Comparing Privacy Governance

- Conventional Scholarly and Policy Focus
  - “on the books”
    - formal law
    - to a lesser extent state institutions
Existing research

- Last Empirical Analysis 1995 (Smith)

Evidence on the Ground

- Sea Change in US
  - Privacy Professionals
  - Associations
  - Services
  - Higher ed
The Privacy on the Ground Project

- Our approach
  - empirical

U.S. Outcomes

- Definition of Privacy
  - Limited role of compliance
  - New Aim: Protecting Expectations avoiding “creepy”
  - New goal: Manage Risk
U.S. Outcomes II

- The “Managerialization” of Privacy
  - “Boundary-Spanning” CPOs
  - Distributed Expertise and Accountability

New U.S. Story: Privacy Field, Emerging Network of Norms

- New Governance” at the FTC

- Other Legal Inputs
  - State Laws/DBN
  - EU Directive

- Professionalism

- Social License
European Outcomes I

- Definitions of Privacy
  - Compliance but nested in broader ethical frames
  - Political, unpredictable and volatile
  - Compliance rules based regulator orientation

European Outcomes II

- Germany
  - The “Managerialization” of Privacy
  - Remarkably like US

- Spain
  - Legal task: rule bound, isolated, internal focus
  - But…
    - Hi-tech socializing privacy
    - High profile more external engagement

- France
  - Low level legal compliance task
    - Limited staff, junior
    - But some evidence of transition
Implications for Policy: Early Insights

- Need to Shift the Lens
  - From law and legal institutions to field
  - From top down to bottom up

Implications for Policy: Legal Choices Matter

- Substance
- Form
- Institutional practices
Implications for Policy: Fueling Field Creation

- From regulatory obligation to social constraint
- Role and positioning of privacy expertise

Implications for Policy: Social Constraint

- US and Germany
  - Origin of the Empowered CPO
  - Impetus for integration
  - Powering the “field”
Implications for Education

- Information Professionals
- Entry for ethical considerations
- Variations on transparency and informational regulation

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