PREFACE

The rapid growth of the Internet, coupled with new business practices and new efforts by government to deploy technology for law enforcement and the administration of services, has raised far-reaching questions about the future of privacy.

The role of law is central to many of these debates. To what extent can the law safeguard the right of privacy in an era of rapidly evolving technology? What competing interests must be considered? What is the appropriate role of the courts and the legislatures? These questions are not new, but they have acquired greater urgency as the law is asked to evaluate an increasingly complex array of privacy matters.

For lawyers, these developments have raised both new challenges and new opportunities. In the private sector, attorneys now routinely advise business clients about the development of privacy policies, compliance with privacy statutes, and privacy regulations in new markets. Attorneys litigate on behalf of clients who believe that their privacy has been violated, while others defend against these allegations. State attorneys general have become leading champions of privacy rights. Policymakers in government evaluate new legislative proposals that may expand or limit privacy claims. Legal advisors on trade policy, technology development, consumer protection, and national security all consider privacy issues in the course of their work.

Clearly, privacy has emerged as one of the critical legal subjects in the modern era. Since the first edition of this book was published in 2003, the field of information privacy has grown tremendously. Many new laws have been passed, countless cases have been decided, and a litany of fascinating new issues has arisen. Law schools around the country now offer courses in information privacy, and many lawyers devote their practice to information privacy issues.

This text provides a cornerstone for the study of information privacy law. Our goal is to provide a comprehensive and accessible introduction for the student and an authoritative reference for the practitioner. We have organized the book around the general topics and themes of this area of law. Information privacy law is a complicated and vast body of different types of legal protections, and our organizational choices reflect our aim of producing a clear and coherent synthesis of the field. When selecting cases, we have included the leading cases as well as endeavored to provide a solid historical background and a timely and fresh

perspective on the major privacy issues facing lawyers in the twenty-first century. Important majority opinions are followed by equally important dissents. The text includes extensive notes and commentary, and it integrates cases and statutes with policy and jurisprudential perspectives. To facilitate discussion and debate, we have included excerpts from commentators with a wide range of viewpoints. Technical terms are clearly explained.

Information Privacy Law also draws heavily on recent developments in the high-tech field as well as international and comparative law. These areas are contributing significantly to the development of privacy law. The text also explores the major themes in the development of the field — the meaning of privacy, the reasonable expectation of privacy, the application of constitutional principles to new technologies, and the transformation of norms into legal frameworks. We hope that this text provides a useful introduction to the challenges of the field of information privacy now and in the future.

A Note on the Casebook Website. We strive to keep the book up to date between editions, and we maintain a web page for the book with downloadable updates and other useful information. We invite you to visit the website:

https://informationprivacylaw.com

The website contains links to useful news sites, blogs, and online resources pertaining to information privacy law issues. We also provide a list of recommended books that can be read in conjunction with this book.

A Note on Privacy Law Fundamentals. Students may find our short volume, *Privacy Law Fundamentals,* to be a useful companion to the casebook. *Privacy Law Fundamentals* is designed to be a distilled overview of information privacy law for both practitioners and students. More information about this book can be found at https://informationprivacylaw.com.

A Note on the Editing. We have deleted many citations and footnotes from the cases to facilitate readability. The footnotes that have been retained in the cases have been renumbered. We have also included many citations to additional works in the footnotes that may be of interest to the reader.

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October 2026