



# THE INADEQUATE, INVALUABLE FAIR INFORMATION PRACTICES

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**THE PROBLEM: TECH EVOLVES. THE LAW IS SLOW  
TO CATCH UP**

## THREE POINTS

1. The FIPs are invaluable.
2. The FIPs are inadequate.
3. Privacy law should turn to design.

**The FIPs are invaluable.**







# A DIVERSE TOOLKIT



# A MORE RELIABLE TEST FOR PRIVACY

**The FIPs are inadequate.**



**THE FIPS HAVE THREE BLIND SPOTS**



# **PROBLEM 1: WE ARE VULNERABLE TO EACH OTHER**



## **PROBLEM 2: WE ARE EASILY MANIPULATED**



# **PROBLEM 3: WE ARE VULNERABLE TO AUTOMATED DECISIONS**



# THE BANDWIDTH PROBLEM

The future of privacy is in  
the market, the machine,  
and the mind.

**It's time to turn to design.**

# Privacy's Blueprint: A Theory of Privacy Law and Design

# THREE PARTS OF THE BLUEPRINT

1. Values

2. Boundaries

3. Tools



# VALUES IN DESIGN

**1. Trust**

**2. Obscurity**

**3. Autonomy**



# TRUST FACTORS

Discretion

Honesty

Protection

Loyalty



# OBSCURITY FACTORS

Search Visibility

Accessibility

Identification

Clarity

**3. A design agenda should  
have roots in consumer  
protection and surveillance law**

# DESIGN STANDARDS

1. Deceptive design
2. Abusive design
3. Dangerous design

# TOOLS

1. Soft response

2. Moderate response

3. Robust response

**The FIPs are dead.**

**Long live the FIPs.**

THANK YOU

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