Privacy in a Digital World

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Privacy Defined

• **Justice Brandeis:** The right to be let alone - the most comprehensive of rights and the right most valued by civilized man (1920).

• **Justice Douglas:** The right of an individual to select for himself the time and circumstances when he will share his secrets with others and to what extent.
Your view of Privacy?

- Cultural
- Personal
Three things a society needs

- Energy
- Raw materials
- Information

The delicate balance - society’s need to know versus the right to individual privacy.
History of Privacy Laws

- **US - piecemeal approach**
  - Individual laws to solve specific problems
  - Deal with specific industries

- **Europe, Canada - federal approach**
  - Data protection board
  - Data commissioner
  - License and control all databases in a country
US Landmarks in Privacy

- 1890 Warren and Brandeis paper
- 1967 Alan Westin, *Privacy and Freedom*
- 1968 Federal Wiretapping Law
- 1970 Fair Credit Reporting Act
- 1973 *Records, Computers and Rights of Citizens*
- 1974 Privacy Act
- 1977 Fair Credit Billing Act
- 1986 Electronic Communications Privacy
New Technologies – New Laws
See www.cdt.org

• Video Privacy Protection Act, 1988 (Bork Act)
• Telephone Consumer Protection Act, 1991
• Government Efforts to Expand Surveillance Capabilities - CALEA, 1994
• Health Insurance Portability and Accountability Act (HIPPA), 1996
• Children's Online Privacy Protection Act (COPPA), 1998
• Financial data, Graham, Leachman, Blighley, 1999
Is Big Brother Watching You?

- Problem first perceived to be “the government”
  - IRS, Social Security, DMV, Veteran’s, etc.
- Privacy Act controls government data gathering to some extent
- The connectivity problem - linked databases provide far more info on an individual - computer matching
Case Study - 1984

Database of student loan scofflaws matched against federal government employees – when a match was found, their wages were docked to pay off the loan.

Was this legal?

Was it the right thing to do?
Private Sector - the Real Culprit

• Credit databases
• Consumer preference databases
• Demographic databases
• Data mining, profiling
• Health Information Protection Act
• Financial Data Protection Act
• Children’s Online Privacy Protection Act
Workplace Practices

- Employee work monitoring
- Email logging and tracking
- Tracking or blocking internet surfing
Notion of Data “Stewardship”

- Ownership of data
- Notice
- Choice
- Access
- Security / Integrity of Data

Still voluntary, not regulated!
Scary Science: Human Genome Databases

- Databases of genetic information about individuals
  - Medical ethics
  - Insurance policies
  - Should the individual know or have right not to know information about them?
  - Employers, future spouses?
  - Felons DNA database
  - Newborns - start from birth in database
Brave New World Since 9/11

Will Privacy be the final victim?

• Biometrics identification systems
• Video cameras
• National Identity Card
• A nation of vigilant “watchers”
• Random searches
To be continued...

- Privacy implications of the Internet
  - Electronic cookies
  - Identity theft
  - Data mining and profiling
  - Customized marketing
  - Email spamming