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CHAPTER 4: THE PROBLEM OF PRIVACY

What is Privacy?

- ◎ Complex phenomenon concerning reputation
- ◎ Described as “cluster of rights”
 - The idea of keeping information secret/confidential
 - Claim to own body, image, and information
- ◎ Physical and decision privacy
- ◎ Related to surveillance

Public Space and Private Space

- ◎ Distinction between public and private
 - Aristotle's *polis* and *oios*
 - Difference between government and family
 - Legal: public v. private information

Why Does Privacy Matter?

- ◎ Privacy allows free expression
- ◎ Privacy allows trust
- ◎ Privacy creates equity
- ◎ Privacy establishes places of safety



Privacy and moral growth

- ◎ Liberal view of 'self'
 - Privacy means choice to present
 - Privacy means right to private life
 - Privacy means right to place free from public scrutiny
 - Privacy related to autonomy

Stop and Discuss: Should parents be able to write about their kids without their kids' permission? Why or why not?



The challenge: preserving privacy while providing security

- ◎ Problem of protecting citizens' privacy and security
 - No perfect right to privacy – authentication
 - Biometrics and surveillance
 - Biometric databases and profiling

Privacy and justice

- ◎ Privacy establishes equity and justice
 - Privacy as a 'good'
 - Surveillance violates equality
 - 'Privacy calculus' and tiered privacy

Privacy and trust

- ◎ Privacy as foundation for rights
 - Protection/control
 - One's body
 - Self respect
 - Equality/equity
 - Autonomy
 - Freedom of movement
 - Freedom of assembly
 - Agency
 - Freedom of speech
 - Moral agency
 - Representation
 - Freedom from libel/slander

Privacy: Can It Evolve and Change?

- ◎ Is privacy a universal, or social construct?
 - Construct: change occurs via society
 - Normative expectations of privacy
 - Operational definitions of privacy



Is There Such a Thing as Too Much Privacy?

◎ Transparency

- The obligation to share information with citizens
- Open Data Initiatives
- No absolute 'privacy'
 - No right to abuse others, maintain illegal sites, etc.
 - Digital Forensics and encryption

Protecting Citizen Privacy Today

◎ Privacy regulation

- Fair information practices
- Subject to tort law

◎ Controversies

- Labor restrictions, interview questions
- Social media monitoring
- Electronic Communications Privacy Act

Preserving Privacy in a Technological Era

- ◎ Applying moral paradigms to “uncharted realm”
 - Physical v. digital identity
 - Authentication
 - Do both have similar protections?
 - Digital footprint
 - Privacy and data
 - Blurred line between physical/digital identity

Problem one – connectivity and networking

- ◎ Connectivity – ability to make connections between points
 - Sharing without one's permission
 - Private/public distinction blurred
 - Social media – who does the data belong to?
 - Is there a right to online privacy?

Problem two – privacy versus security

- ◎ How to balance public safety and individual privacy
 - Protect public from malicious actors
 - Employers right to monitor social media
 - Union privacy contracts

Problem three – data storage and sharing

- ⊙ What ethical standards for storage/sharing?
 - Informed consent
 - Human Subject Review Board/Human Subjects Protocols
- ⊙ Ubiquitous computing
 - Embedding technology within everyday objects
 - Internet of Things (IoT)
- ⊙ Data mining
 - Web usage mining

Virtue Ethics

- ◎ Sec. State Stimson and code-breaking office closure
 - Virtue of restraint
 - “Gentlemen do not read each other’s mail”
 - Absolute morality
 - Critique: inflexible, idealistic – e.g. Pearl Harbor

Utilitarian Ethics

- ◎ Does surveillance/spying produce a 'good'?
- Nathan Hale
- Olga Khazan
- The outcome of happiness outweighs the avoided unhappiness

Deontological Ethics

- ◎ 'Gate-keeping' issue
 - Concern for requiring personal information to participate in sites

- ◎ Biometrics
 - Views people as objects
 - Adopt strict procedures of consent

Critical Issues: What was the Silk Road?

- ◎ Founder: Ross Ulbricht
- ◎ Illegal online marketplace
 - Drugs
 - Viruses
 - Malware
 - Guns
 - Assassination services
- ◎ Ethics
 - User-based v. site owner policing
 - Complicity
 - Inevitability of technological misuse

Critical Issues: The Family Education Rights and Privacy Act

◎ FERPA

- US Law regulating privacy of educational records
- Applies to all universities which receive USDE funds
- Cybersecurity implications for safeguarding data
- Ethics of privacy and transparency

Going Deeper: What is HIPAA?

- ◎ Health Information Privacy Act (HIPAA)
 - Mandates people give informed consent to share health data
 - Mandates confidentiality for data storage and sharing

- ◎ Breaches of patient confidentiality
 - Intentional v. negligence

Going Deeper: The Right to be Forgotten

- ◎ Obligation to ‘delink’ harmful information
- ◎ Right to privacy v. right to freedom of speech
- ◎ Territoriality and legal jurisdiction
 - Problem of enforcement

Application: Privacy by Design

- ◎ Integrating privacy techniques into the design process
 - Versus applying privacy/security measures after product release

Discussion

- ◎ What privacy issues arise from Wellness Programs?
- ◎ Should leaders be obligated to make personal data public?

