Week 7: Privacy and Governmental Surveillance
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Big data meets Big Brother as China moves to rate its citizens

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On June 14, 2014, the State Council of China published an ominous-sounding document called "Planning Outline for the Construction of a Social Credit System". In the way of Chinese policy documents, it was a lengthy and rather dry affair, but it contained a radical idea. What if there was a national trust score that rated the kind of citizen you were?
A Balancing Act

• Federal, state, and local governments in United States have had significant impact on privacy of individuals

• Government must balance competing desires of citizens
  – desire to be left alone
  – desire for safety and security
* Two case examples of this balancing act...
Solove’s Taxonomy of Privacy

- **Information collection**: Activities that gather personal information
- **Information processing**: Activities that store, manipulate, and use personal information that has been collected
- **Information dissemination**: Activities that spread personal information
- **Invasion**: Activities that intrude upon a person’s daily life, interrupt someone’s solitude, or interfere with decision-making
Class Discussion:
Relationship with definitions of privacy

1) Information collection – gathering personal information.
2) Information processing – storing, manipulating, using personal info that has been collected
3) Information dissemination – spreading personal information
4) Invasion – intruding upon a person’s daily life, interrupting someone’s solitude, or interfering with decision-making

a) Privacy is the right to be left alone (Warren & Brandeis).
b) Privacy is the state of being away from public attention (Gavison).
c) Privacy is control over who knows what about us (Rachels).
d) Privacy is the appropriate flow of personal information (Nissenbaum).
e) Privacy is not simply an absence of information about us in the minds of others; rather it is the control we have over information about ourselves (Fried).
Information Collection by the Government (Direct)

- Purpose: accountability and fairness
• Census required to ensure every state has fair representation
• Number of questions steadily rising
• Sometimes Census Bureau has broken confidentiality requirement
  – World War I: draft resistors
  – World War II: Japanese-Americans
The 16th Amendment to the US Constitution gives the federal government the power to collect an income tax.

IRS collects more than $2 trillion a year in income taxes.

Income tax forms contain a tremendous amount of personal information: income, assets, to whom you make charitable contributions, medical expenses, and more.
• NCIC
  – Collection of databases related to various crimes
  – Contains > 39 million records

• Successes
  – Helps police solve hundreds of thousands of cases every year
  – Helped FBI tie James Earl Ray to assassination of Dr. Martin Luther King, Jr.
  – Helped FBI apprehend Timothy McVeigh for bombing of federal building in Oklahoma City
Discussion Point: What are the downsides of maintaining the NCIC database?
Closed Circuit Television Cameras

- First use in Olean, New York in 1968
- Now more than 30 million cameras in US
- New York City’s effort in lower Manhattan
  - $201 million for 3,000 new cameras
  - License plate readers
  - Radiation detectors
Discussion Point: Are surveillance cameras effective?
Mixed opinion: ACLU opposition; London bombings in subway in 2005
Social Security Number

- Social Security cards first issued 1936
- Originally used only for Social Security purposes
- Use of SSN has gradually increased
- SSN is a poor identification number
  - Not unique
  - Rarely checked
  - No error-detecting capability
SSN -> National Identification Card -> Discussion in your section this week
Challenges of government information collection
Surveillance Camera Images of Boston Marathon Bombing Suspects
Covert Government Surveillance
Wiretapping – J. Edgar Hoover

First Director of FBI
Privacy Post 9/11

• National security concerns increased significantly after 9/11 attacks
Privacy Post 9/11

• (2006 poll) 70% Americans supported “expanded camera surveillance on streets and in public places”

• 62% supported “law enforcement monitoring of Internet discussions in chat rooms and other forums”

• 61% supported “closer monitoring of banking and credit card transactions to trace funding sources”

• 52% supported “expanded governmental monitoring of cell phones and emails to intercept communications”
President Bush signed presidential order
- OK for NSA to intercept international phone calls & emails initiated by people inside US
- No search warrant required

Number of people monitored
- About 500 people inside US
- Another 5,000-7,000 people outside US

Two al-Qaeda plots foiled
- Plot to take down Brooklyn bridge
- Plot to bomb British pubs and train stations
Information Processing/Mining by the Government
• Syndromic surveillance system: A data mining system that searches for patterns indicating the outbreak of an epidemic or bioterrorism
  – 911 calls
  – emergency room visits
  – school absenteeism
  – Internet searches

• Example: A system in New York City detected an outbreak of a virus in 2002
When can information processing/data mining by the Government go wrong?
THE NSA’S SECRET ROLE IN THE U.S. ASSASSINATION PROGRAM
Government Legislation
restricting information
dissemination
Family Education Rights and Privacy Act (FERPA)

- Rights given to
  - Students 18 years and older
  - Parents of younger students
- Rights include
  - Reviewing educational records
  - Requesting changes to erroneous records
  - Preventing release of records without permission
Health Insurance Portability and Accountability Act (HIPAA)

• Limits how doctors, hospitals, pharmacies, and insurance companies can use medical information
• Health care providers need signed authorization to release information
• Health care providers must provide patients with notice describing how they use medical information