


CS 3001-A: Computing, Society, and Professionalism

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Week 6: Privacy I
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With your permission, you give us more permission. If you give us information about who some of your friends are, we can probably use some of that information, again, with your permission, or improve the quality of our searches. We don't need you to type at all, because we know where you are, with your permission. We know where you have been, with your permission. We can more or less guess what you are thinking about. – *Eric Schmidt, Google CEO (The Atlantic)*

Technology Erodes Privacy

- Information collection, exchange, combination, and distribution easier than ever means less privacy
- Scott McNealy (Sun Microsystems) in 1999: “You have zero privacy anyway. Get over it.”
- Zuckerberg in 2010 said that the social norm is to share everything, so people are little concerned about their privacy.

Are We Getting Privacy the Wrong Way Round?

Kieron O'Hara • University of Southampton



Are you worried about your privacy?

What kinds of privacy threats are more of a concern for you, and which ones are less?

In a celebrated passage, political philosopher John Stuart Mill argued that

The sole end for which mankind are warranted, individually or collectively, in interfering with the liberty of action of any of their number, is self-protection. That the only purpose for which power can rightfully be exercised over any member of a civilized community, against his will, is to prevent harm to others. His own good, either physical or moral, is not a sufficient warrant. He cannot rightfully be compelled to do or to forbear because it will be better for him to do so, because it will make him happier, because, in the opinion of others, to do so would be wise or even right.¹

In short, don't interfere with other people's decisions solely for their own good. If your friend wants to do something stupid that harms only herself, then that's her problem, not yours, or public opinion's, or the government's.

That principle – let's call it the Mill test of whether coercion is justified to prevent harm – has become increasingly influential as freedom has become a prized political good. It defines an area of private life in which you have, in the classic account of the US jurists Warren and Brandeis, the right to be let alone.² This presents an irony for the digital citizen because applying the Mill test specifies a space for *decisional* privacy in a world where people often decide to sacrifice their *informational* privacy for free or useful services – despite the fact that many commentators (apparently, even including the CEO of Facebook, whom we shall meet later^{3,4}) believe that to do so is hardly wise or right at all.

Applying the Mill test, we would address our friend, were we in an insufferably pompous mood, thus:

History tells us that giving away details of your whereabouts, spending patterns, or religious and political beliefs is unwise. Long experience tells us that showing everyone photographs of your naked bottom at that party, agreeable and amusing though they undoubtedly are, will eventually lead to embarrassment and mortification. However, it is you risking political repression, lowered job prospects, shame, and blushes. You will be the one to suffer, but on your own head be it.

Naturally, such sanctimonious counsel would be ignored completely, but my point is that this application of the Mill test assumes that privacy benefits the individual. We can trade it off against security (all those closed-circuit TV cameras in the UK), efficiency (intelligent traffic management), sociality (sharing intimate photographs), commerce (targeted marketing), fairness (preventing illegal immigrants receiving state benefits), the environment (smart grids), and public health (crunching health data). This trade-off is always against a social good whose beneficiary is a group or even the community as a whole. Privacy is supposedly a human right (see www.un.org/en/documents/udhr/), but it seems to be a license to free-ride on others' efforts. Shame on you!

The Individual and the Community

This analysis is shared by two usually antagonistic ideologies. On the one hand, liberals, libertarians, and individualists champion the Mill test to support the freedom of individuals to do things that the community frowns on. If you're



Perspectives on Privacy

An Old Definition of Privacy

- Privacy rights have evolved from property rights: “a man’s home is his castle”; no one should be allowed in without permission
- This led to 3rd Amendment to U.S. Constitution – principle of home as a sanctuary in the Bill of Rights:

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

- Privacy: “right to be left alone”
 - Samuel Warren (Harvard graduate businessman) and Louis Brandeis (Boston attorney; later Supreme Court justice)
 - Influential paper from 1890

Is There a Natural Right to Privacy?

- Judith Jarvis Thomson: the definition of privacy as “the right to be left alone” is problematic
 - Smith being monitored at his home with a video camera without his knowledge – he is left alone technically, but it is a privacy violation
- Judith Jarvis Thomson: “Privacy rights” overlap other rights; violation of privacy is often a violation of some other right in this cluster
- *Conclusion: Privacy is not a natural right, but it is a prudential right*

Modern Definition of Privacy

- Privacy is a “zone of inaccessibility”
- Privacy related to notion of access
 - Privacy is not “being alone”, but defining who has access to what
- Access
 - Physical proximity to a person
 - Knowledge about a person
- Regarding access – where to draw the line between private and public
 - Ethical theories – Kantianism and virtue ethics
- *Privacy is a social arrangement that allows individuals to have some level of control over who is able to gain access to their physical selves and their personal information*

Benefits of Privacy

- Individual growth
 - Necessary to blossom into a unique individual
- Individual responsibility
- Freedom to be yourself
 - Nobody likes to be videotaped all the time
- Intellectual and spiritual growth
- Development of loving, trusting, caring, intimate relationships

Harms of Privacy

- Cover for illegal or immoral activities
- Burden on the nuclear family
- Hidden dysfunctional families
 - Incidents of domestic violence
- Ignored people on society's fringes
 - People with disability e.g., with mental illness



Class Discussion 1: Secret Monitoring

Rule Utilitarian Evaluation



Social Contract Theory Evaluation

Kantian Evaluation



Summary





Information Disclosures



But where to draw the
line?

Public Records



Medical Records



Do customers actually save money or they do so at the cost of their privacy?

Rewards or Loyalty Programs

What are the harms of improper automatic tagging?


Facebook Tags

Can body scanner data be misused?

Body Scanners

What kind of privacy violations are possible with implanted chips?

Implanted Chips



The newfound privacy conundrum presented by installing a device that can literally listen to everything you're saying represents a chilling new development in the age of internet-connected things. By buying a smart speaker, you're effectively paying money to let a huge tech company surveil you. And I don't mean to sound overly cynical about this, either. Amazon, Google, Apple, and others say that their devices aren't spying on unsuspecting families. The only problem is that these gadgets are both hackable and prone to bugs.

– Gizmodo about Amazon Echo/Google Home etc.



Could using Alexa or
Google Home result in a
violation of privacy?

Class Discussion

- In what ways are newer technologies changing privacy?
- What can we do about it as developers?
- What can we do about it as citizens?
- What do you wish policy makers would do?