The Digital Person: Technology And Privacy In The Information Age by Daniel Solove

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Summary

● Computer Databases
  ○ The Rise of the Digital Dossier
  ○ Kafka and Orwell: Reconceptualizing Information Privacy
  ○ The Problems of Information Privacy Law
  ○ The Limits of Market-Based Solutions
  ○ Architecture and the Protection of Privacy

● Public Records
  ○ The Problem of Public Records
  ○ Access and Aggregation: Rethinking Privacy and Transparency

● Government Access
  ○ Government Information Gathering
  ○ The Fourth Amendment, Records, and Privacy
  ○ Reconstructing the Architecture
Agree with Class Topics in regards to Computer Databases

- Agrees with HEW Fair Information Practices
- Agrees with the legislations attempt to protect privacy, but does not think its enough
  - Gap between older understands of privacy: secrecy paradigm and the invasion conception, and the actual workings of the data gathering
- Orwellian and Kafkaesque dangers regarding computer databases
- “The problem with databases does not stem from any specific act, but is a systemic issue of power caused by the combination of relatively small actions, each of which when viewed in isolation would appear quite innocuous.”
Agree with Class Topics in regards to Public Records

- “The primary remedy for privacy invasions, they suggested, should be a tort action for damages, and to a limited extent, injunctions and criminal penalties”
  - There should be fixes when there is a privacy invasion

- Aggregation
  - “Each piece of our day-to-day information is not all that telling; viewed in combination, it begins to paint a portrait about our personalities. Moreover, these digital biographies greatly increase our vulnerability to a variety of dangers”

- The problems and dangers illustrated are not merely the product of the actions of the government. Rather, these troubles are caused by the way that both public- and private-sector entities are using personal information
Agree with Class Topics in regards to Government Access

- The Orwellian and Kafkaesque dangers of government information gathering
  - “...decisions without adequate accountability, dangerous pockets of unfettered discretion, and choices based on short-term goals without consideration of the long-term consequences or the larger social effects”
  - “The dangers discussed previously illustrate why privacy is integral to freedom in the modern state.”

- “The Fourth Amendment only governs searches where an individual has ‘a reasonable expectation of privacy.’”

- A better architecture to regulate government information gathering from third parties should be constructed.
Conceptualizing Privacy Beyond Class

● The Rise of the Digital Dossier

● “Profiling is an “inherently conservative” technology because it tends to reproduce and reinforce assessments and decisions made in the past. “
  ○ CAPPS II, Computer Assisted Passenger Prescreening System

● “Although these proposals have been halted due to public outcries, we have been inching toward a system of de facto national identification for some time and are precariously close to having one”
Opinions

● Solove views private corporations as the main problem and does not really address the government spying
  ○ Book was released before the full effects of 9/11 on government data gathering were realized
● The vast majority of public records remain virtually unrestricted in access
● “The solution is not to eliminate all access to public records, but to redact personal information where possible and to regulate specific uses of information.”
● Kafkaesque danger of profiling is on par with other forms of government surveillance
● Secondary use of information is extremely dangerous towards privacy