane Winn</p> <p>Privacy By Design</p> <p>Location: Monterey</p>	<p>We, the Paparazzi": Developing a Privacy Paradigm for Digital Video</p> <p>(Commenter: Patricia Sanchez Abril)</p> <p>Location: Napa 1</p>	<p>Relative Doubt: Partial Match or "Familial" Searches of DNA Databases</p> <p>(Commenter: Peter Winn)</p> <p>Location: Napa 3</p>
<p>June 5</p> <p>9:00 AM to 10:15 AM</p>	<p>Lisa Campbell</p> <p>Relational Surveillance: Aboriginal Experience, Scopaesthesia and Nanotechnology</p> <p>(Commenter: Annie Anton)</p> <p>Location: Napa 2</p>	<p>Mary Fan</p> <p>Quasi-Privacy and Redemption in a World of Ubiquitous Checking-Up</p> <p>(Commenter: Deven Desai)</p> <p>Location: Mendocino</p>	<p>Paul Ohm</p> <p>The Probability of Privacy</p> <p>(Commenter: Michael Froomkin)</p> <p>Location: Napa 3</p>	<p>Raphael Cohen- Almagor</p> <p>Net Responsibility in Democracies</p> <p>(Commenter: Christopher Wolf)</p> <p>Location: Monterey</p>	<p>Christopher Soghoian</p> <p>Caught in the Cloud: Privacy, Encryption, and Government Back Doors in the Web 2.0 Era</p> <p>(Commenter: Michelle Finneran Dennedy)</p> <p>Location: Napa 1</p>

				Woodrow Hartzog	Peter Winn joined by the Honorable Harvey A. Schneider (the attorney for Katz)
June 5	Jerry Kang Self-Analytic Privacy	Peter Swire Peeping	Ira Rubinstein Anonymity Reconsidered	A Promissory Estoppel Theory for Confidential Disclosure in Online Communities	Katz and the Origins of the "Reasonable Expectation of Privacy" Test
10:45 AM to 12:00 PM	(Commenter: Susan Freiwald) Location: Mendocino	(Commenter: James Rule) Location: Monterey	(Commenter: Mary Culnan) Location: Napa 2	(Commenter: Allyson Haynes) Location: Napa 1	(Commenter: Orin Kerr) Location: Napa 3
			Thomas Smedinghoff	Jon Mills	Paul Schwartz
June 5	Marcy Peek The Observer and the Observed: Re-imagining Privacy Dichotomies in Information Privacy Law	Eric Goldman Reputational Information: A Research Agenda	Federated Identity Management – Balancing Privacy Rights, Liability Risks, and the Duty to Authenticate	The New Global Press and Privacy Intrusions: The Two Edged Sword	German and U.S. Telecommunications Surveillance Law: Recent Developments and Long Term Continuities
1:30 PM to 2:45 PM	(Commenter: Colin Koopman) Location: Napa 2	(Commenter: Jens Grossklags) Location: Mendocino	(Commenter: Gerry Stegmaier) Location: Napa 1	(Commenter: Eddan Katz) Location: Monterey	(Commenter: Mark Eckenwiler) Location: Napa 3

SCHEDULE

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Thursday, June 4, 2009

8 AM – 8:45 AM

Breakfast

Location: Empire Room

8:45 AM – 9 AM

Introductory Remarks

Location: Empire Room

9:00 AM – 10:15 AM

Paper Workshops Group 1

Concurrent Sessions

Please plan to attend one of the following three workshops.

Prior to the conference, please download and read one of the following papers – A, B, C, D, or E.

Location: *Please Refer to Schedule Chart Above*

10:15 AM – 10:45 AM

Break

10:45 AM – 12:00 PM

Paper Workshops Group 2

Concurrent Sessions

Please plan to attend one of the following three workshops.

Prior to the conference, please download and read one of the following papers – A, B, C, D, or E.

Location: *Please Refer to Schedule Chart Above*

12:00 PM – 1:30 PM

Lunch

Location: Horizon Room

1:30 PM – 2:45 PM

Plenary Session: Keynote

Alan Westin on [Historical Perspectives on Privacy: From the Hebrews to the Greeks to the American Republic](#)

Location: Empire Room

2:45 PM – 3:15 PM

Break

3:15 PM – 4:30 PM

Paper Workshops Group 3

Concurrent Sessions

Please plan to attend one of the following three workshops.

Prior to the conference, please download and read one of the following papers – A, B, C, D, or E.

Location: *Please Refer to Schedule Chart Above*

4:30 PM – 5:30 PM

Break

5:30 PM – 6:30 PM

Reception

Sponsored by Truste and Oracle

Location: Empire Room

6:30 PM

The Future of Privacy Forum Dinner

Location: Empire Room

Friday, June 5, 2009

8:00 AM – 9:00 AM

Breakfast

Location: Empire Room

9:00 AM – 10:15 AM

Paper Workshops Group 4

Concurrent Sessions

Please plan to attend one of the following three workshops.

Prior to the conference, please download and read one of the following papers – A, B, C, D, or E.

Location: *Please Refer to Schedule Chart Above*

10:15 AM – 10:45 AM

Break

10:45 AM – 12:00 AM

Paper Workshops Group 5

Concurrent Sessions

Please plan to attend one of the following three workshops.

Prior to the conference, please download and read one of the following papers – A, B, C, D, or E.

Location: *Please Refer to Schedule Chart Above*

12:00 PM – 1:30 PM

Lunch

Location: Horizon Room

1:30 PM – 2:45 PM

Paper Workshops Group 6

Concurrent Sessions

Please plan to attend one of the following three workshops.

Prior to the conference, please download and read one of the following papers – A, B, C, D, or E.

Location: Please Refer to Schedule Chart Above

2:45 PM

Conference Ends

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