

# **INFORMATION PRIVACY STATUTES AND REGULATIONS 2008-2009**

**This compendium of information privacy statutes and regulations is designed for use both as a stand-alone resource as well as a statutory supplement to our casebooks:**

**INFORMATION PRIVACY LAW (2nd edition, 2006)**

**PRIVACY, INFORMATION, AND TECHNOLOGY (1st edition, 2006)**

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**INFORMATION PRIVACY  
STATUTES AND REGULATIONS  
2008-2009**

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## PREFACE

The publication of this compilation of leading statutes and regulations of information privacy law provides an ideal perspective for a look back over the past decade of information privacy law, and a look forward to the next decade. Over the past ten years, two important developments have been the rise of information privacy professionals and an increase in statutory and other kinds of information privacy regulations.

Regarding the first development, the past decade has seen the emergence of the information privacy professional. Thus, a Fortune 500 company will not only have a Chief Executive Officer and a Chief Financial Officer, but also a Chief Privacy Officer (CPO). The federal government has also instituted such a job at agencies, including the Department of Justice, Central Intelligence Agency, Internal Revenue Service, and Department of Homeland Security. There is even now a membership organization for experts in this field, the International Association of Privacy Professionals, and a privacy conference likely underway somewhere in the United States every week in the year. In the law academy, this professionalization has encouraged more schools to offer courses in information privacy law. This subject is not merely a fascinating and rewarding area for study, but a growth area for employment.

Regarding the second development, the past decade has seen a dramatic increase in information privacy statutes and regulations. Previously, the most intensive period for statutory information privacy law in the United States was the decade from 1968 to 1978. That period is bookmarked at its start by the conclusion of President Johnson's Great Society and at its conclusion by the Watergate scandal and its aftermath. Between 1968 and 1978, Congress enacted many important privacy statutes: the Bank Secrecy Act, Fair Credit Reporting Act, the Family Educational Rights and Privacy Act, the Foreign Intelligence Surveillance Act, the Privacy Act, the Right to Financial Privacy Act, and the Wiretap Act.

If we fast forward to the present, we are now in another intensive period of privacy regulation. The last few years have seen new laws and regulations, including the USA-Patriot Act, the CAN-SPAM Act, the Real ID Act, and the Video Voyeurism Prevention Act. In addition, the past years have seen major amendments to the Electronics Communication Privacy Act, the Fair Credit Reporting Act, and the Foreign Intelligence Surveillance Act.

What then of the next ten years? Yogi Berra, philosopher and member of the Baseball Hall of Fame, once said, "It's tough to make predictions, especially about the future." Heeding this insight, we will cautiously return to the two trends already noted. It is likely that the growth of privacy as a legal field will continue—in particular, the availability of the CPO as an organizational model is likely to encourage even more companies to institute such figures. Moreover, we think that the regulatory web of privacy law will continue to increase in its density. It is our hope that this compilation will assist privacy professionals, lawyers, regulators, and privacy students alike in understanding and practicing information privacy law.

For more information about our casebook, INFORMATION PRIVACY LAW, as well as additional resources, visit <http://informationprivacylaw.com>.

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