Privacy in a Networked World

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Class Topics

What is privacy and why it matters

- Informational privacy and the “data shadow”
- The skeptic’s arguments
  - “I’ve got nothing to hide”
  - “Privacy has to die for security to flourish”
  - “You have zero privacy anyway”
  - “Privacy is the price of modern comforts”
A Dictionary’s Definition of Privacy

privacy

One entry found.

privacy

Main Entry: **privacy**

Pronunciation: \(\text{\textipa{pri-və-sē}}, \text{especially British \textipa{pri-}}\)

Function: **noun**

Inflected Form(s): plural **pri-və-cies**

Date: 15th century

1 **a**: the quality or state of being apart from company or observation: **seclusion**
   **b**: freedom from unauthorized intrusion <one's right to privacy>

2 **archaic**: a place of seclusion

3 **a**: **secrecy** **b**: a **private** matter: **secret**
Privacy as an Individual Right

- **S. Warren and L. Brandeis**
  - Privacy as “the right to be let alone”
  - Privacy “[..] a part of the more general right [..] to one’s personality”

- The Universal Declaration of Human Rights (UN, 1948)
  - “Everyone has the right to the protection of the law against [..] arbitrary interference with his privacy”
Constitutional Protections of Privacy

**Amendment IV**

“The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized”
Constitutional Protections of Privacy

Amendment I

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances”
Constitutional Protections of Privacy

**Amendment IX**

“The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people”
Franklin’s Quote

“Those who would give up essential liberty to purchase a little temporary safety, deserve neither liberty nor safety”

- Privacy & Security: Which one is it?
  - Privacy $\wedge$ Security
  - Privacy $\lor$ Security
  - Privacy $\oplus$ Security
  - Privacy $\Rightarrow$ Security
  - Privacy $\Leftarrow$ Security
Why Privacy Matters

Privacy & Personal Growth

Privacy

\[ \Downarrow \]

Freedom to experiment with ideas;
Space for self expression;
Creativity outlet

\[ \Downarrow \]

Self confidence;
Public life

\[ \Downarrow \]

Personal growth
Why Privacy Matters

Privacy & Democracy

Privacy

⇓

Individual autonomy

⇓

Personal opinions and beliefs

⇓

Democracy
Dimensions of Privacy

- Informational privacy
- Bodily privacy
  - Biometrics
- Privacy of communication
- Territorial privacy
  - Privacy in the workplace
Informational Privacy

The Lifecycle of Personal Information

- Gathering
- Processing/Analysis
- Enhancement/Maintenance
- Dissemination

DB
Prosser’s *Privacy Torts*

*Invasion of privacy cases recognized in Courts*

- **Intrusion upon seclusion** or into private affairs
- **Public disclosure** of embarrassing private facts
- **Distortion** of facts, placing one in false light
- **Likeness appropriation**
Solove’s Taxonomy of Privacy

General categories of privacy problems

- Information Collection
- Information Processing
- Information Dissemination
- Intrusion
### Information Collection

- **Surveillance**
  - Closed-circuit TV & cameras
  - Network monitoring

- **Interrogation**
  - “Tough” law enforcement
  - Product registration
  - On-line surveys & promotions
Solove’s *Taxonomy of Privacy* (2)

**Information Processing**

- Aggregation
- Identification
- Insecurity
  - Unauthorized access and data leakage
- Secondary Use
- Exclusion
  - Correcting inaccuracies in one’s own profile
Information Dissemination

- Breach of Confidentiality
- Disclosure
- Exposure
- Increased Accessibility
- Blackmail
- Appropriation
- Distortion
Solove’s *Taxonomy of Privacy* (4)

<table>
<thead>
<tr>
<th>Invasion</th>
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</thead>
<tbody>
<tr>
<td>● Intrusion</td>
</tr>
<tr>
<td>- SPAM and Ad-ware</td>
</tr>
<tr>
<td>- Junk mail</td>
</tr>
<tr>
<td>- Phone solicitation</td>
</tr>
<tr>
<td>● Decisional Interference</td>
</tr>
<tr>
<td>- On-line ads</td>
</tr>
<tr>
<td>- Product recommendations</td>
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</tbody>
</table>
The Skeptic’s Arguments

“I’ve got nothing to hide”

- Privacy is not just about hiding things
  - It’s about dignity & autonomy
  - It’s about self-determination
  - It’s about control

- Unwarranted surveillance, wiretaps, and email interception violate the above especially when there is nothing to hide
  - Need for warrant ensures due process
The Skeptic’s Arguments (2)

“Privacy has to die for security to flourish”

- “After all, security is a common good; privacy is at best an individual right”

A: Security is *not* a social goal. It should free us from preoccupation and fear—not create uneasiness by killing our privacy

“Those who would give up essential liberty to purchase a little temporary safety, deserve neither liberty nor safety,”
B. Franklin
"You have zero privacy anyway"

- "Info about you is easily found everywhere"

A: Sure; we should push to change the balance: let’s make it easier for people to maintain control over their info

- Consumer awareness
- Suitable technology (e.g., encryption)
- Laws/regulations on information privacy
- Enforcement of existing norms
The Skeptic’s Arguments (4)

“Privacy is the price of modern comforts”

- “You’ve given up your privacy when you . . .”
  - “. . . signed up for free on-line accounts”
  - “. . . entered the Mall-of-Mall sweepstake”
  - “. . . got your free-membership credit cards”
  - “. . . enrolled at this school”
  - “. . . [ your favorite example here]”

A: “Privacy vs. Comfort” is a false choice
  - Have your privacy and eat it too