

MARK MACCARTHY

PROFESSIONAL EXPERIENCE

Vice President, Public Policy, Software & Information Industry Association, February 2011 – present

He advises member companies and directs public policy initiatives in the areas of intellectual property enforcement, technology and trade issues, information privacy, cyber security, cloud computing and the promotion of educational technology.

Adjunct Professor, Communication, Culture and Technology Program, Georgetown University, 1999-present.

He teaches courses on the development of the electronic media, information privacy and security policy, technology policy and Internet freedom and conducts research in information privacy and security, Internet intermediary liability, global Internet freedom, mobile commerce and other technology policy issues. He is an adjunct member of the Department of Philosophy where he teaches courses in political philosophy and philosophy and privacy. He is an Affiliate of Georgetown University's McDonough School of Business Center for Business and Public Policy.

Senior Vice President, Public Policy, Visa, Inc. 2000-2008.

Responsible for global government relations strategies and initiatives affecting electronic commerce, technology policy, information security, privacy, risk management, credit, debit and prepaid payment cards and innovative products such as payWave and Visa's mobile telephone platform. Responsible for coordinating working relationships with consumer and privacy groups. Regularly represented Visa before the U.S. Congress, the U.S. Administration, the U.S. Federal Trade Commission, the U.S. federal financial regulators and multi-governmental groups such as the OECD and APEC.

Principal, Senior Director, The Wexler Group, 1994-2000.

Responsible for communications and information industry clients in firm's government affairs practice. Organized firm's efforts to represent client interests before the Congress, the Administration, the Federal Communications Commission, the Federal Trade Commission and other government agencies. Clients included companies in long distance telephony, cable television, broadcasting, satellite communications, wireless communications, television production (Children's Television Workshop), health care information, computer software, payment cards, and digital watermarking technology.

Vice President, Government Affairs, Capital Cities/ABC, Inc., 1988-1994.

Responsible for representing company's interests in broadcast network television, television and radio broadcasting, cable programming and publishing before Congress, the Executive Branch, the Federal Communications Commission and other government agencies. Directed professional staff and managed outside consultants and law firms. Responsible for maintaining company relations with the broadcasting, cable and publishing industries. Company representative on the Board of Directors of the National Association of Broadcasters.

Professional Staff Member, Committee on Energy and Commerce, U.S. House of Representatives, 1981-1988.

Responsible for legislation and oversight of telecommunications policy matters under the Committee's jurisdiction. Reported to the Chairman of the Committee, Representative John D. Dingell, Jr. Worked on legislation relating to the Bell System breakup, cable industry deregulation, telecommunications reform, broadcast license reform, public broadcasting, satellite broadcasting, children's educational television, Fairness Doctrine, and telecommunications trade. Responsible for authorizing legislation and oversight of the Federal Communications Commission, the National Telecommunications and Information Administration, and the Corporation for Public Broadcasting.

Adjunct Professor, Center for Philosophy and Public Policy, University of Maryland, 1979-80.

Taught philosophy of economics and conducted research on policy issues in occupational safety and health.

Economist, Occupational Health & Safety Administration, U.S. Department of Labor, 1978 - 1981.

Responsible for regulatory analyses estimating costs and benefits of standards affecting workplace safety and health. Worked on standards relating to labeling of hazardous materials, safety and health practices in the abrasive blasting industry and safety practices in the use of conveyors.

Assistant Professor, Department of Philosophy, University of Notre Dame, 1976 - 1978.

Taught courses and conducted research in political philosophy.

EDUCATION

M.A., 1978 Economics, University of Notre Dame

Ph.D., 1975 Philosophy, Indiana University
B.A., 1969 Fordham University

WORKING PAPERS/BLOG POSTS/OP EDS

“Online Social Networks: Privacy Externalities and Public Policy,” Privacy Law Scholars Conference, June 2011

“Government and Private Sector Roles in Providing Information Security in the U.S. Financial Services Industry,” Cybersecurity Symposium, Ohio State University Law School, April 2011

"[The Consumer Financial Protection Bureau Needs a Privacy Office](#)," (with Robert Gellman), *Privacy and Security Law Report* August 9, 2010

"[Mobile Payments Need Strong Consumer Protections](#)," (with Gail Hillebrand), *American Banker*, August 10, 2010

“New Directions in Privacy,” Privacy Law Scholars Conference, June 2010

“Information Security Policy in the U.S. Retail Payments Industry,” Ninth Workshop on the Economics of Information Security, June 2010

"[Public Media and the Future of Journalism](#)," Save the News Blog Post, October 23, 2009

"[Keeping Local News Flowing](#)," Save the News Blog Post, January 20, 2010

"[Open Standards, Competition and Patent Policies](#)," Unpublished Manuscript, July 2009

"[Competition in Office Suite Programs](#)," (with Andrew Updegrave), Unpublished Manuscript, May 2009

PUBLICATIONS

"[New Directions in Privacy](#)", *I/S: A Journal of Law and Policy for the Information Society*, Volume 6, Issue 3, Summer 2011

[Spectrum for the Next Generation of Wireless](#), Report of the 2010 Aspen Institute Roundtable on Spectrum, Aspen Institute, 2011

“[Information Security Policy in the U.S. Retail Payment System](#),” Stanford Technology Law Journal, 2011 STAN. TECH. L. REV. 3 (February 15, 2011)
<http://stlr.stanford.edu/pdf/maccarthy-information-security-in-retail-payments.pdf>

“Internet Exceptionalism Revisited,” pp. 209-236 and “Online Liability for Payment Systems,” pp. 265-292 in [The Next Digital Decade: Essays About the Internet’s Future](#), eds. Adam Thierer and Berin Szoka, TechFreedom, 2010
<http://nextdigitaldecade.com/read-book-now>

“[What Payment Intermediaries Are Doing About Online Liability and Why It Matters](#),” Berkeley Technology Law Journal, Volume 25, Issue 2, Spring 2010

[Rethinking Spectrum Policy](#), Report of the 2009 Aspen Institute Roundtable on Spectrum, Aspen Institute, 2010

“The Payment Card Industry Data Security Standard,” in [Proskauer on Privacy](#), Practising Law Institute, Second Edition, 2009

“Creating a Formidable Customer Information Security Program for Financial Institutions,” Electronic Banking Law and Commerce Report, November 2003

“Information Security,” in [Considering Consumer Privacy: A Resource for Policymakers and Practitioners](#), Center for Democracy and Public Policy, March 2003

“Broadcast Self-Regulation: The NAB Codes, Family Viewing Hour and Television Violence,” [Cardozo Arts and Entertainment Law Journal](#), 1995.

“Closure in Occupational Safety and Health: The Benzene and Cotton Dust Cases,” in [Scientific Controversies: Studies in the Resolution and Closure of Disputes Concerning Science and Technology](#) Eds. A. L. Caplan and H. T. Engelhardt, Jr., New York: Cambridge University Press, 1987.

“... Or a Free Ride for AT&T?” (with Representative John D. Dingell and Timothy E. Nulty), [Challenge](#) Vol. 27, No. 1, March - April 1984.

“Beyond OSHA: Improving Workplace Safety and Health,” The Report from The Institute for Philosophy & Public Policy, Volume 3, Number 4 (Fall 1983)

"Cost-Benefit Analysis and Regulation" (with Marguerite Connerton), National Policy Paper No. 4, National Policy Exchange, November 1982.

"A Review of Some Normative and Conceptual Issues in Occupational Safety and Health," Boston College Environmental Affairs Law Review, Vol. 7, No. 4, December 1981.

SELECTED TESTIMONY AND PRESENTATIONS

[Testimony](#) before the Health Information Technology Policy Committee Governance Committee, Office of the National Coordinator for Health Information Technology, U.S. Department of Health and Human Services, September 28, 2010

Presentation on Payment Systems and Online Dispute Resolution to the Conference on “A Fresh Look at Online Dispute Resolution (ODR) and Global E-Commerce: Toward a Practical and Fair Redress System for the 21st Century Trader (Consumer and Merchant)” March 2010

Presentation on Verifying Identity Online for Services to the 11th Annual Privacy and Security Conference, February 2010

Presentation on [C2C: Consumers As Sellers](#) to the Conference on Empowering E-Consumers: Strengthening Consumer Protection in the Internet Economy, December 9, 2009

Presentation on [Public- and Foundation- Funding Journalism](#) to the Workshop, How Will Journalism Survive the Internet Age? Federal Trade Commission, December 2, 2009

Presentation on [U.S. Mobile Payments](#) to the Conference on Explaining International Mobile Payments, Information Technology and Innovation Foundation, November 17, 2009

Presentation on [Public Policy Considerations In Respect To Internet Intermediaries](#) to the 58th Session of the Committee For Information, Computer

And Communications Policy, Organization for Economic Cooperation and Development, October 14, 2009

Presentation on [Internet Intermediary Liability](#) to the session on Internet Governance at TPRC 2009: The 37th Research Conference on Communication, Information, and Internet Policy, September 26, 2009.

Presentation on [Standards and Public Policy](#) to the Panel on Forward Thinking for Standards Education at the Conference on Promoting Education about Standardization in North America, National Institute of Standards and Technology, May 8, 2009

Presentation on Change in Washington: Privacy and Security, Consumer Data Industry Association Executive Forum, January 28, 2009.

Presentation on Legislative and Regulatory Developments in Information Security, Department of Computer Science, University of Massachusetts at Amherst, December 16, 2008.

Presentation on Consumer Understanding and Acceptance of Contactless Payment Technology at the Federal Trade Commission's Town Hall entitled "Pay on the Go: Consumers and Contactless Payment," July 24, 2008

Testimony before the United States House of Representatives, Committee on the Judiciary, Subcommittee on Courts, the Internet and Intellectual Property, "International Piracy: The Challenges of Protecting Intellectual Property in the 21st Century," October 18, 2007

Presentation on New Payment Methods - State of the Art and Predictions at the Federal Trade Commission's Town Hall entitled "Protecting Consumers in the next Tech-ade," November 8, 2006

Testimony before the United States House of Representatives, Committee on Energy and Commerce, Subcommittee on Oversight and Investigation, "Deleting Commercial Child Pornography Sites from the Internet: The U.S. Financial Industry's Efforts to Combat This Problem" September 21, 2006.

Testimony before the United States Senate, Committee on Banking, Housing and Urban Affairs, “Combating Child Pornography by Eliminating Pornographers’ Access to the Financial Payment System” September 19, 2006

Testimony on Data Protection and the Consumer; Who Loses When Your Data Takes a Hike? before the Subcommittee on Regulatory Reform and Oversight, Committee on Small Business, U.S. House of Representatives, May 23, 2006.

Presentation on Data Security Legislation, European-American Business Council, Semi-Annual European Embassy Policy Briefing, May 17, 2006

Presentation on Data Security Legislation, ChasePaymentech Solution's 2006 Program, April 27, 2006

Presentation on Regulation of Prepaid Cards, Credit Union National Association, April 19, 2006

Presentation on Data Security, America’s Community Bankers’ National Operations, Security and Technology Conference, March 21, 2006

Presentation on Visa’s Contactless Payment Platform, International Working Group on Data Protection in Telecommunications, April 7, 2006

Presentation, “Privacy and Security: Online Medical and Financial Records at the Crossroads,” State of the Net Conference, Congressional Internet Caucus, February 8, 2006

Testimony on Safety of Imported Pharmaceuticals: Strengthening Efforts to Combat the Sales of Controlled Substances Over the Internet before the Subcommittee on Oversight and Investigations of the Committee on Energy and Commerce, U.S. House of Representatives, December 13, 2005

Presentation on Data Security, Administrative Law Conference, American Bar Association, November 17, 2005

Presentation on Contactless Payment Platforms to the Foresight Forum on Radio Frequency Identification (RFID) Applications And Public Policy Considerations, Organization for Economic Cooperation and Development, October 5, 2005

Presentation on Security Challenges in the New Mobile World before the NTIA Wireless Security Forum, Pharmsers and Spimmers, Hackers and Bluejackers: Combating Wireless Security Threats, United States Department of Commerce, July 20, 2005

Presentation, “The American Consumer and Identity Theft: Protecting Personal Data in the Information Age,” Congressional Forum, Congressional Economic Leadership Institute, July 21, 2005

Presentation, “Data and Information Security: It’s More Than Money,” to the conference on Risky Business: Managing Electronic Payments in the 21st Century, Payment Card Center, Federal Reserve Bank of Philadelphia, June 21, 2005

Presentation, “Information Security Legal Framework and Sources of Liability” to the Seminar on Fire Inside the Firewall: Liability for Information Security Breaches, Steptoe and Johnson, May 13, 2005

Presentation on “Intellectual Property Policy and Politics,” to the American Library Association conference on Correcting Course: Rebalancing Copyright for Libraries in the National and International Arenas, Columbia University, May 6, 2005.

Presentation on “Dispute Resolution and Redress,” to the OECD Workshop On Consumer Dispute Resolution and Redress in the Global Marketplace, April 19, 2005.

Testimony on “The Need to Strengthen Information Security at the Department of Homeland Security” before Subcommittee On Management, Integration, And Oversight Of The Committee On Homeland Security United States House Of Representatives, April 14, 2005

Presentation on Contactless Payment Platforms to the Radio Frequency Identification (RFID) Workshop, Technology Administration, United States Department of Commerce, April 6, 2005

Presentation on Identity Theft to the Conference Board’s Symposium on Identity Theft, March 3, 2004.

Testimony on Database Security: Finding Out When Your Information Has Been Compromised, before the Subcommittee On Terrorism, Technology And Homeland Security Of the Committee On The Judiciary United States Senate, November 4, 2003

Testimony on H.R.____, the International Consumer Protection Act of 2003 before the Subcommittee on Commerce, Trade, and Consumer Protection of the Committee on Energy and Commerce, United States House of Representatives, September 17, 2003

Presentation on Privacy and New Technology to the meeting on "New Tools for Recall Effectiveness" Consumer Product Safety Commission, July 25, 2003.

Presentation, "How Visa's Cardholder Information Security Program (CISP) Builds Consumer Trust and Promotes Internet Security," Privacy Leadership Group of Privacy and American Business, December 6, 2002

Presentation," How Visa Protects Children Online" to the Consumer Forum on Protecting Children in Cyberspace, December 4, 2002

Presentation on Identity Theft to the American Bar Association Annual Meeting, August 12, 2002

Presentation, "Use of Payment Services (VISA) to Regulate Internet Gambling" INET 2002 Conference, June 20, 2002

Presentation on Visa's Cardholder Information Security Program to the Workshop on Consumer Information Security, Federal Trade Commission, May 21, 2002

Presentation on Privacy and Security in the USA Patriot Act to the Privacy and American Business Conference, March 21, 2002

Testimony on Internet Gambling before the Subcommittee On Oversight And Investigations of the Committee On Financial Services, July 12, 2001.

Testimony on Online Fraud before the Subcommittee on Commerce, Trade and Consumer Protection of the Committee on Energy and Commerce, U.S. House Of Representatives, May 28, 2001.

Presentations on E-Commerce and Countering Internet Fraud to Payment Card Institute May 4, 2001

Presentation on Privacy and the States to the Privacy and American Business Conference, April 11, 2001

Presentation on Electronic Signatures to the E-Sign Public Workshop, Federal Trade Commission, April 3, 2001.

Presentation on Mobile Electronic Commerce to the Wireless Internet Policy Workshop, Federal Trade Commission, December 11, 2000.

Testimony on Biometrics before the Science & Technology Caucus, U.S. Senate, June 28, 2000.

Testimony on Age Verification before the Commission on Online Protection (COPA), June 9, 2000.

Presentation to the conference on the Jurisprudence of Ratings, Benjamin N. Cardozo School of Law/ Yeshiva University, March 25, 1996

BOARD MEMBERSHIPS

Shakespeare Theatre, Congressional Night Committee, 2001-2006

Folger Shakespeare Library, Co-Chair, Folger Renaissance Forum 1994-1999; member of the Corporate Guild 1999- 2003

Arena Stage, Member, Board of Directors, 1994-1999

National Association of Broadcasters, Member, Board of Directors, 1990-1994