Data Minimization and Data Empowerment

- 1980 Guideline of “data minimization”
  - Human/fundamental right vis-à-vis data controller
- 2010 and “data empowerment”
  - Individuals mobilize & use data: Obama campaign, Colombia
  - Human/fundamental rights of freedom of assembly, association & speech
- Data protection history:
  - Rights vs. utility (economic growth, innovation)
  - Now, rights (minimization) vs. rights (empowerment)
- From mainframe to today’s computing
  - 1980: “they” had data about “us”
  - 2010: “we” use data to exercise our rights
Swire Background

- 1986-90 DC lawyer with Powell, Goldstein
  - Larry Simons, Tony Freedman, John McIlwaine, John Knapp – housing
  - Stu Eizenstat, Bob Litan – S&L/banking
- Law prof since 1990
  - My problem around 1992
  - White House/OMB 1999-2000: Chief Counselor for Privacy
  - After 2000 based in DC as law prof
  - Center for American Progress
- While teaching Antitrust in 2008 …
  - Transition
  - Barr left NEC
- Special Asst. to the President for Economic Policy
  - Inter-agency coordinator on housing/housing finance
  - Have returned to my academic position