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***Education***

**YALE UNIVERSITY**

*Juris Doctor*

*ABD*, Program of Doctor of Civil Laws (Law and Political Theory).  
Senior Editor, Yale Law Journal (1983 – 1985)

**School of Law**

1985

**UNIVERSITÉ LIBRE DE BRUXELLES**

1980 – 1981 Student, in French, at the Institute of European Studies and in Economics

Belgium

**PRINCETON UNIVERSITY Woodrow Wilson School of Public and International Affairs**

*Bachelor of Arts* (Summa Cum Laude, Phi Beta Kappa)

1980

Concentration: Economics

Thesis Title: “The Onslaught of Complexity: Information Technologies and Their Effects on Legal and Economic Thought”

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***Experience***

**GEORGIA INSTITUTE OF TECHNOLOGY**

*Elizabeth and Tommy Holder Chair of Law and Ethics*

**Scheller College of Business**

Atlanta, GA

Aug. 2013 – present Law and Ethics Program. Appointments by courtesy to the College of Computing and the School of Public Policy. Associate Director for Policy, Georgia Tech Institute for Information Security and Privacy, 2014-2021. Nancy J. & Lawrence P. Huang Professor of Law and Ethics, 2013-2017.

Aug. 2021 – present Professor, Georgia Tech School of Cybersecurity and Privacy.

**ALSTON & BIRD, LLP**

*Senior Counsel*

Atlanta, GA

Jan. 2015 – present Under University rules governing outside consulting, assist clients in global law firm on privacy, cybersecurity, and other matters.

**PRESIDENT’S REVIEW GROUP ON INTELLIGENCE AND COMMUNICATIONS TECHNOLOGY**

*Member*

2013-2014 One of five members appointed by President Obama to recommend policy changes for the U.S. intelligence community. Report issued in December, 2013. Along with other recommendations that have been adopted, the major provisions of the USA-FREEDOM Act were based on the Report.

**WORLD WIDE WEB CONSORTIUM**

*Co-Chairman, Tracking Protection Working Group*

2012-2013 Led global process to develop a Do Not Track standard for users surfing the Internet. Responsible for leading “compliance specification” for web sites that receive a user’s Do Not Track signal.

**OHIO STATE UNIVERSITY**

*C. William O’Neill Professor in Law and Judicial Administration*

1996 – 2013

**Moritz College of Law**

Columbus, OH

2006

2002 – 2013

1997

1996-97

Named C. William O’Neill Professor in Law and Judicial Administration

Director, Washington DC Summer Program (except when in government)

Promoted to Full Professor

Associate Professor

**NATIONAL ECONOMIC COUNCIL**

*Special Assistant to the President for Economic Policy*

2009 – 2010

Principal responsibility for administration’s inter-agency coordination on housing and housing finance issues. In addition, extensive work on technology issues, including broadband, spectrum, patents, net neutrality, and privacy/surveillance. Reported to Lawrence Summers.

**The White House**

Washington, DC

**OBAMA-BIDEN PRESIDENTIAL TRANSITION TEAM**

*Member*

Washington, DC

2008 – 2009 Activities included: Counsel to New Media Team; member of transition team for Federal Communications Commission and Federal Trade Commission.

**MORRISON & FOERSTER, LLP**

*Part-time Consultant*

Washington, DC

2001 – 2008 Responsibilities for legal work with global privacy and cybersecurity practice.

**GEORGE WASHINGTON UNIVERSITY**

2001 – 2002 *Visiting Professor*

**Law School**

Washington, DC

2002 – 2009 *Adjunct Professor*

**EXECUTIVE OFFICE OF THE PRESIDENT OF THE UNITED STATES** **The White House**  
*Chief Counselor for Privacy, Office of Management & Budget* Washington, DC

1999 – 2001 Policy official with government-wide responsibility for privacy issues. White House Coordinator for HIPAA medical privacy regulation; Coordinator, White House Working Group on legislative proposal to update wiretap and electronic surveillance laws; substantial work on computer security, encryption, international data flows, financial privacy, and other topics.

**UNIVERSITY OF VIRGINIA**  
1990 – 1996 *Associate Professor*

**School of Law**  
Charlottesville, VA

**POWELL, GOLDSTEIN, FRAZER & MURPHY**

*Associate* Washington, DC  
1986 – 1990 Advocacy practice before Congress and agencies, on banking, environmental, high-technology and other issues.

**UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT**

1985 – 1986 *Judicial Clerk to the Honorable Ralph K. Winter, Jr.* New Haven, CT & NY, NY

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**Honors and Awards**

Student Recognition of Excellence in Teaching: Class of 1934 CIOS Honor Roll (2021)  
Selected, “Privacy Papers for Policy Makers 2021” by the Future of Privacy Forum, for “After Schrems II: A Proposal to Meet the Individual Redress Challenge.” (2021)  
Member, National Academy of Sciences, Engineering, and Medicine Study Committee on “The Future of Encryption” (2020 – present)  
Student Recognition of Excellence in Teaching: Class of 1934 Award (2020)  
Outstanding Academic Scholarship Award, Future of Privacy Forum 10<sup>th</sup> Anniversary (2019)  
Named Andrew Carnegie Fellow for project on “Protecting Human Rights and National Security in the New Era of Data Nationalism” (one of 31 Fellows chosen in national competition) (2018)  
Member, National Academy of Sciences, Engineering, and Medicine Forum on Cyber-Resiliency (2015-2021)  
Privacy Leadership Award of the International Association of Privacy Professionals (annual award of the IAPP, a group with over 80,000 members) (2015)  
Selected, Notable Paper for “Privacy Papers for Policy Makers 2015” by the Future of Privacy Forum, for “Going Dark: Encryption, Technology, and the Balance Between Public Safety and Privacy (2015)  
American Library Association 2014 James Madison Award, to the Review Group on Intelligence and Communications Technology, for “the public’s right to know at the national level” (2014).  
Selected, “Privacy Papers for Policy Makers 2012” by the Future of Privacy Forum, for “Going Dark vs. the Golden Age of Surveillance” (2012)  
First Runner-Up, Privacy Law Scholars Conference vote on best proposal for USvJones.com (2012)  
Distinguished Paper Award, 19<sup>th</sup> IEEE International Conference on Requirements Engineering (2011)  
Senior Fellow, Future of Privacy Forum in Washington DC (2010 – present)  
Senior Fellow, Center for American Progress in Washington, DC (2005 – 2014, except for leave)  
Policy Fellow, Center for Democracy and Technology in Washington DC (2005 – 2015, except for leave)  
Cyber Fellow, New America Foundation in Washington DC (2015-2021)  
Named John Glenn Scholar in Public Policy Research by the John Glenn Institute for Public Policy & Public Service, for “What Should Still be Secret? Lessons on Anti-terrorism, Cybersecurity, and Privacy” (2003)  
Distinguished Privacy Leadership Award, presented by Privacy & American Business (2000)  
Named Ameritech Faculty Fellow for 1997-99, in competition within Ohio State University, for project on “The Role of Law in Assuring Financial Privacy.”  
Rotary International Fellowship (1980 – 1981)

Phi Beta Kappa (1980)  
Departmental thesis prize for undergraduate thesis at Princeton University (1980)

## **Selected Funding**

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### **Research on Cross-Border Government Access to Data**

Over \$1,000,000 from the Hewlett Foundation, Carnegie Corporation, companies, and others for project to analyze and reform global system for cooperation in trans-border sharing of electronic evidence for law enforcement. 2015-present.

### **Computing Community Consortium/Computing Research Association**

Catalyst grant for four workshops on “Privacy by Design.” Swire was on organizing committee for developing a research program in the field. 2015-2016.

### **U.S. Department of Commerce, National Strategy for Trusted Identity in Cyberspace**

Swire was a member of Georgia Tech Research Institute team awarded \$1.7 million for identity trustmarks project. November 2013-November 2015.

### **Future of Privacy Forum, Washington, D.C.**

Over \$500,000 from Apple, Google, Intel, Microsoft, Yahoo! and others to fund research on encryption, government access to data, de-identification, and related topics. 2011-2017.

### **John Glenn Institute for Public Policy & Public Service, Ohio State University**

Award for “What Should Still be Secret? Lessons on Anti-terrorism, Cybersecurity, and Privacy.” Research funding \$25,000. 2003.

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## **Publications — Books**

Peter Swire & DeBrae Kennedy-Mayo, U.S. Private Sector Privacy: Law and Practice for Information Privacy Professionals, 3d edition (International Association of Privacy Professionals, 2020).

Peter Swire & DeBrae Kennedy-Mayo, U.S. Private Sector Privacy: Law and Practice for Information Privacy Professionals, 2d edition (International Association of Privacy Professionals, 2018).

Richard Clarke, Michael Morell, Geoffrey Stone, Cass Sunstein & Peter Swire, Liberty and Security in a Changing World: Report and Recommendations of the President’s Review Group on Intelligence and Communications Technologies (first published 2013, Princeton University Press 2014).

Peter Swire & Kenesa Ahmad, Foundations of Information Privacy and Data Protection: A Survey of Global Concepts, Laws, and Practices (International Association of Privacy Professionals 2012).

Peter Swire & Kenesa Ahmad, U.S. Private Sector Privacy: Law and Practice for Information Privacy Professionals (International Association of Privacy Professionals 2012).

Peter P. Swire & Sol Bermann, Information Privacy: Official Reference for the Certified Information Privacy Professional (International Association of Privacy Professionals, 2007).

Peter P. Swire & Robert E. Litan, None of Your Business: World Data Flows, Electronic Commerce, and the European Privacy Directive (Brookings Institution Press, 1998).

## Publications — Academic

- “The Effects of Data Localization on Cybersecurity” (forthcoming 2022), with DeBrae Kennedy-Mayo.
- “The Portability and Other Required Transfers Impact Assessment (“PORT-IA”): Assessing Competition, Privacy, Cybersecurity and Other Considerations,” (forthcoming 2022, Georgetown Technology Law Review).
- “Antitrust and the Portability and Other Required Transfers Impact Assessment (“PORT-IA”)”. *Competition Policy International Antitrust Journal* (Nov. 2020), with John Snyder.
- “Overcoming Constitutional Objections to the CLOUD Act,” American Constitution Society Issue Brief, with Justin Hemmings, (Feb. 2020).
- “Defining the Scope of ‘Possession, Custody, or Control’ for Privacy Issues and the Cloud Act,” 10 *Journal of National Security Law and Policy* 631 (Jan. 2020) Justin Hemmings, Sreenidhi Srinivasan, and Peter Swire.
- “When Does GDPR Act as a Blocking Statute: The Relevance of a Lawful Basis for Transfer,” in *Building Common Approaches for Cybersecurity and Privacy in a Globalized World*, NYU Center for Cybersecurity (R. Milch et al. eds) (2019).
- “Frequently Asked Questions About the U.S. Cloud Act,” Cross-Border Data Forum (Apr. 16, 2019) (with Jennifer Daskal).
- “The Important, Justifiable, and Constrained Role of Nationality in Foreign Intelligence Surveillance,” Hoover Institute (January 2019). Peter Swire, Deven Desai & Jesse Woo.
- “India-US Cooperation for Law Enforcement Sharing: Blueprints for Reform,” Georgia Tech Project on Cross-Border Access to Data & Observer Research Foundation (January 2019). Madhulika Srikumar, Sreenidhi Srinivasan, DeBrae Kennedy-Mayo, Peter Swire.
- “A Pedagogic Cybersecurity Framework: A Proposal for Teaching the Organizational, Legal, and International Aspects of Cybersecurity,” 61 *Communications of the ACM*, No. 10, October 2018.
- “Privacy and Cybersecurity Lessons at the Intersection of the Internet of Things and Police Body-Worn Cameras,” 96 *North Carolina Law Review* 101 (2018). Peter Swire & Jesse Woo.
- “Why Both the EU and the US are Stricter than Each Other for the Privacy of Government Requests for Information,” 66 *Emory Law Journal* 101 (2017). Peter Swire & Debrae Kennedy-Mayo.
- “A Mutual Legal Assistance Case Study: The United States and France,” 34 *Wisconsin International Law Review* 323 (2017). Peter Swire, Justin Hemmings & Suzanne Vergnolle.
- “Mutual Legal Assistance in an Era of Globalized Communications: The Analogy to the Visa Waiver Program,” 71 *NYU Annual Survey of American Law* 687 (2017). Peter Swire & Justin Hemmings.
- “Stakeholders in Reform of the Global System of Mutual Legal Assistance,” in “Bulk Collection: Systematic Government Access to Private-Sector Data,” (Fred H. Cate & James X. Dempsey, eds.) (Oxford 2017). Peter Swire & Justin Hemmings.
- “New Export Requirements on the Horizon for Cybersecurity Products and Technologies,” *Int. Prop. And Tech. L. J.*, Vol 27, No. 9, Sep., 2015 (with Kim Peretti, Jason Waite, & Jason Wool).
- “The Declining Half-Life of Secrets and the Future of Signals Intelligence,” New America Cybersecurity Initiative, Jul. 23, 2015.
- “The USA Freedom Act: A Partial Response to European Concerns about NSA Surveillance,” Working Paper, Jean Monnet Centre of Excellence, 2015.

“Lessons from Fair Lending Law for Fair Marketing and Big Data,” Future of Privacy Forum, and presented before Federal Trade Commission Workshop on “Big Data: A Tool for Inclusion or Exclusion?” (2014).

“Identifying and classifying ambiguity for regulatory requirements,” *22nd IEEE International Requirements Engineering Conference (RE14)*, Aaron K. Massey, Richard L. Rutledge, Annie I. Antón and Peter Swire, pp. 83-92, Karlskrona, Sweden, 25-29 August 2014.

“Peter Hustinx and Three Clichés About E.U.-U.S. Data Privacy,” in *Data Protection Anno 2014: How to Restore Trust?* (Hielke Hijmans & Herke Kranenborg ed.) (Intersentia 2014).

“Why the Right to Data Portability Likely Reduces Consumer Welfare: Antitrust and Privacy Critique,” *72 Maryland Law Review* 335 (2013).

“The Second Wave of Global Privacy Protection: Symposium Introduction,” *74 Ohio St. L. J.* 841 (2013).

“Automated Text Mining for Requirements Analysis of Policy Documents,” Aaron K. Massey, Jacob Eisenstein, Annie I. Antón and Peter Swire. *21st IEEE International Requirements Engineering Conference (RE'13)*, Rio de Janeiro Brazil, pp. 4-13, 15-19 July 2013.

“From Real-Time Intercepts to Stored Records: Why Encryption Drives the Government to Seek Access to the Cloud,” *International Data Privacy Law* (2012), doi: 10.1093/idpl/ips025.

“Managing Changing Compliance Requirements by Predicting Regulatory Evolution: An Adaptability Framework,” Jeremy C. Maxwell, Annie I. Antón, Peter Swire. *20th IEEE International Requirements Engineering Conference* (2012), Chicago, Sept. 2012.

“Encryption and Globalization,” *13 Colum. Sci. & Tech. L. Rev.* 416 (2012). Peter Swire & Kenesa Ahmad.

“A Legal Cross-References Taxonomy for Reasoning about Compliance Requirements,” Jeremy Maxwell, Annie I. Antón, Peter Swire, Maria Riaz & Christopher McCraw, *Requirements Engineering Journal*, Springer-Verlag, 2012.

“Social Networks, Privacy, and Freedom of Association: Data Protection vs. Data Empowerment,” *90 North Carolina Law Review* 1371 (2012).

“A Reasonableness Approach to Searches after the Jones GPS Tracking Case,” *64 Stanford L. Rev. Online* 57 (2012).

“Why the U.S. Government Should Have a Privacy Office,” *10 J. Telecomm. & High Technology L.* 41 (2012).

“A Legal Cross-References Taxonomy for Identifying Conflicting Software Requirements,” *IEEE International Requirements Engineering Conference*, (2011) (awarded “Distinguished Paper” for the conference), Jeremy Maxwell, Annie I. Antón, & Peter Swire.

“Peeping,” *24 Berkeley Journal of Law & Technology* 1164 (2009).

“The Consumer as Producer: The Personal Mainframe and the Law of Computing,” *42 Law/Technology*, 1<sup>st</sup> Quarter 2009, at 5.

“When Should ‘Consumers-as-Producers’ Have to Comply With Consumer Protection Laws?” *31 J. Consumer Pol’y* 473 (2009).

“Book Review: Proportionality for High-Tech Searches,” *6 Ohio St. J. Crim. L.* 751 (2009) (reviewing Christopher Slobogin, *Privacy at Risk: The New Government Surveillance and the Fourth Amendment*).

“Introductory Essay for ‘Privacy Law: Year in Review, 2008’” *4 I/S: A Journal of Law and Policy for the Information Society* (2009).

“No Cop on the Beat: Underenforcement in E-Commerce and Cybercrime,” *7 J. Telecomm. & High Technology L.* 107 (2009).

“The ID Divide: Addressing the Challenges of Identification and Authentication in American Society,” *Center for American Progress* (2008) (with Cassandra Q. Butts).

“Introductory Essay for ‘Privacy Law: Year in Review, 2007,’” 3 *I/S: A Journal of Law and Policy for the Information Society* 373 (2008).

“Introductory Essay for ‘Privacy Law: Year in Review, 2005-2006,’” 2 *I/S: A Journal of Law and Policy for the Information Society* 475 (2006).

“Privacy and Information Sharing in the War on Terrorism,” 51 *Villanova L. Rev.* 260 (2006).

“A Theory of Disclosure for Security and Competitive Reasons: Open Source, Proprietary Software, and Government Systems,” 42 *Houston Law Review* 1333 (2006).

“Introductory Essay for ‘Privacy Law: The Year in Review, 2004,’” *I/S: A Journal of Law and Policy for the Information Society* (2005).

“Elephants and Mice Revisited: Law and Choice of Law on the Internet,” 153 *U. Penn. L. Rev.* 1975 (2005).

“Through the Privacy Lens,” 4 *J. Marshall Rev. Intell. Prop. L.*, Issue 2 (with Julie Cohen & David Sorkin) (2005).

“Katz is Dead, Long Live Katz,” 102 *Mich. L. Rev.* 904 (2004).

“The System of Foreign Intelligence Surveillance Law,” 72 *Geo. Wash. L. Rev.* 1306 (2004).

“A Model for When Disclosure Helps Security: What Is Different About Computer and Network Security?” 3 *J. Telecomm. & High Technology L.* 163 (2004); republished in *Knowledge Policy for the 21<sup>st</sup> Century* (Mark Perry & Brian Fitzgerald, eds.) (2009).

“Efficient Confidentiality for Privacy, Security, and Confidential Business Information,” *Brookings-Wharton Papers on Financial Services* (Brookings, 2003).

“Trustwrap: The Importance of Legal Rules for E-Commerce and Internet Privacy,” 54 *Hastings L.J.* 847 (2003).

“State Wiretaps and Electronic Surveillance After September 11,” 54 *Hastings L.J.* 971 (2003) (with Charles Kennedy).

“The Surprising Virtues of the New Financial Privacy Law,” 86 *Minn. L. Rev.* 1263 (2002).

“Security and Privacy After September 11: The Health Care Example,” 86 *Minn. L. Rev.* 1515 (2002) (with Lauren Steinfeld).

“The Ethical and Legal Implications of *Jaffee v. Redmond* and the HIPAA Medical Privacy Rule for Psychotherapy and General Psychiatry,” 25 *Psychiatric Clinics of North America* 575 (2002). Peter Swire & Paul Mosher.

“Financial Privacy and the Theory of High-Tech Government Surveillance,” 77 *Washington U. L.Q.* 461 (1999) & *Brookings-Wharton Papers on Financial Services* (1999).

“Of Elephants, Mice, and Privacy: International Choice of Law and the Internet,” 32 *The International Lawyer* 991 (1998).

“The Uses and Limits of Financial Cryptography: A Law Professor’s Perspective,” chapter in the *proceedings of Financial Cryptography '97* (Springer-Verlag, 1997).

“Markets, Self-Regulation, and Legal Enforcement in the Protection of Personal Information,” U.S. Department of Commerce, *Privacy and Self-Regulation in the Information Age* (1997).

“The Race to Laxity and the Race to Undesirability: Explaining Failures in Competition Among Jurisdictions in

Environmental Law,” *Yale Law & Policy Rev./Yale J. on Regulation*, Symposium: Constructing a New Federalism 67 (1996).

“Equality of Opportunity and Investment in Creditworthiness,” 143 *U. Pa. L. Rev.* 1533 (1995).

“The Persistent Problem of Lending Discrimination: A Law and Economics Analysis,” 73 *Tex. L. Rev.* 787 (1995).

“Safe Harbors and a Proposal to Improve the Community Reinvestment Act,” 79 *Va. L. Rev.* 349 (1993).

“Bank Insolvency Law Now That It Matters Again,” 42 *Duke L.J.* 469 (1992).

“The U.S. Liability System: Background and Trends,” in *Liability: Perspectives and Policies* (Brookings, 1988). Robert Litan, Peter Swire & Cliff Winston.

Note, The Incorporation of Independent Agencies Into the Executive Branch, 94 *Yale L.J.* 1766 (1985).

Book Review, 1 *Yale J. L & Pol’y* 417 (1983) (reviewing Jerry L. Mashaw, *Bureaucratic Justice: Managing Social Security Disability Claims*).

## **Testimony and Other Public Comments**

Testimony before OECD Competition Committee on “Data Portability, Interoperability, and Competition,” (Online), June, 2021.

Comments submitted to the European Data Protection Board on EDPB Recommendations 01/2020 on Measures that Supplement Transfer Tools to Ensure Compliance with the EU Level of Protection of Personal Data, Dec. 21, 2020.

Testimony before the Senate Committee on Commerce, Science & Transportation on “The Invalidation of the EU-U.S. Privacy Shield and the Future of Transatlantic Data Flows,” Dec. 9, 2020.

“The Portability and Other Required Transfers Impact Assessment (PORT-IA): Assessing Competition, Privacy, Cybersecurity, and Other Considerations,” Public comments in response to the request from the European Commission for comments on the proposed European Strategy for Data, May 28, 2020.

“Issues of Concern under the CLOUD Act for Australian Amendment (International Production Orders) Bill 2020, submitted to Australian Parliament (Apr. 29, 2020).

White paper on The Lower Health Care Costs Act, S. 1895, Senate Committee on Health, Education, Labor & Pensions, “Possible Privacy, Cybersecurity, and Data Breach Issues in the Proposed National Medical Claims Database Under Section 303 of S. 1895,” (Sept. 27, 2019).

Testimony before the European Political Strategy Centre of the European Commission, on “Building a European Data Economy,” March, 2017.

Testimony before the Irish High Court, as independent expert witness selected by Facebook for the “Schrems 2” case, March, 2017.

Testimony before the Senate Commerce Committee on “How Will the FCC’s Proposed Privacy Regulations Affect Consumers and Competition?” July 2016.

Comments submitted to the Federal Communications Commission on “Supplementing the Record About Limits on ISP Comprehensive and Unique Visibility,” June, 2016 (with Justin Hemmings).

Comments submitted to the Federal Communications Commission on “Online Privacy and ISPs,” May, 2016 (with Justin Hemmings and Alana Kirkland).

Testimony submitted to the Belgian Privacy Authority on “US Surveillance Law, Safe Harbor, and Reforms Since 2013,” December, 2015.

Testimony before the Senate Judiciary Committee on “Going Dark: Encryption, Technology, and the Balance Between Public Safety and Privacy,” July, 2015.

“Comments to the FCC on Broadband Consumer Privacy,” presented before the Federal Communications Commission Workshop on Broadband Consumer Privacy, April, 2015.

“Lessons from Fair Lending Law for Fair Marketing and Big Data,” presented before Federal Trade Commission Workshop on “Big Data: A Tool for Inclusion or Exclusion?” September, 2014.

Testimony before the House Judiciary Committee, “Examining Recommendations to Reform FISA Authorities,” February, 2014.

Testimony before the Senate Judiciary Committee, “Hearing on the Report of the President’s Review Group on Intelligence and Communications Technologies,” January, 2014.

Testimony before the Senate Intelligence Committee on the Report of the President’s Review Group on Intelligence and Communications Technology, (closed session) January, 2014.

Testimony before the Senate Commerce Committee on “A Status Update on the Development of Voluntary Do-Not-Track Standards,” April, 2013.

Testimony before the Senate Homeland Security Committee on “State of Federal Privacy and Data Security Law: Lagging Behind the Times?” July, 2012.

Testimony before the Senate Commerce Committee on “The Need for Privacy Protections: Is Industry Self-Regulation Adequate?” June, 2012.

“De-Identification and the Privacy Multistakeholder Process.” Comments submitted to the U.S. Department of Commerce, April, 2012.

Testimony before the House Energy & Commerce Committee on “Internet Privacy: The Impact and Burden of EU Regulation,” September, 2011.

Testimony before the Senate Banking Committee on “National Mortgage Servicing Standards,” August, 2011.

“Delivering ERISA Disclosure for Defined Contribution Plans: Why the Time Has Come to Prefer Electronic Delivery.” Comments submitted to the U.S. Department of Labor, June, 2011.

“Social Networks, Privacy, and Freedom of Association.” Comments submitted to the Federal Trade Commission, January, 2011.

“Why the Federal Government Should Have a Privacy Policy Office.” Comments submitted to the U.S. Department of Commerce, January 28, 2011.

Comments submitted to the U.S. Department of Health and Human Services on Health Data Breach Guidelines, May 22, 2009.

“The FTC @ 100 and the Future of Consumer Protection,” Testimony submitted to the Federal Trade Commission for the FTC at 100 Project, October 30, 2008.

Testimony before the Senate Judiciary Committee on “Laptop Searches and Other Violations of Privacy Faced by Americans Returning from Overseas Travel,” June 25, 2008.

Testimony before the Senate Homeland Security and Governmental Affairs Committee, on “Protecting Personal Information: Is the Federal Government Doing Enough?” June 18, 2008.

Comments submitted to the Federal Trade Commission on Proposed Principles for Online Behavioral Advertising, April 10, 2008 (with Annie I. Antón).

“Protecting Consumers: Privacy Matters in Antitrust Analysis,” Testimony submitted to the Federal Trade Commission on Privacy and Antitrust, October 19, 2007.

Testimony before the House Oversight and Government Reform Subcommittee on Information Policy, Census, and National Archives, on electronic medical records and privacy, June 19, 2007.

Testimony before the Senate Judiciary Committee, on National Security Letters, April 11, 2007.

Testimony before the House Energy and Commerce Committee, on “Privacy in the Commercial World II,” June 20, 2006.

Testimony before the House Judiciary Committee, on “Personal Information Acquired From Information Resellers: Is There Need for Improvement?” April, 2006.

Testimony before the White House Privacy and Civil Liberties Board, Dec. 5, 2006.

Testimony before the House Judiciary Committee, on Section 218 of the Patriot Act, April, 2005.

Testimony before the House Judiciary Committee, on Sections 209 & 217 of the Patriot Act, April, 2005.

Comments submitted to federal financial regulatory agencies on short privacy notices, Mar. 29, 2004.

Testimony before the House Financial Services Committee on “Reauthorization of the Fair Credit Reporting Act,” May, 2003.

Testimony before the House Judiciary Committee on “Privacy and the Homeland Security Department,” July, 2002.

Comments submitted to the U.S. Department of Health and Human Services on medical privacy regulation, March, 2002.

Comments submitted to the U.S. Department of Health and Human Services on medical privacy regulation, April, 2001.

Comments submitted to the U.S. Department of Commerce on the proposed safe harbor for transborder data flows, December, 1998.

Testimony before the U.S. Senate Banking Committee, concerning proposed reform of bank insolvency laws, June, 1995.

## **Other Writings**

“Towards OECD Principles for Government Access to Data,” *Lawfare*, Dec. 20, 2021 (with Théodore Christakis and Kenneth Propp).

“Governing for Democracy and Other Democratic Goals,” *Centre for Information Policy Leadership*, Nov. 9, 2021.

“Update to Budapest Convention Expected to be Finalized This November,” *Cross-Border Data Forum*, Oct. 11, 2020 (with DeBrae Kennedy-Mayo).

“U.K.’s Post-Brexit Strategy on Cross-Border Data Flows,” *Lawfare*, Sep. 1, 2021.

“New Urgency about Data Localization with Portuguese Decision,” *IAPP*, Apr. 29, 2021 (with DeBrae Kennedy-Mayo).

“Prominent Theme of Data Localization in Comments to EDPB Guidance on Implementing Schrems II Has New Urgency with the Portuguese Decision,” *Cross-Border Data Forum*, Apr. 29, 2021 (with DeBrae Kennedy-Mayo).

“IRSG Issues Report Critical of Data Localization,” *Cross Border Data Forum*, Mar. 11, 2021 (with DeBrae Kennedy-Mayo and Michael Young).

“Hard Data Localization May Be Coming to the EU – Here Are 5 Concerns,” *IAPP*, Jan. 26, 2021 (with DeBrae Kennedy-Mayo).

“Updates to U.S. Foreign Intelligence Law Since 2016 Testimony,” *Cross-Border Data Forum*, Jan. 15, 2021.

“Statutory and Non-Statutory Ways to Create Individual Redress for U.S. Surveillance Activities,” *Cross-Border Data Forum*, Jan. 14, 2021.

“After Schrems II and the EDPB Guidance, Lessons from a 1998 Study About the Effects of Data Localization Between the EU and the US,” *Cross-Border Data Forum*, Nov. 30, 2020.

“After Schrems II: A Proposal to Meet the Individual Redress Challenge,” *Lawfare*, Aug. 13, 2020 (with Kenneth Propp).

“Geopolitical Implications of the European Court’s Schrems II Decision,” *Lawfare*, Jul. 17, 2020 (with Kenneth Propp).

“Schrems II Backs the European Legal Regime into a Corner – How Can It Get Out?” *IAPP*, Jul. 16 2020.

“New Developments for the U.K. and Australian Executive Agreements with the U.S. Under the CLOUD Act,” *Cross-Border Data Forum*, Jul. 15, 2020 (with Paul Greaves).

“Risks to Data Transfers from the EU to the Rest of the World,” in “The GDPR at Two: Expert Perspectives,” *IAPP*, May 25, 2020.

“Comments on Australian Legislation to Enable the Negotiation of a U.S. CLOUD Act Executive Agreement,” *Cross-Border Data Forum* (May 11, 2020).

“Security, Privacy and the Coronavirus: Lessons from 9/11,” *Lawfare*, Mar. 24, 2020.

“A Proposal to Help Resolve Federal Privacy Preemption,” *IAPP*, Jan. 13, 2020

“Foreign Intelligence and Other Issues in the Initial Opinion in Schrems II,” *Lawfare*, Dec. 23, 2019.

“The U.K.-U.S. CLOUD Act Agreement is Finally Here, Containing New Safeguards,” *Lawfare*, Oct. 8, 2019 (with Jennifer Daskal).

“The US, China, and Case 311/18 on Standard Contractual Clauses,” *European Law Blog*, July 15, 2019.

“Interdire le transfert de données seulement vers les Etats-Unis serait une aberration,” *Le Monde*, July 11, 2019.

“Two Ways that Smaller Countries Could Participate in Emerging Global Systems of Transfer of Electronic Evidence,” *Cross-Border Data Forum*, May 30, 2019 (with DeBrae Kennedy-Mayo).

“EU and U.S. Negotiations on Cross-Border Data, Within and Outside of the Cloud Act Framework,” *Cross-Border Data Forum* (Apr. 13, 2019).

“The Important, Justifiable, and Constrained Role of Nationality in Foreign Intelligence Surveillance,” *Lawfare*, Jan. 11, 2019 (with Jesse Woo, Deven Desai).

“U.S. Federal Privacy Preemption Part 1: History of Federal Preemption of Stricter State Laws,” *IAPP Privacy Tracker*, Jan. 9, 2019.

“U.S. Federal Privacy Preemption Part 2: Examining Preemption Proposals,” *IAPP Privacy Tracker*, Jan. 10, 2019.

“How Stricter Procedures in Existing Law May Provide a Useful Path for Cloud Act Executive Agreements,” *Cross-Border Data Forum*, Nov. 16, 2018 (with Justin Hemmings, Sreenidhi Srinivasan).

“The Globalization of Criminal Evidence,” *IAPP*, Oct. 18, 2018. (with Théodore Christakis, Jennifer Daskal).

“Announcing the New Cross-Border Data Forum,” IAPP, Oct. 18, 2018. (with Théodore Christakis, Jennifer Daskal).

“Recommendations for the Potential U.S.-U.K. Executive Agreement Under the Cloud Act,” *Lawfare*, Sept. 14, 2018. (with Justin Hemmings).

“Insight: A Canary in the Ad Tech Coal Mine? German DPAs Announce Opt-In Regime for Online Advertising,” *Bloomberg Law: Privacy & Data Security*, June 29, 2018 (with Dan Felz).

“A Possible EU-US Agreement on Law Enforcement Access to Data?,” *Lawfare*, May 21, 2018 (with Jennifer Daskal).

“The Importance of Accurate Retrieval of Data Subjects’ Personal Data in Complying with GDPR Individual Rights Requirements,” Alston & Bird, *Privacy and Data Security Blog*, May 16, 2018 (with Jan Dhont and DeBrae Kennedy-Mayo).

“2018 Update to Delivering ERISA Disclosure for Defined Contribution Plans: Why the Time Has Come to Prefer Electronic Delivery,” May, 2018 (with DeBrae Kennedy-Mayo).

“Suggestions for Implementing the Cloud Act,” *Lawfare*, Apr. 30, 2018, (with Jennifer Daskal).

“What the CLOUD Act Means for Privacy Pros,” International Association of Privacy Professionals, *Privacy Tracker*, Mar. 26, 2018 (with Jennifer Daskal).

“The Cloud Act and its Impact on Cross-border Access to the Contents of Communications,” Alston & Bird, *Privacy & Data Security Blog*, Mar. 25, 2018 (with Justin Hemmings).

“Privacy and Civil Liberties Under the CLOUD Act: A Response,” *Lawfare*, Mar. 21, 2018 (with Jennifer Daskal).

“Why the CLOUD Act is Good for Privacy and Human Rights,” *Lawfare*, Mar. 14, 2018 (with Jennifer Daskal).

“The CLOUD Act: A Welcome Legislative Fix for Cross-Border Data Problems,” *Lawfare*, Feb. 6, 2018 (with Andrew Keane Woods).

“Reform Section 702 to Maintain Fourth Amendment Principles,” *Lawfare*, Oct. 19, 2017 (with Richard Clarke).

“EU Judges US Surveillance Law,” *Lawfare*, Sep. 11, 2017.

“Should the Leading Online Tech Companies Be Regulated as Public Utilities?” *Lawfare*, Aug. 2, 2017.

“WannaCry About Backdoors,” *Future of Privacy Forum*, June 2, 2017.

“Why Cross-Border Government Requests for Data Will Keep Becoming More Important,” *Lawfare*, May 23, 2017.

“Why CISOs Should Care About Developments in the EU,” *National Technology Security Coalition Blog*, Apr. 18, 2017.

“A Qualified SPOC Approach for India and Mutual Legal Assistance,” *Lawfare* (with Deven Desai), Mar. 2, 2017.

“Reforming Mutual Legal Assistance Needs Engagement Beyond the U.S.,” *Lawfare* (with Ian Brown and Vivek Krishnamurthy), Mar. 2, 2016.

“Explaining U.S. Surveillance Law Protections for an EU Audience,” *Lawfare*, Dec. 22, 2015.

“Why U.S. Surveillance Law Protections Are Better Than Europe Thinks,” *IAPP Privacy Perspectives*, Dec. 18, 2015.

“Solving the Unsolvable on Safe Harbor—The Role of Independent DPAs,” *IAPP Privacy Perspectives*, Oct. 13, 2015.

“Don’t Strike Down the Safe Harbor Based on Inaccurate Views About U.S. Intelligence Law,” *IAPP Privacy*

*Perspectives*, Oct. 5, 2015.

“What the FBI Director Could Learn from the Rolling Stones,” *Huffington Post*, Sep. 30, 2015 (with Richard A. Clarke).

“The Declining Half-Life of Secrets,” *Just Security*, Jul. 23, 2015. (One of 15 most-read JS articles of the year.)

“The Golden Age of Surveillance,” *Slate*, Jul. 15, 2015.

“The USA Freedom Act, the President’s Review Group, and the Biggest Intelligence Reform in 40 Years,” *IAPP Privacy Tracker*, Jun. 3, 2015.

“A Historical Primer for This Week’s Judicial and Congressional Actions on Section 215 Bulk Collection,” *IAPP Privacy Tracker*, May 14, 2015.

“Preparing to Debate NSA Surveillance and Online Commercial Tracking,” *IAPP Privacy Perspectives*, Feb. 18, 2015.

“Protecting Health Data Critical,” *Atlanta Journal Constitution*, Jan. 23, 2015 (with Annie Antón).

“The FBI Doesn’t Need More Access: We’re Already in the Golden Age of Surveillance,” *Just Security*, Nov. 17, 2014.

“Amend the Privacy Act to Provide Further Privacy Protections to European and Other Non-U.S. Persons,” *Future of Privacy Forum Blog*, Nov. 12, 2014.

“The Chinese Hacking Indictments and Why Economic Espionage is Different,” *IAPP Privacy Perspectives*, May 21, 2014.

“The NSA Shouldn’t Stockpile Web Glitches,” *The Daily Beast*, Apr. 18, 2014 (with Richard Clarke).

“Why Tech Companies and the NSA Diverge on Snowden,” *Washington Post*, Jan. 31, 2014.

“Engineers and Lawyers in Privacy Protection: Can We All Just Get Along,” *IAPP Privacy Perspectives*, Jan. 13, 2014 (with Annie Antón).

“Protecting Citizens, and Their Privacy,” *New York Times*, Dec. 10, 2013 (with other members of the Review Group).

“Why the New Senator Markey May Be the Most Influential Privacy Congressman in History,” *IAPP Privacy Perspectives*, June 26, 2013.

“Telephone Records and PRISM – the First Job for the Privacy and Civil Liberties Oversight Board,” *IAPP Privacy Perspectives*, June 7, 2013.

“Going Dark vs. Going Secure – New CDT Experts Report on CALEA II,” *IAPP Privacy Perspectives*, May 16, 2013.

“How to Prevent the ‘Do Not Track’ Arms Race,” *Wired*, Apr. 24, 2013.

“Alan Westin’s Legacy of Privacy and Freedom,” *IAPP Privacy Perspectives*, March 7, 2013.

“Moving Too Fast on Cybersecurity,” *thehill.com*, Apr. 20, 2012.

“‘Going Dark’ vs. ‘A Golden Age for Surveillance,’” *Center for Democracy and Technology*, Nov. 28, 2011 (with Kenesa Ahmad).

“The Need for Consumer Protection Laws for Homeowners,” *Center for American Progress*, Aug. 8, 2011.

“Avoiding Voicemail Hacking in the U.S.,” *thehill.com*, Jul. 26, 2011 (with Christopher Soghoian).

“Why Privacy Legislation is Hot Now,” *thehill.com*, Jun. 23, 2011.

“What the Fair Credit Reporting Act Should Teach Us About Mortgage Servicing,” *Center for American Progress*, Feb.

28, 2011.

“Getting Online Privacy Policy Right,” *Center for American Progress*, Jan. 28, 2011.

“Homeowners are Consumers, Too,” *Center for American Progress*, Dec. 23, 2010.

“Stopping Foreclosures Amid Mortgage Modifications,” *Center for American Progress*, Nov. 19, 2010.

“Bankers Should Take Personal Responsibility for the Mortgage Mess,” *Center for American Progress*, Oct. 11, 2010.

“Smart Grid, Smart Broadband, Smart Infrastructure,” *Center for American Progress*, Apr. 8, 2009.

“It’s Not the Campaign Any More: How the White House is Using Web 2.0 Technology So Far,” *Center for American Progress*, June, 2009.

“How to Buy Free Software: Procuring Web 2.0 Technology for the Federal Government,” *Center for American Progress*, June, 2009.

“Six New Media Challenges: Legal and Policy Considerations for Federal Use of Web 2.0 Technology,” *Center for American Progress*, June, 2009.

“Transparency Can Alleviate Systemic Risk,” *American Banker*, Apr. 17, 2009.

“Phone Tracking Should Require a Warrant,” *American Constitution Society*, Apr. 17, 2009.

“Smart Grid, Smart Broadband, Smart Infrastructure,” *Center for American Progress*, April, 2009.

“Tech Policy and the Financial Crisis,” Talking Points Memo, Oct. 21, 2008.

“The ID Divide: Addressing the Issues of Authentication and Identification in American Society,” in *American Constitution Society*, “A Fresh Start for a New Administration: Reforming Law and Justice Policies,” October, 2008.

“Bush’s Budget Repeats Cybersecurity Mistakes,” *Center for American Progress*, Feb. 4, 2008.

“Privacy Key to Yahoo Merger; Microsoft Bid Must Ensure Safeguards,” *Center for American Progress*, Feb. 1, 2008.

“Google and Privacy: Merger with DoubleClick Prompts New Privacy Guidelines,” *Center for American Progress*, Dec. 20, 2007.

“We Are the Web,” *Center for American Progress*, Dec. 18, 2007.

“Transparency in Jeopardy,” (Review of Alisdair McIntyre, *Blacked Out: Government Secrecy in the Information Age*), *Issues in Science & Technology*, Winter, 2007.

“Funding the FTC,” *Center for American Progress*, Feb. 26, 2007.

“Why There Are No Privacy Problems Raised by the Ohio Fair Minimum Wage Amendment,” Oct., 2006.

“A Question of Impartiality,” *Detroit Free Press*, Aug. 31, 2006.

“The Internet and the Future of Consumer Protection,” *Center for American Progress*, July 24, 2006.

“Is Data Retention Secure?,” *Federal Computer Week*, June 12, 2006.

“Disclosing Records Clearly Illegal,” *Cincinnati Enquirer*, May 21, 2006.

“Research Report: Application of IBM Anonymous Resolution to the Health Care Sector,” Apr., 2006.

“Auditing Access to and Use of a Health Information Exchange,” *Markle Connecting for Health Common Framework*, April, 2006.

“A Call for Action: Report from the National Consumers League Anti-Phishing Retreat” (served as “reporter” for this project), March, 2006.

“Legal FAQs on NSA Wiretaps,” *Center for American Progress*, Jan. 30, 2006.

“Making Privacy a Priority,” *Federal Computer Week*, Jan. 23, 2006.

“Creating a Trusted Information Sharing Environment: Using Immutable Audit Logs to Increase Security, Accountability, and Transparency” (with Jeff Jonas), *Markle Foundation Task Force on National Security in the Information Age*, January 2006.

“Councilman Reversal Protects Email Privacy,” *Privacy & Information L. Rept.*, Oct. 2005, at 1.

“Justice Department Opinion Undermines Protection of Medical Privacy,” Center for American Progress, June, 2005.

“Section 215 of the Patriot Act,” *www.patriotdebates.com*, Apr., 2005.

“The New Federal Privacy Officials,” *Privacy & Information L. Rept.*, Mar. 2005, at 8.

“The Wrong Civil Liberties Board,” *Center for American Progress guest editorial*, Sept. 2004.

“Has Technology Outstripped Telephone Legal Protections?,” *Privacy Journal*, June, 2004, at 3.

“Don’t Delete Internet Privacy,” *Detroit Free Press*, Aug. 26, 2003.

“Protecting Privacy from the ‘New Spam’,” *Boston Globe*, July 27, 2003, at E11.

“Enforcement of the HIPAA Privacy Rule: The Past Is Our Guide,” *Privacy & Information Law Reporter*, June, 2003, at 1 (with Brian Busey).

“The Online/Offline Question,” in “Considering Consumer Privacy: A Resource for Policymakers and Practitioners” (Center for Democracy and Technology 2003).

Eisenach & Swire, “Ensuring Privacy’s Post-Attack Survival,” *www.zdnet.com*, Sept.11, 2002.

“New Procedures Under HIPAA for Disclosure of Protected Health Information in Judicial and Administrative Proceedings,” *Privacy & Information Law Reporter*, Sept., 2002, at 1 (with Brian Busey and Sean Ruff).

“Speaking Out About Wiretaps,” *Wash. Post*, Aug. 30, 2002, at A23 (with John Podesta).

“Privacy and the Future of Justice Statistics,” Proceedings of a National Conference on Privacy, Technology, and Criminal Justice Information, *SEARCH -- The National Consortium for Justice Information and Statistics* (2001).

“If Surveillance Expands, Safeguard Civil Liberties,” *Atlanta Journal Constitution*, Oct. 21, 2001.

“Administration Wiretap Proposal Hits the Right Issues But Goes Too Far,” *Brookings Terrorism Project Website*, Oct. 3, 2001.

“Cato Privacy Paper Not Persuasive,” available at Swire web site, Aug. 10, 2001 (critiquing Tom Bell, “Internet Privacy and Self-Regulation: Lessons from the Porn Wars”).

“New Study Substantially Overstates Costs of Internet Privacy Protections,” available at Swire web site, May 9, 2001 (critiquing Robert Hahn, “As Assessment of the Costs of Online Privacy Protection”).

“Peter Swire on Privacy, Pay Phones, and Strong Crypto,” *Electronic Banking Law and Commerce Report*, Apr., 2001,

p. 1 (interview on financial privacy).

“Privacy is Peter Swire's Domain: Behind the Scenes He's President's Go-to Guy,” by Elizabeth Weise, *USA Today*, June 7, 2000, Life Section, p. 1 (press profile).

“The Great Firewall of Europe,” *CIO Magazine*, Feb. 15, 1998, at 26.

“Invasion of the Space Alien Movies,” *Ohio State Hearsay*, Sept. 1997.

“The Consumer Credit Reporting Reform Act and the Future of Electronic Commerce Law,” *Electronic Banking Law & Commerce Rep.*, Nov./Dec. 1996.

“Bank on Streamlined Regulation,” *Wall St. J.*, Nov. 21, 1994, at A16.

“Jonah, the Bible, and Environmental Values,” *Va. L. Weekly*, Sept. 23, 1994, at 1.

“Lifting CRA's Threat to Mergers,” *American Banker*, Jan. 5, 1993, at 4.

“Good Old Days Disappear in Banking Regulation,” *Va. L. Rept.*, Summer, 1991, at 21.

Eizenstat & Swire, “Try Efforts That Are Neutral of Race, Too,” *Los Angeles Times*, Feb. 14, 1989.

“Tropical Chic,” *The New Republic*, Jan. 30, 1989.

Lazarus & Swire, “Reactionary Activism,” *The New Republic*, Feb. 22, 1988.

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## **Selected Professional Activities**

**Research Director, Cross-Border Data Forum** (2018-present).

**Member, Study Committee on the Future of Encryption**, The National Academies of Sciences-Engineering-Medicine (2020 – present).

**Adviser, American Law Institute/European Law Institute**, Project on Principles for a Data Economy (2018 – 2021).

**Member, Forum on Cyber Resilience**, The National Academies of Sciences-Engineering-Medicine (2015 – 2021).

**Senior Fellow and Member of the Advisory Committee, Future of Privacy Forum** (2010-present). *The Future of Privacy Forum* “is a Washington, DC based think tank that seeks to advance responsible data practices.”

**Policy Fellow and pro bono advisor, Center for Democracy and Technology** (2005-2014, except when in government). *The Center for Democracy and Technology* “is a non-profit public interest organization working to keep the Internet open, innovative, and free.” Projects on topics including Internet privacy, authentication, surveillance practices, and spyware.

**Cyber Fellow, New American Foundation/Open Technology Institute** (2015-2021). *New America* “is dedicated to the renewal of American politics, prosperity, and purpose in the digital age.”

**Senior Fellow, Center for American Progress** (2005-2014, except when in government). *The Center for American Progress* is a think tank in Washington, D.C., whose mission is as a “nonpartisan research and educational institute dedicated to promoting a strong, just, and free America that ensures opportunity for all.”

**“Volunteer Group” to update the Organization for Economic Cooperation and Development Privacy Guidelines** (2011 to 2013). *The OECD Privacy Guidelines on the Protection of Privacy and Transborder Flows* are the most widely-cited international consensus guidelines for privacy protection. In late 2011 I was named as the sole U.S.

academic for the working group considering revision of these Guidelines, with workshops in Brussels, Paris, and elsewhere.

**Guest blogger, Lawfare** (2015-present), **International Association of Privacy Professionals** (2013-present); **ConcurringOpinions.com** (2012-2013).

**Markle Foundation.** “Markle works to realize the full potential of information and information technology to address critical public needs, particularly in the areas of health and national security.” In 2005-2006, I served as an Associate to the Task Force on National Security in the Information Age. In 2004-2006, I served on the Connecting for Health Task Force.

**Reporter, Committee on Technology and Privacy, The Constitution Project: The Liberty and Security Initiative,** 2002-2004. *This project focused on privacy and security in the wake of the attacks of September 11, 2001.*

**Consulting Expert, Organization for Economic Cooperation and Development,** on project for assessing fair information practices for genetic information, 2001-2002.

**Consulting expert, U.S. Department of Commerce,** to lead federal inter-agency delegation to six European countries for research concerning the safe harbor principles for transfers of data between the European Union and the United States, 1998-1999.

**Consulting expert, Center for Legal and Social Research** (headed by Dr. Alan Westin), on Model Contracts Project for Transborder Data Flows, 1998-1999.

**Associate Director of Studies, The American Agenda** (assisted on domestic and economic policy issues in preparation of bipartisan report to President-elect), June-November 1988.

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## Professional Service – Editorial Boards

Editor, Cyberspace Law Abstracts of the Social Science Research Network. *One of two editors, originally with Larry Lessig and now with Jonathan Zittrain.* (1998 – present) (on leave while in government).

Faculty Editor, *I/S: A Journal of Law and Society for the Information Age* (2004 – 2013) (on leave while in government).

Editorial Board, *Journal of National Security Law and Policy* (2004 – 2020) (on leave while in government).

Advisory Board, *BNA Electronic Commerce Report* (2003 – 2020).

Advisory Board, *Privacy & Information Law Reporter* (2002 – 2008).

Editorial Advisory Board, *Electronic Banking Law & Commerce Report* (1997-1999).

Selected Program Committees: Requirements Engineering Law '13, '14, '15; Telerise '15; Cybersecurity Law and Policy Scholars Conference, '20, '21.

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## Professional Service – Selected Industry Advisory Boards

Member, Intel Privacy and Security Advisory Board, 2005-2015 (on leave while in government).

Member, Trustworthy Computing Academic Advisory Board, Microsoft, 2003-08, 2012-2014.

Advisory Board, Sensity, 2013-2016.

Advisory Board, Strevus, 2013-2015.

Advisory Board, Enlocked, 2013-2015.

Advisory Board, Sentrigo, 2006-2009.

Academic advisor, Google Health Care Board, 2006-07.

Member, IBM Privacy and Security Advisory Board, 2001-02.

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## University Service

**Georgia Institute of Technology, Scheller College of Business**, 2013-present. *Associate Director for Policy, Institute for Information Security and Privacy; Scheller College Representative, Institute for Data Engineering and Science; Scheller College Promotion & Tenure Review Committee; Scheller College Strategic Planning Committee (twice, co-chair 2020-2021); Member, Institute-wide Data Science Faculty Council. School of Cybersecurity and Privacy*, 2020-present, *Chair, Faculty Affairs Committee; Member, Faculty Hiring Committee.*

**Director, Washington, D.C. Summer Law Program of the Moritz College of Law**, 2002-2013. *Each summer approximately 20 Moritz law students worked in internships, approximately half in federal agencies and half in non-profits. I worked closely with each student to secure a good internship, and taught two courses to them in the summer.*

**Faculty Editor, “Privacy Year in Review,” for I/S: A Journal of Law and Policy for the Information Society**, 2004-2013. *This issue for several years was distributed to all members of the International Association of Privacy Professionals, and at that time I supervised 10-14 student note publications for this issue.*

**Committee memberships:** *I served on a range of committees at Ohio State, including appointments, long-range planning, promotion & tenure, and as an advisor to the Dean on press relations.*

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## Teaching

**Georgia Institute of Technology, Scheller College of Business**, Professor (2013-present).

- Privacy Technology, Policy, and Law
- Privacy for Professionals (online course)
- Information Security Strategies and Policy
- Introduction to Business Law
- Executive education and MBA programs on cybersecurity and privacy

**Ohio State University, Moritz College of Law**, Associate Professor (1996-1998), Professor (1998 – 2013) (except for leave):

- Antitrust
- Business Associations
- Environmental Law
- Environmental Law Topics (seminar)
- Ethics of Washington Lawyering

- Financial Crisis (seminar)
- Introduction to U.S. Law
- Law of Cybersecurity
- Law of Cyberspace
- Privacy and Cyberspace (seminar)
- Privacy Law
- Torts
- Washington, D.C. summer program externship seminar

**George Washington University Law School**, Visiting Professor (2001 – 2002), Adjunct Professor (2002 – 09):

- Business Associations
- Ethics of Washington Lawyering (cross-listed in summers with Ohio State)
- Law of Cyberspace
- Torts

**University of Virginia School of Law**, Associate Professor (1990 – 1996):

- Banking Regulation
- Environmental Law
- Legislation
- Regulation in the Information Age (seminar)
- Regulation of Toxics
- Torts

**Georgetown University Law School**, Adjunct Professor (1990)

- Alternative Dispute Resolution

## Presentations (2017 to July, 2021)

*Full list of presentations, with links to materials, available at [www.peterswire.net](http://www.peterswire.net)*

Panelist, “Cross-Border Data Transfers: A Conversation,” TeachPrivacy Webinar, December, 2021.

Panelist, “Privacy Protections for Government Requests Across Borders: EU and Globally,” IAPP Europe Data Protection Congress 2021, Brussels, November, 2021.

Panelist, “Global Challenges: Cross-Border Data Transfers, Challenges to Government Process, and International Considerations,” Alston & Bird Third Annual Cyber, Privacy, and Litigation Summit – Back to Basics and New Trends, September, 2021.

Panelist, “Trans-Atlantic Data Flows: What’s Next After the EU-U.S. Privacy Shield,” Brookings Center for Technology Innovation (Online), July, 2021.

Panelist, “The New SCCs and EDPB Guidance,” Alston & Bird Webinar, July, 2021.

Panelist, “Global Data Protection Regulation: Compliance Challenges and Opportunities,” Tel Aviv Cyber Week (Online), July, 2021.

Panelist, “Schrems II One Year Later,” The Information Technology Industry Council (Online), July, 2021.

Keynote Speaker, “American Perspectives on Transatlantic Data Flows,” Wilson Center event on Data Flows (Online), July, 2021.

Moderator, “Data Portability as an Interim Step Toward Interoperability,” OECD Webinar on Data Portability, June, 2021.

Testimony before OECD Competition Committee on “Data Portability, Interoperability, and Competition,” (Online), June, 2021.

Panelist, “Creating Privacy Protections for Government Requests Across Borders,” IAPP (Virtual), June, 2021.

Speaker, “Facebook and Data Protection: Ten Sources of Frustration,” The City Law School’s Webinar on the Law of Facebook (Online), April, 2021.

Speaker, “Trends in Data Localization and Minimization,” Conference Board CPO Council, (Online), March, 2021.

Featured Speaker, “Enhancing the EU-US Privacy Shield,” Centre for Information Policy Leadership’s (CIPL) Fireside Chat with Deputy Assistant Secretary Christopher Hoff and Professor Peter Swire (Online), March, 2021.

Speaker, “Privacy Today: EU, U.S., and the World,” UPS Privacy Day, February, 2021.

Keynote, “US and Global Privacy in 2021,” Privacy & Technology Law Institute of the Technology & Privacy section of the Georgia Bar, (Online), February, 2021.

Panelist and Award Recipient, “After Schrems II: A Proposal to Meet the Individual Redress Problem,” 11<sup>th</sup> Annual Privacy Papers for Policymakers, Future of Privacy Forum (Online), February, 2021.

Panelist, “Finding a Way Forward on Digital Trade,” Building a Better Future Through Trade, 2021 Washington International Trade Conference (Online), February, 2021.

Panelist, “Government Access to Data after *Schrems II*, Brexit, and the CLOUD Act,” Computers, Privacy & Data Protection ’21 (Online), January, 2021.

Moderator, “Data Portability, Competition, Privacy, and Cybersecurity,” Computers, Privacy & Data Protection ’21 (Online), January, 2021.

"Rebuilding the Civic Square: A Discussion on Rebuilding Democracy," Georgia Tech Inauguration Day Video, January, 2021.

“Setting the Regulatory and Legal Context,” National Academies Workshop on “Borders, Cyber Resilience, and the Implications of Data Localization,” National Academies Forum on Cyber-Resilience (Online), December, 2020.

Panelist, “The Future of EU-US Data Flows Post-Schrems: Challenges and Opportunities,” Information Technology Industry Council (Online), December, 2020.

Panelist, “OECD Online Expert Workshop on Data Portability,” Organization for Economic Cooperation and Development (Online), November, 2020.

Panelist, “Virtual Roundtable on the Schrems II Mandate,” Centre for Information Policy Leadership (Online), October, 2020.

Panelist, “You Did What With the Data? The Role of Data Ethics and Classification within your Data Governance Program,” Association of Corporate Counsel Annual Meeting (Online) October, 2020.

Panelist, “Implications of Data Portability: A Consumer Protection Tool or Burden?,” Federalist Society Regulatory Transparency Project (Online), October, 2020.

Introductory speech, “An Overview of Data Portability: Concepts and Terminology,” Data to Go: An FTC

Workshop on Data Portability (Online), September, 2020.

Panelist, “Reconciling the Risks and Benefits of Data Portability,” Data to Go: An FTC Workshop on Data Portability (Online), September, 2020.

“Comparing Privacy and Autonomy in the European Union and United States,” Symposium on the Interaction of Privacy and Autonomy, Georgia Tech Library (Online), August, 2020.

“The Schrems II Decision and its Transatlantic Implications,” German Marshall Fund (Online), July, 2020.

“Preparing for the Schrems II Decision,” Information Technology Industry Council Privacy Committee (Online), July, 2020.

“The Portability and Other Required Transfers Impact Assessment (“PORT-IA”): Assessing Competition, Privacy, Cybersecurity, and Other Considerations,” Privacy Law Scholars Conference 2020 (Online), May, 2020.

“A New Task for Privacy Professionals: the Portability and Other Required Transfers Impact Assessment (PORT-IA),” Privacy + Security Conference (Online), May, 2020.

Panelist, “Challenges and solutions to the implementation and regulation of data portability,” Online Expert Discussion in Preparation for OECD Expert Workshop on Data Portability, Paris, April, 2020.

“Cloud Act, GDPR: International Insights on Privacy and Data Management,” Fondation pour la Recherche Stratégique, Paris, January 2020.

“Briefing on Cross-Border Data Issues,” Institut d’Etudes Politiques de Paris, Paris, January 2020.

“Cloud Act, GDPR: International Insights on Privacy and Data Management,” American Chamber of Commerce, Paris, January 2020.

Panelist, “Access to Digital Evidence: From Blocking Statutes to International Agreements?” Computers, Privacy & Data Protection ‘2020, Brussels, January 2020.

“The Implications of the Schrems II Case for Privacy Shield and US-EU Law Enforcement Cooperation,” German Marshall Fund, Brussels, January 2020.

“The Affected State: A Useful Concept for Cross Border Access to E-Evidence,” Octopus Conference: Cooperation Against Cybercrime, Strasbourg, November 2019 (with Théodore Christakis).

“E-Evidence and the Globalisation of Criminal Evidence,” IAPP Brussels Privacy Symposium, Brussels, November 2019).

“Origins of Analysis of Intersection of Privacy and Competition Law,” Future of Privacy Forum Conference on Exploring the Intersection of Data Protection and Competition Law, Brussels, November 2019.

Commenter, “Snowden’s Long Shadow: Recasting Domestic and Global Privacy Debates,” Berkeley Center for Law and Technology, Berkeley, November 2019.

Panelist, “The Globalization of Criminal Evidence,” Privacy + Security Forum, Washington, D.C., October 2019.

“The Federal Trade Commission, Privacy, and Historic New Challenges,” Georgetown: Tech Foundations for Congressional Staff, Washington, DC, August 2019.

Keynote, “The Pedagogic Cybersecurity Framework and the Non-Code Aspects of Cybersecurity,” Workshop on the Economics of Cybersecurity, Cambridge MA, June, 2019.

“Expanding the OSI Stack to Describe Categories of Privacy Tasks: The Privacy Institutions Risk Management Framework,” Drafting the NIST Privacy Framework, Workshop #2, Atlanta, May, 2019.

“Is Privacy Dead? Reports of Its Death (May) Have Been Greatly Exaggerated,” Princeton Mini-Reunion, Atlanta, March, 2019.

Report release, “India-US Data Sharing for Law Enforcement: Blueprints for Reform,” Observer Research Foundation, New Delhi, January, 2019.

Panelist, “Walls or Bridges: The Future of the Networked World,” Asian Forum on Global Governance, New Delhi, January, 2019.

Panelist, “Substantive Issues in Privacy and Defamation Law in the Internet Age: Possibilities of Civil Recovery?” American Associate of Law Schools Conference, Section of Privacy and Defamation Law, New Orleans, January, 2019.

Panelist, “Policy Issues,” Georgia Tech Blockchain Roundtable, Atlanta, December, 2018.

“The European Union as Global Information Regulator,” Engage CISO Roundtable with the Georgia Tech Institute of Information Security and Privacy, Atlanta, December, 2018.

Panelist, “Developments in 2017-2018 on oversight and exchange mechanism in the world,” United Nations Conference on “Latest Challenges to Intelligence Oversight in a Democracy,” Malta, November, 2018.

Panelist, “Training of Oversight Bodies from Inspection to Judicial Review: the UK experience,” United Nations Conference on “Latest Challenges to Intelligence Oversight in a Democracy,” Malta, November, 2018.

Moderator, “The Future of Data in Europe,” Alston & Bird, Brussels, November, 2018.

Webinar, “Binding Corporate Rules: The Process and the Potential Benefits,” Alston & Bird, October, 2018.

Guest Speaker, “Key Legal and Policy Issues in EU/US Data Flows,” Vrije Universiteit Brussel, Brussels, October, 2018.

“Roundtable on US/EU Data Privacy Issues,” Beltug Privacy Council, Brussels, October, 2018.

“Roundtable on US/EU Data Privacy Issues,” German Marshall Fund, Brussels, October, 2018.

Panelist, “Intellectual Property Rights, States and Digital Borders Around Data,” Global Congress on Intellectual Property and Public Interest, American University Washington College of Law, D.C., October, 2018.

Conference Chair Introduction and Overview, Georgia Tech Cybersecurity Summit featuring the Sam Nunn Bank of American Policy Forum, Atlanta, October, 2018.

Webinar, “Navigating the California Consumer Privacy Act of 2018,” Alston & Bird, September, 2018.

Panelist, “The Legislative Evolution of Cross-Border Evidence Gathering,” Fair Trials Conference on Judicial Cooperation in Criminal Matters and Electronic IT Data in the EU,” Brussels, Belgium, July 2018.

“The Important, Justifiable, and Restrained Role of Nationality in Foreign Intelligence Surveillance,” Privacy Law Scholars 2018, Washington, D.C., June 2018.

Moderator, “Privacy and Competition – Big Issues for Big Data,” IAPP Privacy Summit, Washington, D.C., April 2018.

Panelist, “Clashing Visions for Control over the Internet,” Yale Law School Information Society Conference on Extraterritorial Enforcement: Developing Norms for the Information Society, New Haven, March 2018.

“Modern Surveillance and Privacy,” Arena Forum: Civil Dialogues, Arena Stage, Washington, D.C., March 2018.

“The Clash of the EU and U.S. on Privacy & National Security,” Atlanta Council on International Relations, Atlanta, March 2018.

“The Economics of Cybersecurity: Breach & Liability Rules,” March Atlanta Economics Club Luncheon, Federal Reserve Bank of Atlanta, March 2018.

“The Big Picture on GDPR and the Rising Importance of Privacy Compliance,” ISACA GDPR Summit, Atlanta March 2018.

“Lectio Magistralis: Should the EU Decide to Separate from the US Based on Data Protection Law?” European Data Protection Supervisor, Brussels, Belgium, January 2018.

“Regulating Big Tech in a Post-Truth World,” Asian Forum on Global Governance conference on Managing Disruptive Transitions, New Delhi, January 2018.

“The Non-Code Layers of the Cyberstack – Lessons for Cybersecurity,” Scheller College of Business Faculty Workshop, Georgia Tech, Atlanta, December 2017.

“Privacy, Cybersecurity and Data Analytics,” Bowles Symposium 2017 on “Predictive Analytics and Risk Analytics,” Georgia State University, Atlanta, November, 2017.

“Privacy and Cybersecurity Lessons at the Intersection of the Internet of Things and Policy Body Worn Cameras,” at University of North Carolina Law Review Symposium on “Badge Cams as Data and Deterrent: law Enforcement, the Public, and the Press in the Age of the Digital Video,” Chapel Hill NC, November, 2017.

**Keynote:** “The Big Picture on Privacy and Cybersecurity for Technology Lawyers,” Georgia Bar Association, Atlanta, October, 2017.

Workshop, “The Ethical Reuse of Data in a Machine Learning Age,” Georgetown University Law School, Washington, D.C., October, 2017.

Workshop, “Cyber Policy and Security in Higher Education,” Stanford University, Palo Alto, October, 2017.

“The Non-Code Layers of the Cyber Stack & the Globalization of Criminal Evidence,” Institute for Information Security and Privacy, Georgia Tech, Atlanta, October, 2017.

Panelist, “GDPR—DPOs, PIAs & Data Mapping,” National CISO Policy Conference, National Technology Security Coalition, Atlanta, October, 2017.

Moderator: “Education and Cybersecurity,” National CISO Policy Conference, National Technology Security Coalition, Atlanta, October, 2017.

“Understanding Why Citizenship Matters for Surveillance Rules,” Center for Applied Cybersecurity Research, Indiana Law School, Bloomington, September, 2017.

“The Non-Code Lawyers of the Cyber Stack,” Program on Cybersecurity & Internet Governance, Indiana University, Bloomington, September, 2017.

“The Globalization of Criminal Evidence and the Importance of Attribution,” Cyber Security Summit, Georgia Tech

Institute for Information Security and Privacy, Atlanta, September, 2017.

“Surveillance Oversight, Intelligence Sharing, and the Rule of Law,” @lantic Series Policy Conference, University of Maastricht, September, 2017.

“Layers of the Cyberstack: Lessons for Cybersecurity,” Academy of Legal Studies of Business, Savannah, August, 2017.

“Service Providers as Adjudicators of Nationality: When Should Citizenship Matter to Surveillance Rules?” Conference on Technology Giants, Sovereign Power, And Surveillance, Hoover Institute, Washington, D.C., July, 2017.

Commenter, “Reconciling Trade and Privacy Concerns in the EU-US Context,” 2017 Privacy Law Scholars Conference, Berkeley, June, 2017.

Panelist, “Cyber MayDay: A Bipartisan Approach to Cyber,” (with U.S. Reps. Tom Graves and Krysten Sinema) Georgia Tech, Atlanta, May, 2017.

**Keynote**, “Key Policy and Legal Issues for CISOs,” Information Systems Security Association CISO Executive Forum on Information Security, Privacy and Legal Collaboration, Washington, D.C., April, 2017.

Panelist, “Schrems, the Sequel,” International Association of Privacy Professionals Global Summit, Washington, D.C., April, 2017.

“Introduction to Surveillance, Privacy, & Data Across Borders: Transatlantic Perspectives,” Georgia Tech Conference on Surveillance, Privacy, & Data Across Borders, Atlanta, April, 2017.

**Keynote**, “Cybersecurity: View from the Boardroom, the White House, and the Hacker,” Adhesives and Sealant Council Spring Convention, Atlanta, April, 2017.

Panelist, “European Union and Other Key Policy Issues,” National Technology Security Council Regional CISO Roundtable, Dallas, April, 2017.

Panelist, “Data Protection: Global Convergence or Roads Diverged?” ABA Spring Antitrust Meeting, Washington D.C., March, 2017.

Panelist, “Developments in the European Union and Data Breach Policy” National Technology Security Council Regional CISO Roundtable, Atlanta, February, 2017.

Plenary Panel, “The Caspar Bowden Panel on Privacy Shield and Mass Surveillance,” Computers, Privacy, and Data Protection ’17, Brussels, January, 2017.

Moderator, “Privacy and Cross-Border Requests for Data,” Computers, Privacy, and Data Protection ’17, Brussels, January, 2017.

## **Other**

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### **Press:**

Very extensive interviews for the press, including in all major U.S. papers, on national television, and in the international media. For details, see [www.peterswire.net/pspress.htm](http://www.peterswire.net/pspress.htm).

### **Languages:**

French (excellent), Spanish (fair to good).

**Personal:**

Lifelong science fiction fan; improving at golf (from a low base); two adult sons, Nathan and Jesse. Married 2013 to Annie Antón, Professor in the School of Interactive Computing at Georgia Tech.