DENNIS D. HIRSCH

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BIO

Dennis Hirsch is Professor of Law at both The Ohio State University Moritz College of Law and at Capital University Law School. He serves as Faculty Director of the OSU Program on Data and Governance which conducts research on, and convenes events about, the law, policy and ethics of advanced analytics and AI. He also serves as Co-Director of the Responsible Data Science Community of Practice at Ohio State, a network of more than 100 researchers interested in responsible and just data science and AI.

A graduate of Yale Law School, Professor Hirsch is a recognized expert on the governance of advanced analytics and AI, having testified on this topic before both the US Senate Subcommittee on Privacy, Technology and the Law and before the Federal Trade Commission. His 2020 *Maryland Law Review* article was one of the inspirations for the Algorithmic Fairness Act of 2020, a bill that Senator Chris Coons introduced. Professor Hirsch was the Principal Investigator for an Ohio State research team that produced the most comprehensive study to date on business data ethics management. He subsequently founded the Ohio Data Ethics Working Group for organizations seeking to improve their data ethics management programs. Professor Hirsch has published dozens of articles and book chapters, and an award-winning book, and has given more than 100 scholarly presentations. In 2010, he served as Fulbright Senior Professor at the University of Amsterdam where he taught privacy law and researched Dutch data protection codes of conduct. He co-organized and teaches in the University of Amsterdam's Summer Course on Privacy Law and Policy.

On other fronts, Professor Hirsch has served as Chair of the AALS Committee on Defamation and Privacy, Reporter for the Uniform Law Commission Drafting Committee on Employee and Student Privacy, member of the Ohio Attorney General's Task Force on Facial Recognition, member of the Smart Columbus Privacy and Data Security Board, and as Associate Dean for Faculty and Student Development at Capital University Law School (2005-2007). He practiced law with Sidley Austin and with Porter Wright Morris & Arthur. Professor Hirsch lives in Columbus, Ohio with his wife Suzanne, a novelist and journalist, and performs regularly with the Big Rockin' Blues Band.

ACADEMIC POSITIONS

Ohio State Moritz College of Law
Professor of Law (2016 – present)

Capital University Law School
Professor of Law (1998-present)

University of Amsterdam, Institute for Information Law
Senior Fulbright Professor (2010)
Visiting Scholar (Summer 2022)

Notre Dame Law School
Visiting Associate Professor (1997-1998)

Drake University School of Law
Visiting Assistant Professor (1996-1997)

ADMINISTRATIVE POSITIONS

The Ohio State University
Faculty Director, Program on Data and Governance
>   Founding Faculty Director. Developed mission and strategy for a new program that focuses on the governance of advanced analytics and AI. Initiated interdisciplinary research projects. Led drafting of reports. Established lecture series. Advised legislators and policymakers. Engaged stakeholders. Successfully raised funds to cover all expenses. Managed staff and budget. Represented the program in university and public forums.

Co-Director, Responsible Data Science Community of Practice
>   Founding Co-Director of a community for Ohio State faculty and researchers interested in responsible, just and accountable data science and AI. Recruited more than 100 faculty from more than a dozen colleges and departments to join the community. Planned and led meetings and facilitated interdisciplinary collaborations.

University of Amsterdam, Institute for Information Law
Co-Organizer and Faculty Member, Summer Course on Privacy Law and Policy (2013 -)
>   Co-created new, international summer course for advanced students interested in transatlantic privacy and data protection law. Recruited high-level European and US faculty. Co-led the course and served as faculty member each summer.

Capital University Law School
Associate Dean for Faculty and Student Development (2005-2007)
>   Managed law school academic budget. Created scholarship and teaching resources for faculty. Organized new speaker series. Selected faculty for research grants.

Worked closely with Dean on strategic planning for the law school. Created new Advanced Bar Studies and Academic Success Programs.

EDUCATION AND CLERKSHIPS

Yale Law School, J.D., Articles Editor, *Yale Law Journal*

Columbia University, B.A., Anthropology, *Summa Cum Laude,* Phi Beta Kappa

Law Clerk, Hon. John M. Walker, Jr., U.S. Court of Appeals for the Second Circuit

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HONORS AND AWARDS

Fulbright Senior Professorship in American Culture (Netherlands 2010), University of Amsterdam. Institute for Information Law

Capital University Board of Trustees Faculty Honoree (2009) for professional achievement

Winner, AALS Section on Defamation and Privacy Law, National Call for Papers (2015)

Honorable Mention, Future of Privacy Forum Privacy Papers for Policymakers Competition (2020), for manuscript *Business Data Ethics: Emerging Trends in the Governance of Advanced Analytics and AI*

CPR Institute for Dispute Resolution Honorable Mention Award for Problem Solving in the Law School Curriculum (2003) for book Environmental Law Practice: Problems and Exercises for Skills Development

Simson Award (2001) for best scholarship by a Capital University Law School Professor

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PUBLICATIONS

Articles, Reports, Books and Book Chapters

2022   AI ETHICS MANAGEMENT: GOING BEYOND COMPLIANCE TO ACHIEVE ETHICAL AI (Springer Publishing, forthcoming 2022) (lead author in co-authored work)

2020   FINAL REPORT: *Business Data Ethics: Emerging Trends in the Governance of Advanced Analytics and AI* BUSINESS DATA ETHICS: EMERGING TRENDS IN THE GOVERNANCE OF ADVANCED ANALYTICS AND AI (October 2, 2020) (lead author of co-authored report)

2020   *From Individual Control to Social Protection: New Paradigms for Privacy Law in The Age of Predictive Analytics,* 79 MD. L. REV. 439 (2020)

2019   *Data Ethics: Risk Management for the Algorithmic Age,* RISK MANAGEMENT (Nov. 1, 2019)

2019 White Paper, *Promoting Better Cybersecurity: An Analysis of the Ohio Data Protection Act* (2019) (co-authored).

2017 *Predictive Analytics Law and Policy: A New Field Emerges*, 14 I/S: A JOURNAL OF LAW AND POLICY FOR THE INFORMATION SOCIETY 1 (2017)

2016 *Big Data Sustainability: An Environmental Management Systems Analogy* (co-authored), 72 WASH. & LEE L. REV. ONLINE 406 (2016), http://scholarlycommons.law.wlu.edu/wlulr-online/vol72/iss3/4

   Privacy, Public Goods and the Tragedy of the Trust Commons: A Response to Professors Fairfield and Engel, 65 DUKE LAW JOURNAL ONLINE 67-93 (2016), http://scholarship.law.duke.edu/dlj_online/15/

2015 *That's Unfair! Or is it? Big Data, Discrimination, and the FTC's Unfairness Authority*, 103 KENTUCKY LAW JOURNAL 345

2014 *The Glass House Effect: Big Data, the New Oil, and the Power of Analogy,* 66 MAINE UNIVERSITY LAW REVIEW 375 (symposium article)

   In Search of the Holy Grail: Achieving Global Privacy Rules Through Sector-Based Codes of Conduct, 74 OHIO STATE LAW REVIEW 1029

2013

   Going Dutch? Collaborative Dutch Privacy Regulation and the Lessons it Holds for U.S. Privacy Law 2013 MICHIGAN STATE LAW REVIEW 83

2012 *A Holistic Policy Agenda to Promote Green Business: Reflexive Law Fills the Gap,* 42 ENVIRONMENTAL LAW REPORTER 10228

2011 *Better Safe Than Sorry: Designing Effective Safe Harbor Programs for Consumer Privacy Legislation,* 10 PRIVACY & SECURITY LAW REPORTER 1639 (Nov. 14, 2011) (co-authored)

   The Law and Policy of Online Privacy: Regulation, Self-Regulation, or Co-Regulation? 34 SEATTLE UNIVERSITY LAW REVIEW 439

2010 *Green Business and the Importance of Reflexive Law: What Michael Porter Didn't Say*, 62 ADMINISTRATIVE LAW REVIEW 1063

   Anderson & Hirsch, ENVIRONMENTAL LAW PRACTICE (3rd ed.)

2008 *Ecosystem Services and the Green City*, book chapter in GROWING GREENER CITIES (University of Pennsylvania Press) (peer reviewed)

2007   *Trading in Ecosystem Services: Carbon Sinks and the Clean Development Mechanism,* 22 JOURNAL OF LAND USE & ENVIRONMENTAL LAW 623

        Emissions Trading – Practical Aspects, co-authored book chapter in GLOBAL CLIMATE CHANGE AND U.S. LAW (M. Gerrard, ed.) (American Bar Association).

        Environmental Trading Programs, co-authored chapter in ENVIRONMENTAL LAW PRACTICE GUIDE: STATE AND FEDERAL LAW (M. Gerrard, ed.)

2006   *Protecting the Inner Environment: What Privacy Regulation Can Learn from Environmental Law,* 41 GEORGIA LAW REVIEW 1 (2006). Selection republished in Ruhl, Nagel & Salzman, THE PRACTICE AND POLICY OF ENVIRONMENTAL LAW 793-797

2005   *Is Privacy Regulation the Environmental Law of the Information Age?*, chapter in PRIVACY AND TECHNOLOGIES OF IDENTITY: A CROSS-DISCIPLINARY CONVERSATION (K. Strandburg & D. Stan Raicu, eds.)

2004   *Lean and Green? Environmental Law and Policy and the Flexible Production Economy,* 79 INDIANA LAW JOURNAL 611

2003   Anderson & Hirsch, ENVIRONMENTAL LAW PRACTICE (2nd ed.)

2001   *Project XL and the Special Case: The EPA's Untold Success Story*, 26 COLUMBIA JOURNAL OF ENVIRONMENTAL LAW 219. Selection republished in Stephen Johnson, ECONOMICS, EQUITY AND THE ENVIRONMENT.

        Understanding Project XL: A Comparative Legal and Policy Analysis, book chapter in COMPARATIVE ENVIRONMENTAL LAW AND POLICY (Kluwer Law Int'l 2001).

        Globalization, Information Technology and Environmental Regulation: An Initial Inquiry, 20 VIRGINIA ENVIRONMENTAL LAW JOURNAL 57 (2001).

        Symposium Introduction: Second Generation Environmental Policy and the New Economy, 29 CAPITAL UNIVERSITY LAW REVIEW 1 (2001). Selection in Johnson, ECONOMICS, EQUITY AND THE ENVIRONMENT.

1999   J. Anderson & D. Hirsch, ENVIRONMENTAL LAW PRACTICE: PROBLEMS AND EXERCISES FOR SKILLS DEVELOPMENT (Carolina Academic Press, 1999) (book and teacher's manual). Adopted at over forty law schools.

1998   *Bill and Al's XL-ent Adventure: An Analysis of the EPA's Legal Authority to Implement the Clinton Administration's Project XL*, 1998 ILLINOIS LAW REVIEW 129. Selection in Johnson, ECONOMICS, EQUITY AND THE ENVIRONMENT.

1996   *The Right to Economic Opportunity: Making Sense of the Supreme Court's Welfare Rights Decisions,* 58 UNIVERSITY OF PITTSBURGH LAW REVIEW 109 (1996).

Op-eds and Periodicals

To Solve the Facebook Problem, Think Big (Data), THE HILL (April 24, 2018), http://thehill.com/opinion/technology/384239-to-solve-the-facebook-problem-think-big-data

Trump's Authoritarian Impulses Threaten Liberty, COLUMBUS DISPATCH (Nov. 17, 2017), http://www.dispatch.com/opinion/20171117/dennis-hirsch-trumps-authoritarian-impulses-threaten-liberty

Get Creative, Ohio, AKRON BEACON JOURNAL (October 10, 2006).

Wetlands Importance Now Made Clear, ATLANTA JOURNAL-CONSTITUTION (Sept. 12, 2005).

How to Improve Privacy Protection by Adapting and Using Environmental Management Tools, 5 PRIVACY OFFICERS ADVISOR 1 (August, 2005)

Intelligent-Design Movement is Going Against Constitution, COLUMBUS DISPATCH (June 13, 2002).

Nation Must Reduce its Need for Oil, COLUMBUS DISPATCH (Dec. 13, 2001).

Public Service Programs are not Slavery, 82 ABA JOURNAL 51 (March, 1996).

COURSES TAUGHT

Information Privacy Law
Big Data Law and Policy
Environmental Law
Administrative Law
Law and the New Governance
Clean Air Act Law and Policy
Environmental Law Practicum
International Environmental Law
Property

SERVICE AND LEADERSHIP

Founder and Owner, Privacylawprofs, a listserv for privacy law academics (2012 -)

Member, Ohio Attorney General's Facial Recognition Task Force (2019-2020)

Chair, Association of American Law Schools, Section on Defamation and Privacy Law (2015-2016)

Reporter, Uniform Law Commission, Drafting Committee on Social Media and Privacy (2014-2016)

Co-organizer, University of Amsterdam Summer Course on Privacy Law and Policy (2012 -)

Chair, Privacy Working Group, Smart Columbus (Columbus Ohio's smart city initiative), (2017-19).

Member, Scientific Committee, Computers, Privacy and Data Protection (CPDP) conference (Brussels, BE) (2018-present)

Member, Ohio Attorney General's Advisory Committee on the Use of Facial Recognition Technology in Law Enforcement (2013-2015)

Co-founder and past Chair and Vice-Chair, Committee on Innovation, Management Systems and Trading, ABA Section of Environment, Energy and Resources

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SERVICE TO THE UNIVERSITY (RECENT)

Founding Co-Director, Translational Data Analytics Institute (TDAI) Responsible Data Science Community of Practice (May 2020 -)

Leadership Team, TDAI

Office of Research, Faculty Advisory Council (Jan. 2020 - 2021)

Privacy Governance Council (Jan. 2020 -)

Student Analytics Working Group (2020 -)

EDITORSHIPS AND PEER REVIEW

Co-Editor, SSRN eJounal on AI Law, Policy and Ethics (2021-)

Member, Fulbright U.S. Scholar Peer Review Committee for Ireland/Netherlands/Belgium (2012-2015)

Member, PhD Committee, Leiden University, the Netherlands (2012).

External Reviewer, Netherlands Organization for Scientific Research (NWO) (2014)

SUMMER TEACHING APPOINTMENTS

Co-Organizer and Faculty Member, University of Amsterdam Summer Course on Privacy Law and Policy, Amsterdam, The Netherlands (July 4-8, 2016) (July 3-7, 2017), https://www.ivir.nl/courses/plp/ .

Faculty member, University of Maine School of Law, Information Privacy Summer Institute, http://mainelaw.maine.edu/academics/clinics-and-centers/cli/summer-privacy-institute/ , Portland, ME (June 5-8, 2017).

LAW PRACTICE

Associate, Sidley & Austin (1992-1996)

Of Counsel, Porter Wright Morris & Arthur

Admitted to the bar in Ohio, New York and Washington, D.C. (inactive)

SELECTED TESTIMONY, MEDIA APPEARANCES AND PRESENTATIONS

Testimony

Ohio Senate Judiciary Committee, Hearing on Antitrust, Big Tech, Data Security and Privacy (Oct. 17, 2019 Cleveland, OH)

U.S. Senate Subcommittee on Privacy, Technology and the Law, Roundtable Discussion on the Future of Privacy Regulation (July 25, 2018, Washington, D.C.)

Federal Trade Commission, Hearings on Competition and Consumer Protection in the 21st Century, *Corporate Big Data Ethics: Risk Management for the Big Data Economy,* featured presentation, (Nov. 6, 2018), https://www.ftc.gov/news-events/audio-video/video/ftc-hearing-6-nov-6-session-4-presentations-competition-consumer (at 53:30).

Media Appearances

Science Magazine, Are Advertisers Coming for Your Dreams? (June 11, 2021), https://www.sciencemag.org/news/2021/06/are-advertisers-coming-your-dreams

The CyberWire podcast, interview on data ethics (Jan. 20, 2021), https://thecyberwire.com/podcasts/caveat/61/notes

Ohio NPR (WOSU) All Sides With Ann Fisher, interview on topic of Ohio's use of facial recognition, https://radio.wosu.org/post/facial-recognition-and-society#stream/0 (interview starts at 36:20)

Quoted in Reader's Digest article on *Why You Should be Worried About Smart Phone Apps Stealing Your Data* (Aug. 2019) https://www.rd.com/advice/smartphone-apps-stealing-data/

Quoted in TechCrunch, *Can Predictive Analytics Be Made Safe For Humans?* (March 4, 2019) https://techcrunch.com/2019/03/04/can-predictive-analytics-be-made-safe-for-humans/

Interview on ABC6 news on topic of *Facebook, Cambridge Analytica and Privacy* (April 11, 2018)

Interviewed by The Lantern, Ohio State Student Newspaper, for article titled *Cambridge Analytica: User's Can't Be Trusted to Protect Their Own Data, Expert Says* (April 10, 2018) *https://www.thelantern.com/2018/04/cambridge-analytica-users-cant-be-trusted-to-protect-their-own-data-expert-says/*

Channel 10TV News interviews on privacy issues related to new automobile insurance programs that track the insured's driving habits (September 13, 2013), and on state employees' improper review of American Idol star's government records (Sept. 9, 2010)

A Conversation with Dennis Hirsch, Professor of Law, Business First (Jan. 28, 2011) at 31

Recent Presentations

I have given more than 100 presentations over the course of my academic career. I list significant, recent presentations here:

Center for Ethics and Human Values, Conference on the Value of the Open Society, Panel on Democracy and Social Media (moderator) (March 4, 2022)

Better Business Bureau (BBB), PrivacyCollective, presentation and leadership of roundtable discussion on AI and Consumer Trust (Dec. 1, 2021)

Risk Institute 2021 Annual Conference, *Fireside Discussion on the Governance of AI* (September 2021)

Norwegian Research Center for Computers and Law, AI Regulation Seminar Series, *Towards a New Legal Framework for AI: US Perspectives on the European Commission's proposed AI Regulation* (Aug. 19, 2021)

Cleveland-Marshall School of Law, *Cybersecurity and Privacy Protection Conference, panel on Data Ethics* (May 21, 2021)

TrustArc Annual Privacy Summit, Panelist, *Unintended Consequences: Understanding and Embedding Data Ethics into a Privacy Management Framework*, (March 10, 2021)

Berkeley Center for Law and Technology, *Workshop on Privacy Remedies*, Invited Participant (Nov. 19, 2020)

Webinar Series on Business Data Ethics, organizer, presenter and moderator, (October 2, 8, 12, 23, 29, 2020), recordings available at https://u.osu.edu/dataethicsforum/register-for-the-webinars/

Privacy Law Scholar's Conference, selected paper, *Corporate Data Ethics: Data Governance Transformations for the Age of Advanced Analytics* (June 5, 2020).

Wisconsin Dept. of Agriculture, Trade and Consumer Protection's (DATCP) Data Privacy & Security Advisory Committee, *Big Data Analytics: Risks, Ethics and Regulation* (April, 2020).

Tenth Brazilian Seminar on Privacy and Personal Data Protection, Keynote Address, *Beyond Control: Reinventing Privacy Law for the Algorithmic Economy* (Sao Paolo, Brazil, Sept. 18, 2019)

Fairness and the Protection of Personal Data, Computers, Privacy and Data Protection Conference (Brussels, BE, Jan. 2019).

Privacy Law Scholar's Conference, selected paper, presentation titled *From Individual Control to Social Protection: New Paradigms for Law in the Age of Predictive Analytics* (May 2019, Berkeley, CA).

OSU Fisher College of Business Center for Operational Excellence, presentation on *Big Data Ethics: The New Management Challenge* (April 2019, Columbus, Ohio)

Big Data Ethics: The New Management Challenge, Institute for International Analytics (Dec. 3, 2018)

From Deception to Unfairness: Towards a New Paradigm of Privacy Law and Policy for the Big Data Economy, Northeast Privacy Law Scholars' Conference (Nov. 9, 2018).

Privacy Salon Policymakers Roundtable, expert participant (Sept. 2018, Washington, DC).

Panel on The Ethics of Innovation: How Privacy and Data Advancements Can Co-Exist, International Association of Privacy Professionals, National Summit 2018, (March 28, 2018).

Panels on Smart Privacy in Critical Infrastructure, and on The Role of Ethical Analysis in Privacy and Data, at the Computers, Privacy and Data Protection conference, (January 25-26, 2018, Brussels, BE).

Data Ethics Roundtable Discussion (invitation only event, Nov. 2, 2017, Facebook Offices New York City)

Building a Strong Privacy and Data Ethics Program: From Theory to Practice, United Nations Global Pulse and IAPP Joint Event (New York, May 4, 2017).

Understanding Big Data Discrimination, Washington and Lee University School of Law, Symposium on Big Data Discrimination: Understanding Algorithmic Power, panel presentation (presentation by Skype, March 30, 2017).

Data Analytics Law and Policy: Some Key Questions," I/S: A Journal of Law and Policy for the Information Society, Symposium on Predictive Analytics Law and Policy: Mapping the Terrain, (March 24, 2017).

So Right, Yet So Wrong: Big Data, Discrimination and the FTC's Unfairness Authority, Privacy Law Scholar's Conference, Berkeley, CA (June 2015)

On the Regulation of Big Data, Consumer Financial Protection Board, Office of Enforcement (September 2015)

That's Unfair! Or Is It? Big Data, Discrimination, and the FTC's Unfairness Authority, Section on Privacy and Defamation Law, AALS Annual Meeting (Jan. 2015)

The EU-US Interface: Is it Possible? Computers Privacy and Data Protection (CPDP) conference (Brussels, BE, Jan. 2015)

Changing the Social Climate: What Oil Pollution Law Can Tell Us About Big Data and the Protection of Privacy, Yale Law School, Internet and Society Project (Apr. 2014)

Collaborative Governance and Privacy Regulation: The Dutch Example and its Lessons for U.S. Privacy Law, University of Connecticut Law School, Faculty Lecture Series (Jan. 2014)

PERSONAL

Married to Suzanne Goldsmith-Hirsch, a magazine editor, journalist and novelist. We have two children, Clara (24) and Zander (22). I enjoy running, playing Latin percussion and acoustic guitar, and performing with the Big Rockin' Blues Band.