

# Privacy Law Fundamentals 2019

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– David A. Hoffman, *Intel Corporation*



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## DEDICATION

To Pamela and Griffin—DJS

To Steffie, Clara and Leo—PMS





## PREFACE

This book provides a concise guide to privacy law. *Privacy Law Fundamentals* is designed to serve as a primer of the essential information that one needs to know about the field. For the student of privacy law or the beginning privacy professional, the book will provide an overview that can be digested readily. For the more seasoned and experienced, the book will serve as a handy reference guide, a way to refresh one's memory of key components of privacy laws and central cases. It will help close gaps in knowledge and inform on areas of the field about which one wants to know more.

In writing this book, we have aimed to avoid the “too much information” problem by singling out the essential provisions of law, regulations, and judicial decisions. A frequent risk in law books is that key definitions, provisions, and concepts will become lost in a litany of long and dense statutes and in a mass of cases. We have endeavored to distill the field down to its fundamentals and present this information in as clear and useful a manner as we could. Wherever possible, we have developed charts and lists to convey the material.

The book is organized in 12 chapters:

- Chapter One—an overview of privacy law in all its varied types and forms and a timeline with key points in the development of privacy law.
- Chapter Two—privacy law involving the media, including the privacy torts, defamation, and the First Amendment.
- Chapter Three—the law of domestic law enforcement, focusing on the Fourth Amendment and the statutes regulating electronic surveillance.
- Chapter Four—national security law, including the Foreign Intelligence Surveillance Act.
- Chapter Five—the laws and regulations that pertain to health and genetic data, including HIPAA.

- Chapter Six—government records and laws, such as the Privacy Act and the Freedom of Information Act.
- Chapter Seven—the laws concerning financial information, including the Fair Credit Reporting Act and the Gramm-Leach-Bliley Act.
- Chapter Eight—legal regulation of the privacy of consumer data and business records, involving statutes, tort protections, and FTC enforcement actions.
- Chapter Nine—data security law, including the varying laws in all the states.
- Chapter Ten—school privacy, including the Family Educational Rights and Privacy Act.
- Chapter Eleven—the regulation of employment privacy, including the different rules for government and private-sector employees.
- Chapter Twelve—international privacy law, including the General Data Protection Regulation, the OECD Guidelines, the APEC Privacy Framework, and rules of international data transfers.

For his suggestions on our chapter about school privacy, we wish to thank Steven McDonald. This book also benefitted greatly from the research assistance of Lorraine Abdulahad, Deborah Choi, Luisa Domenichini, Russell Fink, Charlotte Kress, Annie Lee, Brittany Johnson, Harris Mateen, Michelle Park, Sanjana Parikh, Amelie Raepple, and Sarah Suwanda.

For further references, including books, websites, statutes, and other sources of news and legal materials, visit our website ([www.informationprivacylaw.com](http://www.informationprivacylaw.com)), and for our casebooks, click on the “resources” tab at the top.

We look forward to keeping this book up to date and to finding additional ways to make it as useful as possible. Please feel free to contact us with any suggestions and feedback about the book.

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