SALOMÉ VILJOEN

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RESEARCH INTERESTS

I study the law governing digital information. My current work focuses on the law and political economy of social data. Here, I am interested in how (and whether) transformations in the information economy change the legal interests implicated in data's production and use. I also work on algorithmic governance, particularly the use of economic optimization methods by platforms. I primarily undertake this work in technical settings, bringing legal insights into conversations over AI ethics, algorithmic fairness, and machine learning.

ACADEMIC POSITIONS

Michigan Law School Ann Arbor, MI
  Assistant Professor of Law July 2022

Columbia Law School New York, NY
  Academic Fellow and Lecturer in Law July 2021

NYU School of Law, Information Law Institute New York, NY
Cornell Tech, Digital Life Initiative New York, NY
  Joint Postdoctoral Fellow August 2019 – June 2021

Harvard University, Berkman Klein Center for Internet & Society Cambridge, MA
  Fellow, Privacy and Cybersecurity October 2017 – August 2019
  Affiliate 2019 – 2023
  Faculty Associate 2023 – present

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

Works In Progress

"Privacy Puzzles: From Privacy to Data Governance" (working title)
  This work in progress uses two recent privacy cases to consider the conceptual confusions of contemporary privacy and argues that some of these confusions (or puzzles) may be resolved by recognizing a class of non-privacy personal interests in information. Classifying these interests as fellow travelers with, but distinct from, privacy has both conceptual and practical benefits for the law governing information about people. First, it resolves problems of using the same conceptual vocabulary to mark so-called privacy interests of different kinds, that are often in direct tension with one another. Practically, it can clarify the political and legal aims of doctrinal trends that use privacy arguments to legitimate and encase commercial surveillance from public oversight and regulation.

"Big Mother" (working title)

This work in progress uses the fertility, prenatal, and neonatal digital tracking industry to explore the relationship between biological and social reproduction and commercial datafication. Fertility data has received a notable uptick in legal attention following *Dobbs*. Early commentators are particularly focused on the privacy risk this data poses in a post-*Roe* world, and the capacity of law enforcement in states without abortion protection to access users' fertility data. But the datafication of fertility is significant in deeper ways. Fertility datafication collapses into one data relation an economic relation of production (creating data of economic value to be exploited by companies for money) and a social relation of reproduction (datafying the reproductive capacities of people and rendering legible the relationship people have with the idea of a child). It provides a compelling place—the beginning, in one sense—to understand the long and deep entanglement between extracting value from people and gendering the care of people; and how this entanglement meets the datafication of social life.

Law

"Valuing Social Data" *Columbia Law Review* (forthcoming) (with A. Parsons).
    Winner of the 2023 Reidenberg-Kerr Award for Outstanding Scholarship by a Junior Scholar.

"Informationalism Beyond Managerialism" *Law and Contemporary Problems* (forthcoming).

"Researcher Access to Social Media Data," *Berkeley Technology Law Journal* (forthcoming) (with C. Morten and G. Nicholas).

"The Great Regulatory Dodge," *Harvard Journal of Law and Technology* (forthcoming) (with H. Nissenbaum and K. Strandburg).

"A Relational Theory of Data Governance" *131 Yale Law Journal* (2021).

"Data Market Discipline: From Financial Regulation to Data Governance" *8 Journal of International and Comparative Law* (2021) (with S. Benthall).

"The Technological Politics of Mechanism Design," *87 University of Chicago Law Review Online* (2019) (with Z. Hitzig and L. Hu).

"The Chilling Effects of Algorithmic Profiling: Mapping the Issues," *36 Computer Law and Security Review* (2019) (with E. Fosch Villeronga, A. Tamò-Larrieux, & S. Velidi).

"Data Protection's Composition Problem," *5 European Data Protection Law Review* (2019) (with A. Fluitt, A. Cohen, M. Altman, K. Nissim, & A. Wood).

Technology and Society[1]

"The Promise and Limits of Lawfulness: Inequality, Law, and the Techlash" *Journal of Social Computing* (2022).

"Design Choices: Mechanism Design and Platform Capitalism" *Big Data & Society* (2021) (with J. Goldenfein & L. McGuigan).

"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 ESSAYS, OTHER WORKS AND INTERVIEWS

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[1] In computer science, conferences are 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.

Interview, *Just Theory* Podcast.

Interview, *TEC Talks* Podcast.

Remarks at the Seventh Annual Detlev F. Vagts Roundtable on Transnational Law: Transnational Regulation of the Platform Economy, 116 Proceedings of the American Society of International Law Annual Meeting 122-125 (2022).

Interview, *Yale Law Journal* Podcast.

"Everyone should decide how their digital data are used—not just tech companies," *Nature*, July 2021 (with J. Sadowski and M. Whittaker)

Interview, *This Machine Kills* Podcast (2x).

"Data Relations," *Logic*, Issue 13: Distribution, May 2021.

"Ferment is Abroad: Techlash, Legal Institutions, and the Limits of Lawfulness," *LPE Blog*, April 20, 2021.

"Data Governance for a Society of Equals," *LPE Blog*, March 22, 2021.

Interview, *Tech Won't Save Us* Podcast.

"Data as property?" *Phenomenal World,* October 16, 2020.

"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.

TEACHING

Michigan Law School   Ann Arbor, MI
   Contracts   Winter Term, 2023

Columbia Law School   New York, NY
   Lecturer in Law, Legal Research and Writing   July 2021

NYU School of Law   New York, NY
   Teaching Assistant, Information Privacy Law, NYU MSc Cybersecurity Risk and Strategy   August 2019 – June 2021

SERVICE

Member, Committee on Approaches for Data Governance and Protecting Privacy, the National Academies of Sciences, Engineering, and Medicine, Washington, DC (Term: 10/4/22 – 3/31/24).

Judge, Omidyar Network's 2022 Future of Data Challenge (awarding $1.1million in grants).

Advisory Board Member, *Cross-Disciplinary Research in Computational Law*, Women Also Know Law

Program Committee, Applications of Contextual Integrity Annual Symposium.

Reviewer, *Journal of Law and Political Economy, Journal of Politics, Big Data & Society, New Media & Society, AI in Society, Critical AI, Science and Engineering Ethics, Cross-Disciplinary Research in Computational Law*, 2019 Neural Information Processing Systems Workshop on AI for Social Good.

SELECTED TALKS AND WORKSHOPS

2023
2023 Privacy Law Scholars Conference.
Michigan Law School, Prices and Pricing (course guest lecture).

Harvard Law School, Law and Political Economy: Labor, Social Control and Counterpower Conference.
Harvard Law School and University of Iowa Innovation, Business and Law Center, Beyond the FTC: The Future of Privacy Enforcement Symposium.
Harvard Law School, Law and Political Economy Seminar (seminar presenter).
Cornell Law School, Faculty Legal Research Workshop (external presenter).
Yale Law School, LPE of Technology Workshop.
Michigan Law School, Fawley lunch talk.
Houston Law Center, Digital Markets and Competition Policy (course guest lecture).

2022
Joel R. Reidenberg Northeast Privacy Scholars Workshop.
Columbia Law School, Democracy's Futures (seminar presenter).
NYU Law School, Femtech and Privacy: Striking the Balance in our Post-*Dobbs* Reality.
NYU Law School, Journal of International Law and Politics and Institute for International Law and Justice Symposium of Inter-Pandemic Vaccine Regulation: Justice and Global Equity.
Krakow/Jagiellonian University Seminar on Data Law (seminar presenter).
Duke Law School, Faculty Workshop (external presenter).
Georgetown University, Regulatory Managerialism and the Rule of Law Workshop.
Institute for Pure and Applied Mathematics, UCLA, Who Counts? Sex and Gender Bias in Data Workshop.
Simons Institute, UC Berkeley, AI and Humanity Workshop.
Knight Institute, Columbia University.
2022 Privacy Law Scholars Conference (co-authors presented work).
Yale Law School, LPE of Technology Workshop.
Max Planck Institute for Research on Collective Goods, Law-Tech-Society Initiative.
Yale Law School, 2022 Freedom of Expression Scholars Conference.
American Society of International Law (ASIL), Detlev Vagts Roundtable (featured junior scholar).
The New School, Platform Economies Research Network (PERN) Salon Series.
Michigan Law School, AI and the Law (course guest lecture).
Washington University in St. Louis School of Law, Advanced Privacy (course guest lecture).
Georgetown University, Georgetown Law and Technology Review Symposium: Data's Invisible Impacts.
Boston University, Cyber Alliance Seminar Series.

2021
NeurIPS 2021 Workshop on Political Economy of Reinforcement Learning.
National Academies of Sciences, Engineering, Medicine, Workshop on New Data Infrastructure for Federal Statistics and Social and Economic Research.
NYU Law School, Breaking (Up) Bad: The Opportunities and Limits of Antitrust for Online Platforms.
Rutgers University, Critical AI Speaker Series.
Fordham Law School, Civil Rights Civil Liberties in the Digital Age Colloquium (course guest lecture).
Yale Law School, Information Society Project Lunchtime Talk Series.
Rutgers Law School, Lunchtime Guest Interview with Ellen Goodman.
Institute for New Economic Thinking, 3rd Annual Summer Academy on Law, Money, and Technology.
2021 Privacy Law Scholars Conference.
Cornell Tech, Digital Life Initiative Seminar.
Oxford University, Workshop on Machine Learning and Economic Inequality.
Cornell Tech, Privacy in the Digital Age (course guest lecture).
ARC Centre of Excellence for Automated Decision-Making and Society, Series on Alternative Data Governance/Alternative Data Economies.
VUB Institute for European Studies, Centre for Digitalisation, Democracy and Innovation, DSA In Perspective Workshop.

2020
UC Berkeley, Center for Human-Compatible Artificial Intelligence.
Northeast Privacy Law Scholars Workshop.
Seton Hall Law Review Annual Symposium.
SMU Law, Implications of Artificial Intelligence for a Just Society.
Northeastern Law School, Center for Law, Innovation and Creativity, Conference on Privacy and Democracy.
Jurisprudence of Distribution Workshop.
2020 Privacy Law Scholars Conference.
Law and Society 2020 Annual Meeting.
NYU University, AI Now, Lunchtime Talk Series.
Harvard Law School, Law and Political Economy Lecture Series.

2019
European Privacy Law Scholars Conference.
NYU Law School, Privacy Research Group Lunchtime Talk Series.
Cornell Tech, Digital Life Initiative Seminar Series.
Berkeley University, Contextual Integrity Conference.
2019 Privacy Law Scholars Conference.
Seton Hall Law School, Conference on Privacy, Power & Ethics.

2018
NeurIPS 2018 Workshop on Security in Machine Learning.
University of Chicago Law School, Symposium on *Radical Markets*.
1st Istanbul Privacy Symposium: Data Protection and Innovations.
Indiana University, Ostrom Workshop Colloquium.
Harvard University, Berkman Klein Lunchtime Talk Series.
CognitionX London Conference.
Law and Ethics of Big Data Research Colloquium.

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.