

SALOMÉ VILJOEN

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RESEARCH INTERESTS

I study the law governing digital information. My current work focuses on data governance, and how to better align legal protections of personal data with the economic processes that drive their erosion. I also work on algorithmic governance, particularly the use of economic optimization methods in digital settings.

ACADEMIC POSITIONS

NYU School of Law, Information Law Institute Cornell Tech, Digital Life Initiative

Joint Postdoctoral Fellow

Teaching Assistant, Information Privacy Law, NYU MSc Cybersecurity Risk and Strategy

New York, NY

New York, NY

August 2019 – Present

Harvard University, Berkman Klein Center for Internet & Society

Affiliate

Fellow, Privacy and Cybersecurity

Cambridge, MA

2019 – Present

October 2017 – August 2019

EDUCATION

Harvard Law School, J.D.

2016

Activities: *Unbound: Harvard Journal of the Legal Left*, Editor in Chief
Harvard Law School Feminist Legal Theory Collective, Co-founder
Feminist Legal Theory, Research Assistant, Professor Janet Halley
International Monetary Policy, Research Assistant, Professor Christine Desan
Legal Services Center: Predatory Lending and Consumer Protection Unit, Student Attorney

London School of Economics, MSc, *High Merit*, Economics (Health and Social Policy)

2012

Honors: Distinctions in Pharmaceutical Economics and Cost-Benefit Analysis Research Papers
Dissertation: “Treating or Cheating? Performance, Patient Exclusion, and Physician Behavior in the English Quality and Outcomes Framework” (Distinction) (advisors: Dr. A. Rudisill and Dr. P. Kanavos)

Georgetown University, B.A. *magna cum laude*, Political Economy; minors Mathematics & History

2011

Honors: Carroll Fellow, Lisa J. Raines Fellow for Independent Undergraduate Research
Activities: Georgetown University Triathlon Team; Collegiate National Championships in 2010, 2011
Thesis: “Trends in Multilateral Development Investment and Human Capital in South Africa”

ACADEMIC PUBLICATIONS

In Progress

“Data as a Democratic Medium: From Individual to Relational Data Governance” (job talk paper)

Argues that current conceptualizations of digital information’s value and risk in law are under- and over-inclusive. They fail to capture many of the relational forms of informational harm, as well as many of its potential social benefits. The Article develops a more robust conceptual account by drawing on relational egalitarianism.

- Accepted to the 2020 Privacy Law Scholars Workshop

“Data Market Discipline: From Financial Regulation to Data Governance”

Argues for a comparative theoretical framework from financial regulation for data governance as one way to move beyond the private ordering paradigm currently regulating the flow of personal information. This comparison is supported by several commonalities between the flows of personal information and of financial instruments, as well as the kinds of regulatory challenges they present.

- Accepted to the 2020 Privacy Law Scholars Workshop

“Economic Method, Digital Platform: When Mechanism Design Moves Online” (currently under review)

Traces the disciplinary drift of mechanism design from social welfare economics, where it was developed to address problems of social coordination and social cost, into algorithmic platform settings, where it is used to reiteratively tune and optimize platform settings for exchange. Argues this disciplinary drift lends insight into the normative contradictions and tensions at the heart of this method’s use in online settings.

- Accepted to the 2020 Privacy Law Scholars Workshop
- Accepted for oral presentation at the 2020 Workshop on Mechanism Design for Social Good

“The Promise and Limits of Lawfulness” (essay for forthcoming edited volume)

Argues for more sophisticated understanding of the relationship between law and legitimacy in current calls for regulation from the AI Ethics community, which posits law as a more robust alternative to non-legal ethical responses. Like non-regulatory ethics responses, legal solutions may undermine or express the demands of justice that motivate their implementation. Law, like ethics, is a terrain of contestation, upon which the degree and substance of new forms of accountability for the technology industry may be determined.

- Accepted for presentation at the inaugural 2020 Law and Political Economy Conference

Law Reviews

“The Technological Politics of Mechanism Design,” *University of Chicago Law Review (Online Ed.)* (2019) (with Z. Hitzig and L. Hu).

“The Chilling Effects of Algorithmic Profiling: Mapping the Issues,” *Computer Law and Security Review* (2019) (with E. Fosch Villeronga, A. Tamò-Larrieux, & S. Velidi).

“Data Protection’s Composition Problem,” *European Data Protection Law Review* (2019) (with A. Fluitt, A. Cohen, M. Altman, K. Nissim, & A. Wood).

Technical Venues¹

“Algorithmic Realism: Expanding the Boundaries of Algorithmic Thought,” *ACM Conference on Fairness, Accountability, and Transparency (ACM FAT*)* (2020) (with B. Green).

“Law and Adversarial Machine Learning,” *Conference on Neural Information Processing Systems 2018, Workshop on Security in Machine Learning (NeurIPS)* (2018) (with R. Shankar, D. O’Brien, and K. Albert).

Other

“The American Student Debt Crisis: Changing Narratives Around Higher Education and Student Debt,” *The Systemic Justice Project*, June 2015 (with L. Antsey, J. Lee, & S. Paige).

“A State-Time Epidemiology Model for Tuberculosis: Importance of Re-infection,” *Computational Biology and Chemistry*, vol. 36, February 2012 (with E. Pienaar, H.J. Viljoen).

“Science and Social Conscience: The Eugenics Records Office's impact on state sterilization laws, 1927-1939,” *Mentis Vita*, Fall 2009.

SELECTED OPINION PIECES

“What (if anything) is wrong with treating data as property or labor?” *Phenomenal World, Jain Family Institute* (forthcoming).

“Privacy vs. Health is a False Trade off,” *Jacobin*, April 17, 2020 (with B. Green and J. Goldenfein).

“The Promise and Pitfalls of the California Consumer Privacy Act,” *Critical Reflections*, Cornell Tech, April 11, 2020.

“Facebook’s Surveillance is Nothing Compared with Comcast, AT&T, and Verizon” *The Guardian*, April 6, 2018.

¹ In computer science, conferences are the primary publishing venues. These papers undergo double-blind peer review and are published within conference proceedings as full papers equivalent to journal publications in other fields.

TEACHING INTERESTS

Primary: Information law (privacy, cybersecurity, algorithmic governance), contracts

Secondary: Consumer protection, financial regulation, health law

SERVICE

Advisory Board Member for *Cross-Disciplinary Research in Computational Law*

Reviewer for the *Journal of Politics, Science and Engineering Ethics*, *Cross-Disciplinary Research in Computational Law*, and the 2019 Neural Information Processing Systems Workshop on AI for Social Good

SELECTED PRESENTATIONS AND TALKS

“Algorithmic Realism,” Law and Society Annual Meeting, 2020.

“Role of Law in the Data Political Economy,” Harvard Law School, Law and Political Economy Lecture Series, 2020.

“Algorithmic Realism,” Digital Life Initiative Seminar Series at Cornell Tech, 2019.

“Algorithmic Realism,” European Privacy Law Scholars Conference, 2019.

“Data as a Democratic Medium,” Seton Hall Institute for Privacy Protection, Conference on Privacy, Power & Ethics, 2019.

“Law and Adversarial Machine Learning,” NeurIPS 2018 Workshop on Security in Machine Learning, 2018.

“Technological Politics of Mechanism Design,” Symposium on Radical Markets, University of Chicago Law School, 2018.

“Implications of IoT for Privacy and Surveillance,” 1st Istanbul Privacy Symposium: Data Protection and Innovations, 2018.

“Coercion and Distribution in Big Data: A Law and Political Economy Approach in Privacy Law,” Indiana University Ostrom Workshop Colloquium, 2018.

“Big Data, Surveillance and the Global Citizen,” Global Studies Outreach, Harvard University, 2018.

“Too Crazy to Fail? A Bold Vision for the Future of Data Governance,” CognitionX London, 2018.

“Coercion and Distribution in Big Data: A Law and Political Economy Approach in Privacy Law,” Law and Ethics of Big Data Research Colloquium, 2018.

LEGAL EXPERIENCE

Fenwick & West, LLP, San Francisco and Mountain View, CA

Associate, October 2016-October 2017; Summer Associate May 2015-July 2015

Assisted clients on range of technology law matters. Work included representing tech companies and venture finance clients in financing rounds, mergers and acquisitions and initial public offerings, particularly with respect to data and intellectual property matters.

California Department of Justice, Office of the Attorney General, San Francisco, CA

Consumer Law Section Legal Intern, January 2016

Provided research support during a negotiated rulemaking on student debt relief, wrote a memo regarding fraud and illegal eviction claims against a large rental agency, and prepared a summary review of all new state privacy regulations.

Legal Aid Foundation of Los Angeles, Los Angeles, CA

Summer Law Clerk, July-August 2015

Represented indigent clients in Los Angeles. Work included preparing loan discharge applications, conducting pre-litigation legal research, and running public clinics on loan discharge and criminal expungement.

Center for Appellate Litigation, New York, NY

Summer Legal Intern, June 2014-August 2014

Wrote resentencing motions, engaged in parole advocacy, adjudicating post-release terms of supervision, and writing briefs for appellate public defenders representing clients throughout Manhattan and the Bronx.

OTHER EXPERIENCE

Nebraska Center for Children, Youth, Families and Schools, Lincoln, NE

Economic Research Consultant, May 2013-August 2013

Engaged in empirical advocacy work for universal pre-K in Nebraska. Developed a cost-benefit analysis of proposed state legislation, as well as comparative analyses of state legislation being proposed elsewhere.

Office of Health Economics, London, United Kingdom

Research Analyst, June 2012-May 2013

Researched provider incentives in the English National Health Service using econometric analysis and behavioral economics. Research focused on access to healthcare and improving health outcomes in low-income areas.

BAR ADMISSION

Admitted to the California Bar, December 2016.

REFERENCES

Available upon request.