

IRA S. RUBINSTEIN

Information Law Institute
New York University School of Law
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New York, NY 10012
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Research Interests

Privacy, surveillance law, privacy engineering, big data, voter privacy, regulatory models, local privacy regulation

Education

Yale Law School, J.D., 1985
SUNY at Stony Brook, M.A., Philosophy, 1978
Clark University, B.A. cum laude, 1974, Phi Beta Kappa

Academic Experience

New York University School of Law
Senior Fellow Information Law Institute, 2008-present
Adjunct Professor of Law, 2008-present

Professional Experience

Microsoft Corporation
Associate General Counsel, 2000-2007
Senior Corporate Attorney, 1993-2000
Corporate Attorney, 1990-1993

MacDonald, Hoague & Bayless, Seattle WA
Associate, 1988-1990

Riddell, Williams, Bullitt, & Walkinshaw, Seattle, WA
Associate, 1985-1988

Professional Activities

Senior Fellow, Future of Privacy Forum	2016-
Organizing Committee, Privacy by Design Workshops, Computing Research Association , Computing Community Consortium (CCC)	2015-2016

Rapporteur, EU-US Privacy Bridges Project , for presentation at 2015 International Conference of Privacy and Data Protection Commissioners in Amsterdam, 28-29 October 2015	2014-15
Board of Advisors, American Law Institute , Restatement Third, Information Privacy Principles	2013-2018
Board of Directors, Center for Democracy and Technology	2010-2016
Member, Editorial Board, IEEE Security and Privacy	2005-2006

Publications

Journal Articles

Ira S. Rubinstein and Nathaniel Good, The Trouble with Article 25 and How to Fix It, *International Data Privacy Law* (forthcoming)

Ira S. Rubinstein, Privacy Localism, 93 *Washington Law Review* 1961 (2018)

Ira Rubinstein and Woodrow Hartzog, Anonymization and Risk, 91 *Washington Law Review* 703 (2016)

Ira S. Rubinstein, Voter Privacy in the Age of Big Data, 2014 *Wisconsin Law Review* 861 (2014)

Ira S. Rubinstein and Joris V.J. van Hoboken, Privacy and Security in the Cloud: Some Realism about Technical Solutions to Transnational Surveillance in the Post-Snowden Era, 66 *Maine Law Review* 487 (2014)

Ira S. Rubinstein, Gregory T. Nojeim, and Ronald D. Lee, Systematic Government Access to Personal Data: A Comparative Analysis, 4 *International Data Privacy Law* 96 (2014)

Ira Rubinstein and Nathan Good, Privacy by Design: A Counterfactual Analysis of Google and Facebook Privacy Incidents, 28 *Berkeley Technology Law Journal* 1333 (2013)

Ira Rubinstein, Big Data: The End of Privacy or a New Beginning? 3 *International Data Privacy Law* 74 (2013)

Ira Rubinstein, Fred Cate, and Jim Dempsey, Guest Editorial: Systematic Government Access to Private-Sector Data, 2 *International Data Privacy Law* 195 (2012)

Ira Rubinstein, Regulating Privacy by Design, 26 *Berkeley Technology Law Journal* 1409 (2012)

Ira Rubinstein and Dennis Hirsch, Better Safe than Sorry: Designing Effective Safe Harbor Programs for Consumer Privacy Legislation, 10 BNA Privacy & Security Law Report 1639 (2011)

Ira Rubinstein, Privacy and Regulatory Innovation: Moving Beyond Voluntary Codes, 6 I/S: A Journal of Law and Policy for the Information Society 356 (2011)

Ira Rubinstein, Ronald Lee and Paul Schwartz, Data Mining and Internet Profiling: Emerging Regulatory and Technical Approaches, 75 University of Chicago Law Review 261 (2008)

Ira Rubinstein and Jim Dempsey and, Lawyers and Technologists: Joined at the Hip? Guest Editors' Introduction to IEEE Security and Privacy Magazine, Vol. 4, Issue 3 (May/June 2006)

Works in Progress

Governing Privacy in the Datafied City
Privacy in the City (NYU Press, forthcoming)

Reports

Ira Rubinstein (rapporteur), Privacy Bridges: EU and US privacy experts in search of transatlantic privacy solutions, EU-US Privacy Bridges Project (2015),
<https://privacybridges.mit.edu/sites/default/files/.../PrivacyBridges-FINAL.pdf>

Book Chapters and Monographs

Ira S. Rubinstein and Bilyana Petkova, The International Impact of the General Data Protection Regulation, in *Commentary on the General Data Protection Regulation* (Marc Cole & Franziska Boehm, eds., 2018).

Ira S. Rubinstein, The Future of Self-Regulation is Co-Regulation, in *The Cambridge Handbook of Consumer Privacy* (Evan Selinger, Jules Polonetsky, & Omer Tene, eds., 2018)

Ira S. Rubinstein, Gregory T. Nojeim, and Ronald D. Lee, Systematic Government Access to Private-Sector Data: A Comparative Analysis, in *Bulk Collection: Systematic Government Access to Private-Sector Data*, (Fred H. Cate & James X. Dempsey, eds., 2017)

John R. Liebman and Ira S. Rubinstein, Encryption Export Controls, in *United States Export Controls*, 4th ed. (William A. Root and John R. Liebman, eds., 2000)

Ira Rubinstein, Export Controls and Immigration Law, 93-3 Immigration Briefings, March 1993

Other Publications

Ira Rubinstein and Woodrow Hartzog, The Anonymization Debate Should Be About Risk, Not Perfection, 60 Communications of the ACM 22 (2017)

Awards

Future of Privacy Forum, “Privacy Papers for Policymakers” Award (2018), Privacy Localism

Future of Privacy Forum, “Privacy Papers for Policymakers” Award (2016), Anonymization and Risk (with Woodrow Hartzog)

International Association of Privacy Professionals/Future of Privacy Forum, Best Paper Award, Ira Rubinstein & Nathan Good, (2012), Privacy by Design: A Counterfactual Analysis of Google and Facebook Privacy Incidents, 5th Annual Privacy Law Scholarship Conference

Future of Privacy Forum, “Privacy Papers for Policymakers” Award (2010), Privacy and Regulatory Innovation: Moving Beyond Voluntary Codes

Congressional Testimony

Hearing on “H.R. 5777, the BEST PRACTICES Act, and the Boucher-Stearns Discussion Draft,” before the House Subcommittee on Commerce, Trade, and Consumer Protection (July 22, 2010)

Hearing on “Combating Spyware: H.R. 29, the SPY Act,” before the House Committee on Energy and Commerce (January 26, 2005)

Hearing on “Internet Privacy” before the Senate Committee on Commerce, Science and Transportation (July 11, 2001)

Hearing on “Encryption: Security in a High Tech Era,” before the House Committee on International Relations, Subcommittee on International Economic Policy and Trade (May 18, 1999)

Hearing on the Security & Freedom through Encryption (SAFE) Act (H.R. 695), before the House Judiciary Committee, Subcommittee on Courts & Intellectual Property (March 20, 1997)

Volunteer and Community Activities

Board of Directors, **Seattle Public Library Foundation** 2006-2012

Board of Directors and Treasurer, **Washington Appleseed** 2005-2007

Member, External Board of Editors, **Shidler Journal of Law**, 2005-2007

Commerce and Technology , Univ. of Washington Law School	
Member, Committee on “Workforce Needs in Information Technology,” National Academy of Science, Computer Science and Technology Board	1999-2000
Member of International Chamber of Commerce Delegation to UNCITRAL , Working Group on Electronic Commerce, Vienna	1998
Member of U.S. Delegation to Ministerial Conference, (OECD) , A Borderless World - Realizing the Potential for Global Electronic Commerce, Ottawa	1998
President’s Export Council, Subcommittee on Encryption	1998-2001
Steering Committee, Americans for Computer Privacy	1998-1999
Member of U.S. Delegation, Ad Hoc Group of Experts on Cryptography Policy (OECD) , Paris	1995-1996
Steering Committee, American Business for Legal Immigration	1996-2000
Board of Governors, American Immigration Lawyers Association	1996-1998
Trustee, American Immigration Lawyers Foundation	1995-1999
Member, Carnegie Endowment for International Peace, Int’l Migration Policy Program , Study Group on Labor Certification	1994-1996
Member, Business Software Alliance , Encryption Working Group	1993-1999

Conference Papers

Ira Rubinstein, “Big Data: A Pretty Good Privacy Solution,” Future of Privacy Forum and the Stanford Center for Internet & Society’s “Big Data and Privacy: Making Ends Meet” Workshop, September 10, 2013

Ira Rubinstein, “New Domestic Information Privacy and Security Legislation and Policy: The Last 12 Months in State Legislatures, Congress, and Executive Agencies,” 7th Annual Institute on Privacy Law: Evolving Laws and Practices in a Security-Driven World, Practising Law Institute, San Francisco, June 5, 2006 and Chicago, July 17, 2006

Ira Rubinstein, “Privacy Statements, Online Profiling and Self-Regulation,” 3rd Annual Institute on Privacy Law: New Developments and Issues in a Security-Conscious World, Practising Law Institute, San Francisco, June 3, 2002

Ira Rubinstein, "Chief Privacy Officers and Privacy Statements," Privacy Law: New Developments and Issues in a Security-Conscious World, Practising Law Institute Satellite Program, December 6, 2001

Ira S. Rubinstein & Michael Hintze, "Export Controls on Encryption Software," Coping with U.S. Export Controls, Practising Law Institute, December 2000

Ira Rubinstein, "Export Controls on Encryption Software," Coping with U.S. Export Controls, Practising Law Institute, December 1998

Ira Rubinstein, "Export Controls on Encryption Software," Coping with U.S. Export Controls, Practising Law Institute, December 1997

Ira Rubinstein, "Export Controls on Encryption Software," Coping with U.S. Export Controls, Practising Law Institute, December 1996

Ira Rubinstein, "Export Controls on Encryption Software," Coping with U.S. Export Controls, Practising Law Institute, December 1995

Ira Rubinstein, "Non-Immigrant Visas for Professionals: H-1B's & TNs," Northwest Regional Immigration Seminar, 1995

Ira Rubinstein, "Export Controls on Encryption Software," Coping with U.S. Export Controls, Practising Law Institute, December 1994

Ira Rubinstein, "Export Controls in a World Without Borders: Legal & Policy Issues," Lawyering as Industries Converge, Computer Law Association, September, 1994

Ira Rubinstein, "H-1B Issues," Northwest Regional Immigration Seminar, 1994

Ira Rubinstein, "H-1B & L-1 Practice Pointers," Northwest Regional Immigration Seminar, 1993

Ira Rubinstein, "Export Controls," International Commercial Law, International Law Institute, May, 1992

Ira Rubinstein, "Labor Conditions Attestations," Northwest Regional Immigration Seminar, 1992

Ira Rubinstein, "Immigration Consequences of Drug Convictions," Washington Defender's Association, March 3, 1989

Ira Rubinstein, "Immigration Consequences of Criminal Activity," Washington State Bar News; Vol. 43, No. 7, July 1989

Presentations, Lectures, Speeches and Conferences

Invited speaker, Privacy in the City: How Data Shapes City Identities, State and Local Government Law Conference, University of Virginia, September 20, 2019

Invited speaker, Privacy in the City: How Data Shapes City Identities, 12th Annual Privacy Law Scholars Conference (PLSC), Boalt Hall Law School (Berkeley), May 31, 2019

Invited speaker, Article 25 of the GDPR and Product Design: A Critical View of “Data Protection by Design and Default,” 11th Annual Privacy Law Scholars Conference (PLSC), George Washington University, May 30, 2018

Co-organizer and invited speaker, Privacy Localism: A New Research Agenda, NYU School of Law, Nov. 3, 2017

Invited speaker, Privacy Localism, 10th Annual Privacy Law Scholars Conference (PLSC), Boalt Hall Law School (Berkeley), June 2, 2017

Moderator, Panel on Regulatory Approaches to Explanation, Algorithms and Explanations Conference, NYU School of Law, April 27, 2017

NYU School of Law Invited speaker, Data Protection Oversight of Security and Intelligence: The Role of Data Protection Authorities in a Changing Society, Closed Session, 37th International Conference of Data Protection and Privacy Commissioners, Amsterdam, October 26, 2015

Invited speaker, The Maryland Journal of Business & Technology Law's 2016 Symposium, Bulk Data Collection and Personal Privacy, University of Maryland, April 1, 2016

Invited speaker, The Importance of Being Anonymous, IAPP Europe Data Protection Congress 2016, Brussels, Nov. 10, 2016

Co-organizer and speaker, Brussels Privacy Symposium-Identifiability: Policy and Practical Solutions for Anonymization and Pseudonymization, Nov. 8, 2016

Invited presentation on Anonymization and Risk, Amsterdam Privacy Conference, October 24, 2015

Introductory Remarks, How Technology Impacts Civil Liberties, Town Hall, Seattle, July 14, 2015

Invited speaker, Anonymization and Risk, 8th Annual Privacy Law Scholars Conference (PLSC), Boalt Hall Law School (Berkeley), June 5, 2015

Panelist, Transnational and Foreign Law Perspectives on Cloud Access, Symposium on Government Access to Data in the Cloud, Center on Law and Security and the Information Law Institute at NYU School of Law, May 26 – 27, 2015

Panelist, Security and Trust, Solving Privacy Around the World: Ninth Law & Information Society Symposium Fordham School of Law, May 13, 2015

Panelist, CLE on Cloud Data Access: A Transnational Perspective, NYU School of Law, March 13, 2015

Keynote Presentation, Voter Privacy in the Age of Big Data, Electronic Verification Network, 2015 Annual Conference, March 6, 2015, New Orleans, LA

Invited speaker, NYU Security Research Seminar, presenting a paper on Privacy and Security in the Cloud: Some Realism About Technical Solutions to Transnational Surveillance in the Post-Snowden Era, February 17, 2015, NYU School of Law

Keynote Presentation, Big Data and Privacy—The State of Play, 5th Annual Microsoft Research Privacy Workshop, October 28, 2014, Redmond, WA,

Panelist, Big Data and Privacy, The Future of Privacy and Data Security Regulation, George Mason Law School, May 14, 2014

Panelist, The Future of Privacy, Millbank Tweed Forum, New York University School of Law, April 23, 2014

Panelist, Big Data and Foreign Surveillance – U.S. Law & Institutions, Big Data Symposium, Yale Law School, April 6, 2014

Panelist, Data Privacy & Transparency in Private and Government Data Collection, Cardozo School of Law, April 4, 2014

Presentation, Who's Governing Privacy? Regulation & Protection in a Digital Era, Maine Law Review Symposium, February 21, 2014,

Commentator, Francesca Bignami's "Conflict and Cooperation in the Privacy Sector," Symposium on New Approaches to International Regulatory Cooperation, Institute for International Law & Justice, NYU School of Law, Feb. 27–28, 2014

Panelist, Rethinking Privacy Rights & Responsibilities: Preparing for the E.U.'s Proposed Data Protection Rules, 4th Annual Privacy Identity Innovation Conference, September 16, 2013

Co-presentation with Steven B. Adler, Big Data: The Privacy and Security Implications, Fourteenth Annual Institute on Privacy and Data Security Law, Practising Law Institute, July 15, 2013

Invited speaker, Privacy by Design: A Counterfactual Analysis, 5th Annual Privacy Law Scholars Conference (PLSC), George Washington University Law School, June 8, 2012

Moderator, Conference on Mobile and Location Privacy, New York University School of Law, Information Law Institute, April 13, 2012

Moderator, NYU Journal of Law and Liberty Symposium, No Strings Attached: US Internet Governance in an Increasingly Global World, Feb. 24, 2012

Invited speaker, Regulating Privacy by Design, 4th Annual Privacy Law Scholars Conference (PLSC), Boalt Hall Law School (Berkeley), June 2, 2011

Co-Presentation with Dennis Hirsch, Collaborative Governance for Internet Privacy? The Lessons from Regulatory Experience, New York University School of Law, Information Law Institute, April 7, 2011

Moderator, Law and Accountability in the Age of WikiLeaks, Millbank Tweed Forum, New York University School of Law, March 23, 2011

Moderator, The End of PII, Telecommunications Policy Research Conference, Oct. 1, 2010

Invited speaker at Roundtable: Exploring Privacy, Panel 5: Exploring Existing Regulatory Frameworks, Federal Trade Commission, Washington, DC, Dec. 7, 2009

Invited speaker and Chair, Workshop on Federal Privacy Legislation, Panel on Safe Harbors, NYU Information Law Institute, Oct. 2, 2009

Invited speaker, Anonymity Reconsidered, 2nd Annual Privacy Law Scholars Conference (PLSC), Boalt Hall Law School (Berkeley), June 4-5, 2009

Presentation, Anonymity Reconsidered, NYU Information Law Institute, ITS Colloquium series, with Professors Richard Epstein and Philip Weiser, participating as discussants, November 24, 2008

Panel discussion The Challenge of Personally Identifiable Information in a Networked Society, Workshop on Interdisciplinary Studies in Security and Privacy, Polytechnic Institute of New York University, September 26, 2008

Invited Participant, 1st Annual Privacy Law Scholars Conference (PLSC), George Washington University Law School, June 12-13, 2008

Moderator, Panel on "The Challenge of International Compliance for Data Storage by Search Engines," Second Law and Information Society Symposium: Enforcement, Compliance and Remedies in the Information Society, Center for Law and Information Policy, Fordham Law School, May 29 & 30, 2008

Presentation on Can Technology Protect Privacy? Information Society Project, Yale Law School, October 18, 2007

Presentation on Data Mining and Internet Profiling: Regulatory and Technological Approaches, Conference on Surveillance, University of Chicago Law School, June 15-16, 2007

Lecture on Building Privacy into Product Development, Berkman Center for Internet & Society, Harvard Law School, March 9, 2007.

<http://cyber.law.harvard.edu/home/home?func=viewSubmission&sid=2624&wid=10>

Panel discussion on Marketing Privacy: How is the Marketplace for Privacy Working? at The State of the Net Conference, Washington, DC, January 31, 2007.

Panel Discussion on Promoting Freedom of Expression and the Free Flow of Information on the Internet at Conference on Global Internet Freedom, Department of State, Washington, DC, January 30, 2007.

Panel Discussion on Minding Your Business: The Future of Privacy, US Chamber of Commerce, Washington, DC, December 6, 2006.

Guest Lecturer on Building Privacy into Product Development, UC Berkeley, Boalt Hall School of Law School, November 20, 2006

Presentation on Code and Law: How Should and Might They Mix? Identity Mashup Conference, Harvard Law School, June 20, 2006.

Presentation on Privacy and Civil Liberties in Benign and Hostile Environments, Identity Mashup Conference, Harvard Law School, June 19, 2006.

Presentation on Code Signing as a Spyware Solution, Workshop on Spyware, co-sponsored by Information Law Institute, New York Univ. and Center for Information Technology Policy, Princeton Univ., New York, March 17, 2006.

Presentation on InfoCard and Privacy: A Paradigm Shift? Workshop on User Centric Identity and Commerce, Berkman Center for Internet & Society, Cambridge, February 9-10, 2006

Panel on The Accountable Internet: Establishing Trust While Preserving Internet Values, 15th Annual Conference on Computers, Freedom & Privacy, Seattle, WA, April, 2005

Panel on Regulatory Challenges, Spyware Conference, Berkeley Center for Law and Technology, Berkeley, April 1, 2005

Presentation on The Technologies of Privacy and Privacy Invasion: An Introduction, 4th Annual Institute on Privacy Law: Protecting Your Client in a Security-Conscious World, Practicing Law Institute, San Francisco, June 9, 2003

Panel on Protecting the Public from Spam, Third Internet Law Institute, Nat'l Association of Attorney General, Seattle, April 14, 2003

Panel on Thinking About Optimal Enforcement, Enforcing Privacy Rights Symposium, San Francisco, November 15-16 2002

In-House Panel—How Insiders Navigate Privacy and Security Issues, PLI's 6th Annual Internet Law Institute," San Francisco, July 30, 2002

Panel on Balancing Privacy and Security in a Post 9/11 World, 19th Annual Pacific Rim Computer and Internet Law Institute, Seattle, June 7, 2002

Panel on Solving the Privacy Puzzle: Competition and Consumer Protection Perspectives, The Conference Board, 2002 Antitrust Conference, New York, March 7-8, 2002

Panel on Privacy on the Net, Responding to Privacy Laws Conference, Seattle, November 11, 2001

Presentation on P3P Privacy Features in Microsoft's Browsing Technology, at Third Annual Seattle Conference on Doing Business Online, October 19, 2001

Presentation at conference on Open Source Software Development, Computer Science and Telecommunications Board, National Research Council, October 30, 2001

Panel on Immigration and Export Controls, 2000 Annual Conference, American Immigration Lawyers Association

Presentation on Privacy, Computer Law Conference, Seattle, December 2000

Presentation on Privacy, Computer Law Conference, Seattle, December 1999

Panel on Certification, Authentication, and Electronic Signatures, National Law Center for Inter-American Free Trade, Organization of American States, Washington, DC, October 1999

Panel on Regulation of Certificate Authorities, at the 1999 RSA Data Security Conference, January 1999

Presentation on Developments in the Wassenaar Arrangement, President's Export Council, Subcommittee on Encryption meeting, January 15, 1999

Presentation on Microsoft and the Public Key Infrastructure, ABA Information Security Committee, Oct. 23, 1998

Panel on Computers and Immigration Law, 1998 Annual Conference, American Immigration Lawyers Association

Panel on Washington Policy Update, 1997 RSA Data Security Conference, January 1997

Panel on Special Problems in Representing Computer Professionals and Other
Roving Employees, 28th Annual Immigration & Naturalization Institute, Practicing
Law Institute, December 1995

Presentation on Specialty Occupations/Professionals, 1995 Annual Conference,
American Immigration Lawyers Association

Presentation on Export Controls on Encryption Software, International
Cryptography Institute, National Intellectual Property Institute, September 1995

H-1B Panel, Conference on Northern Service Center, American Immigration
Lawyers Association, March 24, 1995

Presentation on Labor Condition Applications, H-1B Issues Conference, American
Immigration Lawyers Association, March 3, 1995

Presentation on Can We Talk Long Distance? Removing Impediments to Secure
International Communications, Fifth Conference on Computers, Freedom &
Privacy, Stanford Law & Technology Policy Center, March 1995

Presentation on New H-1B Regulations, Third-Thursdays Teleconference, American
Immigration Lawyers Association, January 20, 1995

Consular Processing Round Table, presented at 1994 Annual Conference, American
Immigration Lawyers Association

Presentation on Export Controls and Immigration Law, 1994 American Immigration
Lawyers Annual Conference, June 1994

Presentation on The International Corporate Client, Pacific Law Institute,
November 1-2, 1991 and November 15-16, 1991