

# Alan Rubel

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## EDUCATION

Ph.D. May 2006 University of Wisconsin, Madison  
Dissertation: “A Philosophical Account of Privacy” (Claudia Card (supervisor), Harry Brighthouse, Russ Shafer Landau, Robert Streiffer, Victoria Nurse)

J.D. December 2003 University of Wisconsin Law School  
M.A. August 1999 University of Tennessee  
B.A. May 1992 College of William and Mary

## POSITIONS HELD

Assistant Professor, School of Library and Information Studies and Program in Legal Studies  
University of Wisconsin-Madison (2010-present)

Faculty Affiliate, University of Wisconsin Law School (2010-present)

Senior Advisor, Presidential Commission for the Study of Bioethical Issues  
U.S. Department of Health and Human Services, 2012

Greenwall Fellow in Bioethics and Health Law Policy  
Johns Hopkins University, Georgetown University, 2008-2010

Law Clerk, Justice Ann Walsh Bradley  
Wisconsin Supreme Court, 2006-2008

## POSITIONS HELD REQUIRING SCHOLARLY COMPETENCE

Editorial Board, *JASIST: Journal of the Association for Information Science and Technology* (2014-present)

Member, Holtz Center for Science and Technology Studies, University of Wisconsin-Madison (2014-present)

## MEMBERSHIP IN PROFESSIONAL ORGANIZATIONS

Wisconsin State Bar (inactive); Association for Information Science and Technology (ASIS&T); American Philosophical Association (APA); American Society for Bioethics and Humanities (ASBH)

## PUBLICATIONS

*Articles and Contributions to Edited Volumes and Handbooks ([P] = peer-reviewed)*

[23] Alan Rubel, “Privacy, Transparency, and Accountability in the NSA’s Bulk Metadata

- Program” *Privacy, Security, and Accountability* (Adam Moore, ed.) (Rowman & Littlefield International, in press) (8653 words) [invited]
- [22] Deven McGraw, Sarah M. Greene, Caroline S. Miner, Karen L. Staman, Mary Jane Welch, and Alan Rubel (senior author), “Privacy and Confidentiality in Pragmatic Clinical Trials,” *Clinical Trials* 12(5) (October 2015): 520-529 (6962 words) [P]
- [21] Alan Rubel and Kyle Jones, “Student Privacy in Learning Analytics: An Information Ethics Perspective,” Forthcoming in *The Information Society* (2015) (13,527 words) [P]
- [20] Alan Rubel and Mei Zhang, “Four Facets of Privacy and Intellectual Freedom in Licensing Contracts for Electronic Journals,” *College & Research Libraries* 76(4) (May 2015): 427-449 (12,956 words) [P]
- [19] Alan Rubel, “Privacy and Positive Intellectual Freedom,” *Journal of Social Philosophy* (special issue on Technology and New Challenges for Privacy) 45(3) (Fall 2014): 390-407 (8,871 words) [P]
- [18] Alan Rubel, “Autonomy, Surveillance, and Privacy” *The Routledge Companion to Bioethics* (John Arras, Rebecca Kukla, and Elizabeth Fenton, eds.) (Routledge 2014): 312-324 (6,896 words) [invited]
- [17] Alan Rubel and Ryan Biava, “A Framework for Analyzing and Comparing Privacy States,” *JASIST: The Journal of the American Society for Information Science and Technology* 65(12) (December 2014): 2422-2431 (8,093 words) [P]
- [16] Alan Rubel, “Libraries, Electronic Resources, and Privacy: The Case for Positive Intellectual Freedom,” *Library Quarterly* 84(2) (April 2014):183-208 (11,943 words) [P]
- [15] Alan Rubel “Privacy and Pervasive Surveillance,” *Uberveillance and the Social Implications of Microchip Implants: Emerging Technologies* (K. Michael and MG Michael, eds.) (IGI Global 2013): 319-333 (8,231 words)
- [14] Alan Rubel, “Profiling, Information Collection, and the Value of Rights,” *Criminal Justice Ethics* 32(3)(2013): 210-230 (10,773 words) [P]
- [13] Alan Rubel, “Justifying Public Health Surveillance: Basic Interests, Unreasonable Exercise, and Privacy,” *Kennedy Institute of Ethics Journal* 22(1): 1-33 (2012) (13,294 words) [P]
- Editor’s pick for quarter
- [12] Alan Rubel, “The Particularized Judgment Account of Privacy,” *Res Publica* 17(3): 275-290 (2011) (8,450 words) [P]
- [11] Alan Rubel, “Nanotechnology, Sensors, and Rights to Privacy,” *Public Affairs Quarterly* 24(2): 131-153 (2010) (10,140 words) [P]
- [10] Alan Rubel, “Local Trans Fat Bans and Consumer Autonomy,” *American Journal of Bioethics* 10(3): 41-42 (2010) (1,529 words) [P]

- [9] Alan Rubel, "Privacy," *Encyclopedia of Nanoscience and Society*, (David Guston, ed., Sage Press) (2010) (1,031 words) [invited]
- [8] Alan Rubel, "Privacy and the USA Patriot Act: Rights, the Value of Rights, and Autonomy," *Law and Philosophy* 26(2): 119-159 (2007) (14,507 words) [P]
- [7] Robert Streiffer and Alan Rubel, "Genetically Engineered Animals and Ethics of Food Labeling," *Labeling Genetically Modified Foods* (Paul Weirich, ed., Environmental Ethics and Science Policy Series, Oxford University Press): 63-87 (2007) (10,937 words)
- [6] Alan Rubel, "Claims to Privacy and the Distributed Value View," *San Diego Law Review* 44(4): 921-956 (2007) (13,252 words) [invited]
- [5] Alan Rubel, "Some Questions for the Barrier Theory: Comments on 'The Right to Privacy Unveiled,'" *San Diego Law Review* 44(4) 801-808 (2007) (2,465 words) [invited]
- [4] Robert Streiffer, Alan Rubel, and Julie Fagan, "Medical Privacy and the Public's Right to Vote: What Presidential Candidates Should Disclose," *Journal of Medicine and Philosophy* 31(4): 417-439 (2006) (9,429 words) [P]
- [3] Alan Rubel and Robert Streiffer, "Respecting the Autonomy of European and American Consumers: Defending Positive Labels on GM Foods," *Journal of Agricultural and Environmental Ethics* 18(1): 75-84 (2005) (3,984 words) [P]
- [2] Robert Streiffer and Alan Rubel, "Democratic Principles and Mandatory Labeling of Genetically Engineered Foods," *Public Affairs Quarterly* 18(3): 223-248 (2004) (12,209 words) [P]
- [1] Robert Streiffer and Alan Rubel, "Choice Versus Autonomy in the GM Food Debate," *AgBioForum* 6(3): 141-142 (2003) (1,322 words) [P]

### ***Education Materials***

#### **Introductions and Study Guides**

Russ Shafer-Landau and Joel Feinberg, eds., *Reason and Responsibility* 12<sup>th</sup> Edition, (Wadsworth 2003). Online introductions and study guides to 75 selections in popular introductory philosophy textbook. Topics include Philosophy of Religion, Philosophy of Science, Philosophy of Mind, Epistemology, Personal Identity, Free Will and Determinism, and Ethics. Available at [www.wadsworth.com](http://www.wadsworth.com)

### ***Book Reviews***

Review of Amy L. Fairchild, Ronald Bayer, and James Colgrove, *Searching Eyes: Privacy, the State, and Disease Surveillance in America* (University of California Press, 2007), *Review of Policy Research* 26(5): 633-634 (2009) [invited]

## ***Work in Progress***

“The Full Enforcement Limit on Criminalizing Conduct” This research paper argues that an important limit on the justifiability of criminal sanction is whether full (or substantial) enforcement would be intolerable in liberal society. It also inverts the common conception of the relation between substantive criminal law and criminal procedure (where criminal law provisions justify investigative and arrest procedures) and argues that criminal sanction is only justifiable based on what a society can withstand procedurally (current draft is about 8000 words; expected completion Spring 2016)

Review of Frank Pasquale, *The Black Box Society* for *Business Ethics Quarterly* [invited] (agreement to submit in January 2016).

“Metadata Collection, Aggressive Interpretation, and Legal Archetypes.” In this research article I consider whether, and under what conditions, secret programs and secret interpretations of statutes (of which the section 215 program is but one example) are indeed *law*, and what moral constraints there are upon the authority of state actors in interpreting ambiguous statutes. Here I will draw on philosophical work on transparency and secrecy, and on legal interpretation (e.g., Jeremy Waldron’s work on “legal archetypes”) (partially drafted; expected completion Spring 2016)

## **PAPERS PRESENTED**

“What’s Wrong with Bulk Metadata Collection?” Kercher Symposium Lecture Series, Western Michigan University Criminal Justice Program, October 2015 [invited]

“Student Privacy in Course Management Systems,” Western Michigan University Sociology Department, October 2015 [invited]

“What Language Should Academic Libraries Use in Licenses for Electronic Resources,” National Information Standards Organization, Symposium to Build Consensus Framework to Support Patron Privacy in Digital Library and Information Systems, May 2015

“Metadata Collection and Legal Archetypes: Jurisprudence and National Security Law,” *Michigan Telecommunications and Technology Law Review* Symposium on Technology, Privacy, and the Law, University Michigan Law School, February 2015 [invited]  
Holtz Center for Science and Technology Studies Brownbag, March 2015

“Against Trust: Bulk Metadata Collection, Statutory Interpretation, and the Liberalism of Fear,” American Society for Information Science and Technology, Policy Interest Group Workshop, Seattle, WA, October 2014

“Privacy and Learning Analytics,”  
SLIS Brownbag, UW, May 2014; LASI-Local, July 2014

- “Getting Privacy Right in National Security Surveillance,”  
Information Ethics Roundtable, Edmonton, Alberta, April 2014
- “Four Facets of Privacy and Intellectual Freedom in Licensing Contracts for Electronic Journals,”  
Privacy Law Scholars Conference, Washington, DC, June 2014
- “Ethical Analysis of Privacy Concerns in the Era of Genomic Medicine,”  
Center for Professional Bioethics, Kansas City, MO, November 2013 [invited]
- “What Did Elsevier Know, and When Did They Know It?: Privacy in Licenses for Electronic Journals  
in University Libraries” (with Mei Zhang)  
Information Ethics Roundtable, University of Washington iSchool, Seattle, WA, April 2013
- “A Framework for Comparing Privacy States”  
iConference 2013, Fort Worth, TX, February 2013; Privacy Law Scholars Conference 2013,  
Berkeley, CA.
- “Public Health Surveillance and Representations of Autonomy,”  
American Society for Bioethics and Humanities, Washington, DC, October 2012
- “Privacy, Technology, and Varieties of Freedom,”  
Information Ethics Roundtable, Hunter College, CUNY, April 2012
- “A Framework for Analyzing Electronic Resources, Privacy, and Intellectual Freedom”  
Libraries in the Digital Age, Zadar, Croatia, June 2012; iConference 2013, Fort Worth, TX,  
February 2013 (Special Workshop on Information Privacy)
- “The Perfect Enforcement Limitation on Criminalization”  
Conference on Criminalization, University of Stirling, Scotland, September 2011
- “Information Access, Privacy, and Positive Intellectual Freedom,”  
World Congress of Philosophy of Law and Social Philosophy, Goethe University, Frankfurt am  
Main, Germany, August 2011
- “Privacy as Second-Best Liberal Neutrality”  
Holtz Center, March 2011; Society for Philosophy and Technology Annual Meeting,  
University of North Texas, May 2011
- “Information and Its Function in Securing the Full Value of Human Rights”  
Information Ethics Roundtable, University of Arizona, April 2011
- “Rethinking Public Health Surveillance,”  
Johns Hopkins Berman Institute of Bioethics, October 2009; various audiences January-March  
2010.
- “Piecemeal Privacy Protections and Personal Health Records,”  
Greenwall Foundation Meeting, New York, June 2009

- “The Particularized Judgment Account of Privacy,”  
Indiana University Law School-Bloomington, November 2007; University of Wisconsin-Madison Department of Philosophy, November 2007; University at Albany-SUNY Department of Philosophy, February 2008; Kennedy Institute of Ethics, Georgetown University, February 2008.
- “Nanotechnology, Sensors, and Rights to Privacy,” “Nanosensors and the Fourth Amendment”  
Nanoscale Science and Engineering Center external advisory committee, February 2006; Science, Democracy, and Public Policy Seminar, University of Wisconsin, Madison, March 2006; Association for Legal and Social Philosophy, University of Edinburgh, Scotland, July 2009
- “Claims to Privacy and the Distributed Value View,”  
Conference on Informational Privacy: Philosophical Foundations and Legal Implications, University of San Diego Law School, Institute for Law and Philosophy, April 2007
- Commentary on Samuel C. Rickless, “The Right to Privacy Unveiled,”  
Conference on Informational Privacy: Philosophical Foundations and Legal Implications, University of San Diego Law School Institute for Law and Philosophy, April 2007
- “Democratic Principles and Mandatory Labeling of Genetically Engineered Food,”  
(with Robert Streiffer) American Society for Agriculture, Food, and Human Values, Austin, TX, June 2003; American Society for Bioethics and Humanities Annual Meeting, Montreal, Canada, October 2003; Science, Democracy, and Public Policy Seminar, University of Wisconsin, Madison, December 2005
- “Do Genetically Engineered Animals Raise New Issues for the GE Food Labeling Debate?”  
(with Robert Streiffer), Conference on Labeling Genetically Modified Food, University of Missouri-Columbia, November 2005
- “The PATRIOT Act and a Warranted Concern Account of Privacy,”  
Colloquium on Privacy, University of Utah Philosophy Department, April 2004
- “Speech, Privacy, and the Priority of Basic Liberties,”  
Conference on Value Inquiry, Grand Forks, ND, April 2003
- “Attention Deficit Disorder and the Genetic Disease Concept,”  
(with Jonathan Kaplan) American Society for Bioethics and Humanities Annual Meeting, Philadelphia, PA, October 1999
- “What’s a Benefit?: Future Person Regarding Morality in Parfit’s *Reasons and Persons*,”  
Tennessee Philosophical Association Annual Meeting, Nashville, TN, November 1998

## **FUNDING**

1. UW Graduate School, Fall Competition 2014-15. "Privacy, Public Services, and the Problem of Justice" \$9,831.
2. UW Graduate School, Fall Competition 2013-14. "Privacy in the Provision of Public Services" \$15,556

3. UW Graduate School, Fall Competition 2012-13. "Privacy, Intellectual Freedom, and Public Library Use of Electronic Resources." \$15,556.

4. UW Graduate School, International Travel Supplement, 2011. For conference on criminalization (University of Stirling, UK) and International Association of Legal and Social Philosophy world congress (Frankfurt, Germany). \$2000.

## **PUBLIC TALKS**

"A Decade of Discovery" (panelist),  
2015 ARMA Annual Spring Seminar, April 2015

"Data Analytics and Course Management Systems: Some Ethical Concerns,"  
Delta Roundtable, UW-Madison March 2015

"Privacy" Madison Public Library, Choose Privacy Week

"The Future of Privacy in an Internet Age,"  
Rights Symposium, Center for the Study of Liberal Democracy and the Center for the Study of the American Constitution, University of Wisconsin, Madison, April 2011

## **MEDIA**

"What's wrong with NSA surveillance?,"  
*WestSouthwest*, Michigan Public Radio, October 5, 2015 (30 minute interview)

Food labor and fair labor, *Christian Science Monitor*, September 16, 2015 (interview for series on migrant farm labor in Florida)

"What is privacy . . . and why does it matter?,"  
*University of the Air*, Wisconsin Public Radio, October 14, 2012 (60 minute interview)

## **COURSES TAUGHT**

### *Library and Information Studies*

**LIS201** The Information Society (undergraduate; Digital Studies Comm-B course)

**LIS450** Information Agencies and Their Environments (graduate)

**LIS661/LIS931** Information Ethics and Policy (graduate; both in-person and online)

**LIS999** Independent Reading (graduate)

### *Legal Studies*

**LS450-017** Jurisprudence and Contemporary Issues (undergraduate)

**LS400-012/LS460/LIS460** Surveillance, Privacy, and Police Powers (undergraduate/graduate)

**LS699 IND-007** Directed Study/Independent Study (undergraduate)

<b>Year</b>	<b>Fall</b>	<b>Spring</b>
2010-2011	<b>LIS450</b> Information Agencies and their Environments <b>LS400-012</b> Surveillance, Privacy and Police Powers	<b>LIS661</b> Information Ethics and Policy <b>LS450-017</b> Jurisprudence and Social Issues
2011-2012	<b>LIS450</b> Information Agencies and their Environments <b>LS400-012</b> Surveillance, Privacy and Police Powers	<b>LIS661/LIS931</b> Information Ethics and Policy <b>LS450-017</b> Jurisprudence and Social Issues
2012-2013	<b>LIS450</b> Information Agencies and their Environments <b>LS400-012</b> Surveillance, Privacy and Police Powers <b>LS699 IND-007</b> Directed Study/Independent Study	<b>LIS661</b> Information Ethics and Policy <i>online</i> <b>LS450-017</b> Jurisprudence and Social Issues <b>LIS999</b> Independent Reading
2013-2014	<b>LIS450</b> Information Agencies and their Environments <b>LS400-012</b> Surveillance, Privacy and Police Powers <b>LIS999</b> Independent Reading	<b>LIS661/LIS931</b> Information Ethics and Policy <b>LS450-017</b> Jurisprudence and Social Issues
2014-2015	<b>LIS450</b> Information Agencies and their Environments	<b>LIS661</b> Information Ethics and Policy <i>online</i> <b>LS460/LIS460</b> Surveillance, Privacy and Police Powers
2015-2016	<b>LIS201</b> The Information Society <b>LS460/LIS460</b> Surveillance, Privacy and Police Powers	

## **STUDENTS SUPERVISED**

Ellen LeClere (SLIS, Ph.D.) (advisor)

Kyle Jones (SLIS, Ph.D.) (committee member)

Ryan Biava (Political Science, Ph.D.) “The Comparative Politics of Privacy: Interests, Information, and the Internet” (committee member) (2013)

Fred Harrington (Philosophy, Ph.D.) “The Concept and Grounding of Human Rights” (committee member) (2012)

Mark Mitchell (Philosophy, Ph.D.) "Benevolence and Justice: On the Role of Benevolence in Liberal Political Conceptions of Justice" (committee member) (2012)

Michelle Caswell (SLIS, Ph.D.) dissertation committee member "Archiving the Unspeakable: Silence and Voice in Khmer Rouge Mug Shots." (committee member) (2012)

Matthew Rudley (Legal Studies) “The Third-Party Doctrine: Is it Worth the Risk?” (undergraduate independent study) (2012)

## **GUEST LECTURES**

“Metadata and surveillance law,” Introduction to Digital Information (LIS), Dorothea Salo, Fall 2014

“Privacy and Information Agencies,” LIS450, Information Agencies and their Environments, Jonathan Senchyne, Fall 2012, 2013, 2014, and Michele Besant, Fall 2013, 2014

“IP, Copyright, Fair Use, Licensing” LIS450, Information Agencies and their Environments, Jonathan Senchyne, Fall 2012, 2013, 2014, and Michele Besant, Fall 2013, 2014



“Privacy law and information landscapes,” information landscapes & data cultures (Journalism 676), Molly Steenson, Fall 2014

“Electronic Surveillance and the Fourth Amendment,” Cyberlaw, Anuj Desai, University of Wisconsin Law School, October 2012

“Surveillance Law, National Security, and NSA Wiretapping,” Computer Security, Tom Ristenpart, University of Wisconsin, Madison (Computer Science), November 2011, November 2012, November 2014.

“Health Privacy,” Medical Information Systems, Catherine Arnott Smith, University of Wisconsin, Madison, March 2011, March 2013.

“Property, Privacy, and Human Tissue Research,” Information Agencies and their Environment, Louise Robbins, University of Wisconsin, Madison, October 2010.

“Ethics and Labeling of Genetically Engineered Foods,” Food Ethics, Anne Barnhill, Johns Hopkins University, April 2010.

“Ethics and Public Health Surveillance,” Public Health Ethics, Paul Kelleher, University of Wisconsin, Madison, March 2010, October 2014.

“Brain states, Neuro-imaging, and Privacy,” Seminar in Neuro-ethics, Eran Klein, Johns Hopkins University, April 2009.

“Introduction to Moral Theory and Ethical Reasoning,” Seminar in Research Ethics, Sue Heidrich, University of Wisconsin School of Nursing. January 2006

“Democratic Principles and Mandatory Labeling of GM Foods,” Philosophy 341, Contemporary Moral Issues, Robert Streiffer. December 2005

## **PROFESSIONAL SERVICE**

### ***A. Institutional service***

SLIS Library and Technology Committee (2013-present)

SLIS Distance Education Committee (2012-present)

SLIS Curriculum Committee (2010-present)

SLIS Ph.D. Committee (2011-present)

SLIS Search Committee (2011-12)

Legal Studies Planning Committee (2015-present)

University of Wisconsin Faculty Senate (Senator, 2012-present; alternate, 2011-12)

### ***B. Professional service***

Editorial Board, *JASIST: The Journal of the American Society for Information Science & Technology*

Rubel CV, November 2015

(2013-present)

Conference organizer and host *Information Ethics Roundtable 2015* (2-day conference)

Chair, Association for Information Science and Technology (ASIS&T), Information Ethics and Policy Special Interest Group (2015-2016)

Reviewer for *JASIST*, *Health Policy, Law & Philosophy*, Oxford University Press (chapter), *Journal of Social Philosophy*, Social Sciences and Humanities Research Council of Canada (grant reviewer, 2013, 2014) *Res Publica*, *Journal of Medical Ethics*, *Journal of Politics and Moral Philosophy*, *Library Quarterly*, iConference 2014; ASIST Conference 2014, 2015

### **C. Public service**

University of Wisconsin Law School, Evans Moot Court (Judge, 2011, 2012, 2013)

Senior Advisor, Presidential Commission for the Study of Bioethical Issues, U.S. Department of Health and Human Services, 2012 (during development and publication of report “Privacy and Progress in Whole Genome Sequencing”)

### **ACADEMIC HONORS**

*Magna Cum Laude* – University of Wisconsin Law School

*Wisconsin Law Review* – Note and Comment Editor, 2000 - 2002

*Highest grade in class (law school)* – Jurisprudence, Property, Evidence, Civil Procedure II (Jurisdiction of Courts), Legal Process, First Amendment, Legal Research and Writing

*Award for Outstanding Achievement* – Criminal Law

*Young Scholar Travel Grant* – American Society for Bioethics and Humanities. To present papers at annual meeting, 1999, 2003

*Class Rank* – University of Wisconsin Law School: top 5%

*S.J. Quinney Foundation Scholarship* – Provides full tuition waiver and stipend for law students, 1999-2002 (declined 2000-2002)

### **OTHER WORK EXPERIENCE**

*Center for Democracy and Technology* - Washington, DC  
Law Fellow, January - May, 2009

*University of Wisconsin* - Madison, WI  
Research Assistant, 2003-04, 2005-06

*Howrey Simon Arnold and White* - Washington, D.C.  
Summer Law Associate, Summer 2001

*United States Department of Justice* - Washington, D.C.  
Law Clerk (Summer Law Intern Program), Consumer Protection Division, Summer 2001

*United States Department of Justice* - Washington, D.C.

Law Clerk (Summer Volunteer Intern Program), Environmental Enforcement Section, Summer 2000

*U.S. National Park Service* - Olympic National Park, Port Angeles, WA

Backcountry Park Ranger, 1996-98

Biological Technician, Wilderness Management / Revegetation, 1992-97

Biological Technician, Spotted Owl Project, 1993-94