

PRIVACY AS TRUST

It seems like there is no such thing as privacy anymore. But the truth is that privacy is in danger only because we think about it in narrow, limited, and outdated ways. In this transformative work, Ari Ezra Waldman, leveraging the notion that we share information with others in contexts of trust, offers a roadmap for data privacy that will better protect our information in a digitized world. With case studies involving websites, online harassment, intellectual property, and social robots, Waldman shows how “privacy as trust” can be applied in the most challenging real-world contexts to make privacy work for all of us. This book should be read by anyone concerned with reshaping the theory and practice of privacy in the modern world.

Ari Ezra Waldman is Associate Professor of Law and Director of the Innovation Center for Law and Technology at New York Law School. He is a widely published and internationally sought-after scholar of data privacy, online social life, and cyberharassment. He founded the first and to-date only law school clinic that provides free counsel to victims of cyberharassment. His scholarship on privacy and trust won the Otto L. Walter Distinguished Writing Award in 2016. Waldman also won the Best Paper Award, sponsored by the International Association of Privacy Professionals, at the 2017 Privacy Law Scholars Conference. He earned an AB, *magna cum laude*, from Harvard College; a JD from Harvard Law School; and a PhD in sociology from Columbia University.

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INFORMATION PRIVACY FOR AN
INFORMATION AGE

ARI EZRA WALDMAN

New York Law School



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For my family: always loving, always there.

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Preface and Acknowledgments

Studying privacy is an ongoing, evolutionary process, just like the development of this book. What began as a proposal on cyberharassment of LGBTQ persons grew into a doctoral dissertation on information privacy, generally. That, in turn, grew into several law review articles analyzing a broad range of topics, from sharing intimate photos to information flow in intellectual property. Throughout this time, my thinking on privacy evolved. It evolved after law school, then again after online and face-to-face harassment took national attention in 2010, and then again after reading the works of Emile Durkheim, Erving Goffman, Julie Cohen, Daniel Solove, Helen Nissenbaum, and others. This book is the result, but it is by no means a final word. It is a step along the way meant to contribute to a dynamic and important discussion about why privacy is important and what privacy means in a digital world. I hope that this book's theories and proposals will be approached critically, tested and tried out, and, yes, challenged.

This book is based on my doctoral dissertation in the Department of Sociology at Columbia University's Graduate School of Arts and Sciences. It is also the product of countless workshops, conferences, talks, discussions, and one-on-one "geek out" sessions with colleagues, friends, and inspiring mentors. Some of those who helped me think through these issues are, in alphabetical order, Alan Appel, Alessandro Acquisti, Derek Bambauer, Jane Bambauer, Ann Bartow, Jacqueline Beauchere, Barton Beebe, Tamara Belinfanti, Gaia Bernstein, Robert Blecker, Kiel Brennan-Marquez, Ryan Calo, Danielle Keats Citron, Richard Chused, Julie Cohen, Anthony Crowell, Rochelle Dreyfuss, Gregory Eirich, Gil Eyal, Joshua A. T. Fairfield, Jonathan Frankle, Mary Anne Franks, Brett Frischmann, Jeanne Fromer, Sue Glueck, Jeffrey Goldfarb, Eric Goldman, Woodrow Hartzog, Mike Hintze, Chris Hoofnagle, Leslie John, Ian Kerr, Bill LaPiana, Art Leonard, Amanda

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Portions of this book were adapted from several articles, but the ideas expressed in this book represent significant developments and evolutions in my thinking. These articles include: *Privacy As Trust: Sharing Personal Information in a Networked World*, 69 UNIVERSITY OF MIAMI LAW REVIEW 559 (2015); *Privacy, Sharing, and Trust: The Facebook Study*, 67 CASE WESTERN RESERVE LAW REVIEW 193 (2016); *Trust: A Model for Disclosure in Patent Law*, 92 INDIANA LAW JOURNAL 557 (2017); *A Breach of Trust: Fighting “Revenge Porn”*, 102 IOWA LAW REVIEW 709 (2017).