Spotlight on Women in Privacy™

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What was the best professional advice you ever received?

I have received a lot of really bad advice. A professor in college advised me to drop out and become a flight attendant. My philosophy PhD dissertation supervisor advised me not to go to law school. The wife of a Cravath, Swaine & Moore partner advised me not to leave the firm to become a law professor. A prominent black woman law professor advised me not to leave Georgetown University and move to the Ivy League University of Pennsylvania. I shudder to think of the opportunities I would have missed had I followed these pieces of advice. My success in my career stems from my having had cheeky confidence in my potential from an early age, despite my black race and low-income family origins; from my having decided to add a Harvard law degree to my University of Michigan PhD; from having had the self-insight to know that a big New York law firm, despite the money and prestige, wasn't for me — I am authentically a teacher and scholar; and from having had the foresight in the 1980s at the dawn of the digital economy to make privacy ethics, law and policy the focus of my work. Maybe the best professional advice I have ever received was the advice I instinctively gave myself: strive authentically. Professional advice I now give to others includes lessons I learned from the experience of having twice wisely changed my career path, once from philosophy to law, and another time from law firm practice to academia: consider the possibility that what you are thinking of as your Plan A, should be your Plan B.

What one privacy development are you paying close attention to this month?

I am mindful of a hot topic: the metaverse. But that is not what I am paying most attention to at present. I am attending to platform governance and how digital platforms are going to respond, or be forced to respond, to the challenges of online privacy losses, political manipulation and hate. With that in mind I am examining legal approaches to platform governance, and to privacy law as part of the cure for platform ills, focusing on developments in the area of U.S. state and federal privacy law reform. I am particularly interested in whether proposed reforms are responsive to the needs of <u>all</u> Americans, including African Americans. I recently completed an article for the <u>Yale Law Journal Forum</u> and the Yale Information Project that examines the Virginia Consumer Data Protection Act that goes into effect in January 2023, and Senator Kristin Gillibrand's (D-NY) proposed federal legislation creating a privacy agency. In the article I assess these reforms from the point of view of an online equity agenda for African Americans, whose data privacy problems I frame as a trio of discriminatory over-surveillance, exclusion and predation. An example of over-surveillance is the use of geolocation data and facial recognition in minority communities to monitor protestors. An example of discriminatory exclusion is targeting only affluent non-blacks on social media for housing ads. An example of predation is targeting blacks for sham or exploitative credit services, loans or business opportunities. I am following with great interest how many groups, including the Color of Change, the Lawyers Committee for Civil Rights Under the Law, the Legal Defense Fund and the Brookings Institution are trying to articulate data protection as a civil rights issue.

What do you love most about being a privacy professional?

I love everything about being a privacy professional. If I have to sum it up I would say that what I love most is being able to help shape the future of human dignity, autonomy and civility in the face of digital technologies. There are so many interesting dimensions to my career as a privacy professional — private and public sector, globally. First, I am a university teacher and a scholar, author of four privacy books. I am privileged to work with the best and brightest privacy learners and teachers from around the world — from places as diverse as Japan, Taiwan, the UK, Israel, the Netherlands and Brazil. When I was President of the American Philosophical Association, I made privacy the focus of my 2019 Presidential Address. Second, I am an advocate for privacy as a civil and human right, serving on the boards of the Electronic Information Privacy Center and the Future of Privacy Forum. I have worked with several non-profits in Washington and Philadelphia to advance women's reproductive privacy and have written in support of better protection of LGBTQ individuals' privacy. Third, I am a public intellectual, who often contributes to newspapers, magazines, blogs and podcasts that bring ideals and ideas of privacy to the general public. I have also addressed the European Union Data Protection authorities in Brussels. Fourth, I am a legal consultant. A member of the bars of Pennsylvania and New York, I have used my legal and ethical expertise to serve as an expert witness and consultant on cases involving medical privacy, electronic privacy and privacy torts. Finally, I have been a public servant. As a member of President Obama's Commission for the Study of Bioethical Issues, I advised the executive branch on cutting-edge issues relating to genetics, synthetic biology, research ethics and vaccines. There is much a privacy professional can do that I haven't done — there is important work enough to go around.