Understanding Privacy

Presentation by Rachel Stern & Minsu Park
Defining Privacy

★ Privacy protections in our and other countries’ Constitutions
  ○ Fundamental human right - UN Declaration

★ Divide into six parts
  ○ Right to be left alone, limited access to self, ability to conceal information (secrecy), control over personal information, protection of one’s personality/individuality (personhood), control over one’s intimate relationships/life (intimacy)

★ Shortcomings: each part is too vague or broad on its own

★ Personal information as a commodity
  ○ Does it belong to only one individual?
  ○ Critique of privacy as an understanding of “control of information”

★ Personhood - theories fail to define

★ Each part is too vague?
Solove’s Exploration of Privacy

★ Differing perspective
  ○ Method: use resemblances instead of a common denominator
  ○ Generality: aid law, balance of generality and contextuality
  ○ Variability: be able to view from inside society, account for differing views
  ○ Focus: consider problems and base theory around that instead of in the abstract

★ Wittgenstein’s family resemblances theory
  ○ Web of connected parts instead of a common denominator

★ Discussion of home, family, throughout history
  ○ Walls in houses

★ “Privacy is not about what people expect, but what they desire.”
  ○ Laws create a society where our wants are protected, not our expectations

★ Concerns do not exist for their own sake
  ○ Privacy is an answer to a problem, not the cause of one
Value of Privacy: Harms

★ Can prevent trust
  ○ Difficult to find out reputation
  ○ Relationships are built on trust
★ Women excluded from public life because their matters were considered “private”
★ Fading expectation
★ Impedes business by interfering with collection of data
  ○ Slower decisions = slower response time
★ Free flow of information
★ Conflicts with National Security
★ Practices that cause privacy concerns may not be fully harmful
Value of Privacy: Continued

★ Weigh interest against harm
  ○ Take action
★ Theory: Weigh privacy solely on individualistic terms
  ○ Undervalued? Reparations?
★ Theory: Weigh it as a community benefit
  ○ How to balance against common good?
    ■ Must balance individual + community good
★ Solove: privacy must be valued on its contributions to society.
★ “Individualism should be incorporated into the conception of the common good.”
Solove’s Taxonomy

Can be changed!

★ Information Collection
  ○ Surveillance, Interrogation

★ Processing
  ○ Aggregation, Identification, Insecurity, Secondary Use, Exclusion

★ Dissemination
  ○ Breach of confidentiality, disclosure, exposure, increased accessibility, blackmail, appropriation, distortion

★ Invasions
  ○ Intrusion, Decisional interference
Further discussion

★ Discussion of specific cases in which disclosure of information hurt victims
★ Reputation and appropriation of identity
  ○ Privacy Act in US
★ Invasion - interrupts life
★ Pros of taxonomy?
  ○ Better context
  ○ Focuses on problems
  ○ Value of privacy varies with situation
★ Reparations for privacy breaches
  ○ Recently mental anguish is considered along with physical damage
  ○ Data mining - surveillance problem
    ■ Analyze with taxonomy