Privacy Lost

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The 7 Sins

View privacy as the protection from violations, viewed as 7 sins:

1. Intrusion: “Uninvited encroachment on a person’s physical or virtual space”
2. Latency: “When custodians of personal information keep information beyond an agreed-upon time”
3. Deception: “Using personal information in a way that was not authorized by the person involved”
4. Profiling: “Misusing derived information”
5. Identity Theft: “A thief pretends to be you and steals your money”
6. Outing: “The unwanted connection of an alias to a real identity”
The 7 Sins

- Similar to Solove’s Privacy Taxonomy, depicting privacy violations
- Covers more categories relating to identity:
  - Identity Theft, Outing, Loss of Dignity
- Only really discusses the ‘Processing’ and ‘Intrusion’ part of Solove’s taxonomy:
  - Intrusion, Latency, Profiling, Deception
- No Real discussion of Collection or Dissemination
Effects of Lost Privacy

“...When people are under constant surveillance by machines that have the power to label them, they begin to conform to the rules the machines have been programmed to follow in making those decisions. The creativity and innovation that vibrant societies depend on are lost.... A totally conformist society would be hesitant to innovate because people who are marching to a different drummer look out of step until they reach their destination.”
Effects of Lost Privacy

- “When children feel insecure, they become sullen, focused, inward, and withdrawn”
- “Never knowing when you’re being watched is unnerving”
- Very much in line with Solove, in that privacy lost causes decreased autonomy
Privacy versus Security

- Tensions between Security and Other Civil Rights
  - As far back as the Alien and Sedition Acts (1798)
  - “To provide national security, the ... Department of Homeland Security used ... as sufficient evidence to trump civil rights”

- Evidence
  - No recorded evidence of benefits from profiling in stopping terrorism

- Disclosure
  - No disclosure on how these profiling systems work
Online Culture and Aliases

- **Importance of Online Personas**
  - Represent significant time and monetary investments
  - Personality and actions attached to both the user and the account
  - "...we invest these online personas with genuine interests and opinions without holding back for fear of real-world retribution."

- **Protection of Online Personas**
  - Need to not be sellable
    - i.e. selling an Ebay account with a high rating
Cultural Impacts on Privacy

● Importance varies with respect to where the user lives
  ○ Rural users concerned with reputation
  ○ Urban users concerned with remaining anonymous

● Generation differences in Privacy
  ○ Younger people more trusting / less threatened by technology
  ○ Older people more cautious about loss of privacy due to technology
Current Protections

- Policy Protections, such as the Four Torts
- Laws, such as FOIA and the Privacy Act of 1974
- Judicial Precedent
  - Rowe v. Wade
  - FTC v. Toysmart.com
Protecting Privacy

“The only way to adequately protect privacy, short of a tangled web of regulatory legislation, is to substitute a common sense and thoughtful methodology for privacy protection and to fall back on legal permissibility only as a last resort, not as policy”

- Not as strong as Solove’s statement of balancing executive and prosecution power with judicial oversight
Who can Protect Privacy?

- **Legislative Branch**
  - More concerned with satisfying the majority of their citizens (who don’t think about privacy)

- **Executive Branch**
  - Privacy may be contrary to their goals

- **Judicial Branch**
  - “They did not grow up with computers, don’t really understand technology, and probably never will”