

# Richard P. Salgado

## Education

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**J.D., Yale Law School**

**B.A., Magna Cum Laude, University of New Mexico**

## Academic Positions

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### *Lecturer in Law*

**Stanford Law School, 2004-present**

Teach seminars exploring the challenging legal and public policy issues arising from ever-evolving computer and communications technology. Seminars have included Modern Surveillance Law, Internet Business Legal and Policy Issues, and Computer Crime.

### *Lecturer on Law*

**Harvard Law School, 2023-present**

Teach Modern Surveillance Seminar, which explores the law and policy of government surveillance for national security and law enforcement purposes.

### *Senior Associate (Non-resident)*

**Strategic Technologies Program, Center for Strategic and International Studies 2024-present**

### *Advisory Board Member*

**Tech Law and Security, American University Washington College of Law, 2019-present**

### *Visiting Fellow on Security and Surveillance*

**Cross-Border Data Forum, 2023-present**

### *Non-Resident Fellow*

**Stanford Law School Center for Internet and Society, 2009-present**

### *Instructor & Author*

**SANS Institute, 2002-2014**

Author and Senior Instructor with the SANS Institute, a leading organization for the training and certification of cybersecurity professionals. Developed and taught the legal issues section of the Advanced Computer Forensic Analysis & Incident Response track to educate non-lawyer professionals to the legal issues inherent in computer forensics and network investigations. Authored the course materials that I and other instructors taught from.

### *Faculty Member, General Jurisdiction*

**National Judicial College, 2003-2004**

### *Adjunct Professor of Law*

**Georgetown University Law Center**

Computer Crimes Seminar, 2001-2004

### *Adjunct Professor of Law*

**George Mason University School of Law**

Computer Crimes Seminar, 2000

## Experience

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### ***Principal*** **Salgado Strategies LLC**

I use my extensive expertise in navigating the complex geopolitical, cybersecurity, and surveillance environment in which technology companies operate to craft tactical and strategic plans, devise public policy campaigns, and develop operational programs to turn the myriad challenges into opportunities. I help clients:

- Resolve serious cybersecurity threats from sophisticated threat actors, build internal investigative capacity and competency, and establish programs to engage in responsible and effective sharing of threat intelligence.
- Design initiatives to navigate national security, surveillance and public safety issues stemming from:
  - technologies such as encryption, artificial intelligence, machine learning, and quantum computing
  - business goals such as expanding network infrastructure, entering new markets, and launching new products, services or features.
- Manage the thorny issues presented by product abuse, such as information operations and illegal content, in a manner that is consistent with the client's principles, ethics, and business imperatives.
- Build public policy initiatives and operational programs to manage and shape the cybersecurity and surveillance regulatory landscape.
- Develop strategies for external engagement with law enforcement, national security, and intelligence community agencies, as well as policy makers, foreign affairs ministries, and civil society.
- Design global approaches to accurately anticipate and effectively manage surveillance demands of governments, including those of difficult jurisdictions.
- Establish proactive and reactive strategies to address government demands for exceptional access to data, content moderation, and data location or retention.
- Anticipate the regulatory and public policy impact of novel and theoretical technologies, network architectures and designs.
- Earn trust by being transparent about cyber threats and data disclosure demands through scalable programs to notify users of attacks on their accounts and demands for their data, and publishing transparency reports and bulletins.

### ***Director, Law Enforcement and Information Security*** **Google, 2009-2022**

Led and managed worldwide teams of attorneys, investigators, and operational legal specialists to navigate and resolve Google's complex national security, cybersecurity, and law enforcement legal challenges.

- Worked with intelligence agencies and law enforcement worldwide in crisis response, demands for user data, criminal and national security case investigations and referrals, addressing government equities in network infrastructure such as undersea cables and data centers, and cyber and physical threat indicator sharing.
- Oversaw risk mitigation and compliance policy development and implementation relating to requests for disclosure of user data, and cyber threat information intake and sharing.
- Have testified before the U.S. Congress ten times on significant issues of public policy, law, and Company practice including foreign information operations, election security, extremist content, and government surveillance. Have frequently briefed congressional members and staffers on a multitude of law enforcement, national security, intelligence, surveillance, and cybersecurity and physical security issues.

- Frequently served as the face of Google to address surveillance and security issues, including through congressional testimony, statements to the press, and Google blog posts.
- Led Google legal department's efforts to address legislative and regulatory initiatives worldwide relating to cybersecurity, child safety, and data disclosure to governmental and private entities.
- Led Google legal department's work to help prevent, respond to, and investigate serious cybersecurity incidents and APT actor threats. Included close collaboration across many security, engineering, business, and product teams to develop, implement, and enforce policy.

***Director, Global Law Enforcement & Security***  
**Yahoo!, 2004-2009**

Led the global legal team responsible for engaging with law enforcement and national security agencies outside the U.S., responding to demands for user data originating from those agencies, and managed the cybersecurity legal team. Helped the Company build the first business and human rights program in the Internet and communications technology industry.

- Worked with law enforcement and intelligence agencies outside the U.S., proactively and reactively, to respond to demands for user data and address security threats.
- Helped to develop the Company's compliance policy relating to data retention and disclosure, and to implement and enforce the policy. Worked closely with business, engineering, and product teams to mitigate legal risks in business strategy, platform operations, and product design.
- Managed and supervised legal team responsible for ensuring that the Company had the tools needed to secure data to comply with law enforcement and intelligence agency requirements worldwide.
- Managed and supervised the cybersecurity legal team, which was responsible for overseeing all legal and policy aspects of cyber threat incident response and investigations, including working with law enforcement as appropriate, and managing internal investigations and forensic analysis.
- Led the creation, implementation, and application of security and incident response policies and procedures, including security and data handling requirements for partners and vendors.
- Helped the Company co-found the Global Network Initiative, a multi-stakeholder alliance dedicated to promoting freedom of expression and protecting privacy.

***Federal Prosecutor, Computer Crime & Intellectual Property Section***  
**U.S. Department of Justice, 1999-2004**

Served as a federal prosecutor, specializing in cutting-edge technology-driven crimes including hacking, illegal wiretaps, denial of service attacks, and malware implants. Served as the lead DOJ negotiator for Team Telecom, which advises the Federal Communications Commission on national security and law enforcement concerns arising from certain applications for telecom licenses.

- Expert in U.S. laws governing data privacy and security, including the Electronic Communications Privacy Act, the Stored Communications Act, the Pen Register/Trap and Trace Statute, the Wiretap Act, the Privacy Protection Act, the Computer Fraud and Abuse Act, and the Fourth Amendment.
- Leader of the Section's work to interpret, implement, and enforce the Communications Assistance to Law Enforcement Act, including its application to packet-switched service providers.
- Expert in resolving the complex and sensitive issues presented by requests from foreign law enforcement and intelligence agencies to conduct electronic surveillance in the U.S.
- Advisor to federal agencies on security issues associated with the use of networks by employees and the public. Provided counsel on monitoring network activity, testing for vulnerabilities, designing privacy policies and incident response procedures, and using cookies, web beacons, and other data collection code.

- Frequent Justice Department spokesman to private sector on compliance with laws governing disclosure of data to the government, loss of customer data, monitoring of users, compromise of network security, critical infrastructure protection, and working with domestic and foreign government agencies.

***Senior Litigation Associate***  
**Cooley, 1996-1999**

***Senior Court Counsel***  
**Republic of Palau Supreme Court, 1995-1996**

***Litigation Associate***  
**Williams Youle & Koenigs, 1991-1995**

***Judicial Clerk, Judge Lewis T. Babcock***  
**U.S. District Court for the District of Colorado, 1989-1991**

## **Testimony**

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- U.S. House Permanent Select Committee on Intelligence  
[\*Emerging Trends in Online Foreign Influence Operations: Social Media, COVID-19, and Election Security\*](#) (June 18, 2020)
- U.S. House Oversight Subcommittee on National Security  
[\*Securing U.S. Election Infrastructure and Protecting Political Discourse\*](#) (May 22, 2019)
- U.S. House Committee on the Judiciary  
[\*Data Stored Abroad: Ensuring Lawful Access and Privacy Protection in the Digital Era\*](#) (June 15, 2017)
- U.S. Senate Judiciary Subcommittee on Crime and Terrorism  
[\*Extremist Content and Russian Information Online: Working with Tech to Find Solutions\*](#) (Oct. 31, 2017)
- U.S. House Committee on the Judiciary  
[\*H.R. 699, the "Email Privacy Act"\*](#) (Dec. 1, 2015)
- U.S. Senate Committee on the Judiciary  
[\*Reforming the Electronic Communications Privacy Act\*](#) (Sept. 16, 2015)
- U.S. Senate Judiciary Subcommittee on Privacy, Technology and the Law  
[\*The Surveillance Transparency Act of 2013\*](#) (Nov. 13, 2013)
- U.S. House Judiciary Subcommittee on Crime, Terrorism, Homeland Security, and Investigations  
[\*ECPA Part 1: Lawful Access to Stored Content\*](#) (Mar. 19, 2013)
- U.S. House Judiciary Subcommittee on the Constitution, Civil Rights, and Civil Liberties  
[\*ECPA and the Cloud\*](#) (Sept. 23, 2010)
- U.S. House Judiciary Subcommittee on the Constitution, Civil Rights, and Civil Liberties  
[\*Electronic Communications Privacy Act Reform\*](#) (May 5, 2010)
- Australian Senate Select Committee  
[\*Foreign Interference through Social Media\*](#) (July 29, 2021)

## Awards & Honors

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### **Recorder In-House Impact Award, 2015**

Along with in-house counsel from Facebook, Google, Yahoo!, and LinkedIn, I received an award for leading a case pushing the U.S. government to provide more transparency around requests for user data made pursuant to national security legal authorities.

### **Google, Founders Award, 2010**

Along with other members of the team responding to Operation Aurora, I received an award for contributions to the incident response.

### **Federal Bureau of Investigation, Exceptional Service in the Public Interest (multiple), 2005 and 2006.**

Awarded in connection with my service to the Computer analysis Response Team computer network forensics training.

### **U.S. Department of Justice, Meritorious Awards (multiple) October 2000, December 2002, October 2003**

### **U.S. Department of Justice, Special Achievement Awards (multiple) April 2000, September 2000, December 2001**

### **Yale Law School, Moot Court of Appeals 1988**

*Thurman Arnold Award (First Place - Individual Performance)*

*Potter Stewart Award (First Place - Team Performance)*

## Publications

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- Matt Perault & Richard Salgado, [\*Untapping the Full Potential of CLOUD Act Agreements\*](#), Center for Strategic and International Studies (June 6, 2024)
- Richard Salgado & Robert Litt, [\*The Commerce Department's Stored Communications Act Problem\*](#), Lawfare (April 23, 2024)
- Richard Salgado, CNN Op-Ed, [\*What the Red Sea cable outage should teach us\*](#), (Mar. 8, 2024)
- Jim Baker & Richard Salgado, [\*Surveillance-by-Design in Proposed Amendments to the U.K. Investigatory Powers Act\*](#), Lawfare (Jan. 19, 2024)
- Richard Salgado, [\*Undersea Cables, Hyperscalers, and National Security\*](#), Hoover Institution (Sept. 2023)
- Stewart Baker & Richard Salgado, [\*CISOs, Don't Ignore the FISA Section 702 Debate\*](#), Lawfare (May 4, 2023)
- Richard P. Salgado, [\*Fourth Amendment Search and the Power of the Hash\*](#), 119 Harv. L. Rev. F. 38 (2005)
- Richard P. Salgado, *Honeypot Legal Issues*, chapter 8 of Know Your Enemy: Revealing the Security Tools, Tactics, and Motives of the Blackhat Community, Second Edition (Addison-Wesley, 2004)
- Richard P. Salgado, *Avoiding Sticky Legal Traps*, Information Security Magazine (July 2003)
- Richard P. Salgado, *The Legal Ramifications of Operating a Honeypot*, IEEE Security & Privacy at 16 (March/April 2003)
- Richard P. Salgado, [\*Working with Victims of Computer Network Hacks\*](#), 49 U.S. Attorney Bulletin 38 (Mar. 2001)
- Richard P. Salgado, [\*The Time-Expired Civil RICO Claim and Subsequent Predicate Acts\*](#), 68 Denver University Law Review 445 (1991)

- Richard P. Salgado, [\*Regulating a Video Revolution\*](#), 7 Yale Law & Policy Review 516 (1989)
- Richard P. Salgado, [\*Government Secrets, Fair Trials, and the Classified Information Procedures Act\*](#), 98 Yale Law Journal 427 (1988)

## Courts & Clearances

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- Active Member in Good Standing of the State Bars of California and Colorado
- Admitted to practice before:
  - U.S. Courts of Appeal for the First, Eighth, and Tenth Circuits
  - U.S. District Courts for the Districts of Colorado and D.C.
- TS/SCI