# Privacy

An Overview

#### What is privacy?

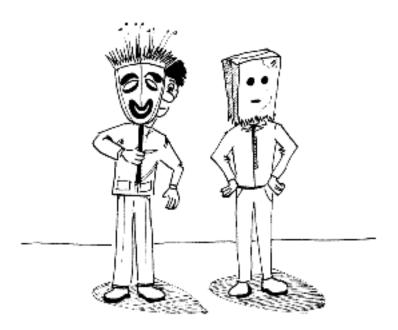
- "the right to be let alone." Louis Brandeis
- "a measure of the access others have to you through information, attention, and physical proximity."
  - Ruth Gavison
- "the claim of individuals, groups, or institutions to determine for themselves when, how, and to what extent information about them is communicated to others." Alan Westin
- "rooted in context." Helen Nissenbaum
- "a process by which people seek to have control over a social situation by managing impressions, information flows, and context." danah boyd

#### **Definitions**

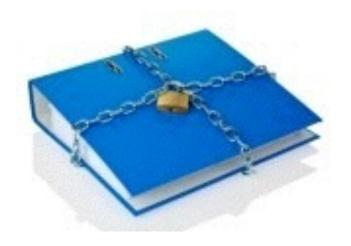
- the right to be let alone
- privacy vs. confidentiality
- privacy vs. anonymity
- privacy under threat



### Privacy is about people

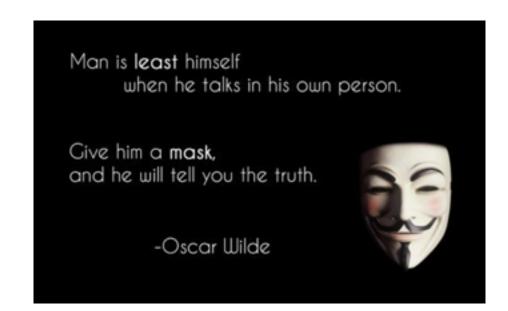


### **Confidentiality is about data**



#### **Anonymity**

- Pseudonymity
- De-links behavior from identity
- Why?
  - · safety of self and others
  - keep public and private spheres distinct



#### **Perceived Threats to Privacy**

- Context collapse
- Identity theft
- Unwanted solicitation
- Government surveillance
- "the right to be forgotten"
- Stalking/harassment
- Financial discrimination





- 1782: Congress writes the confidentiality of the mail into law
- mid-19th century: the Census becomes more and more detailed
- invention of the adhesive envelope
- Western Union telegraph monopoly
- the penny press
- ... which leads to Warren & Brandeis's 1890 Harvard Law Review article



1890: Bureau of the Census starts using counting machines

1936: Social Security numbers are created

1972-74: Watergate

## Watergate; Wiretaps; The Wash

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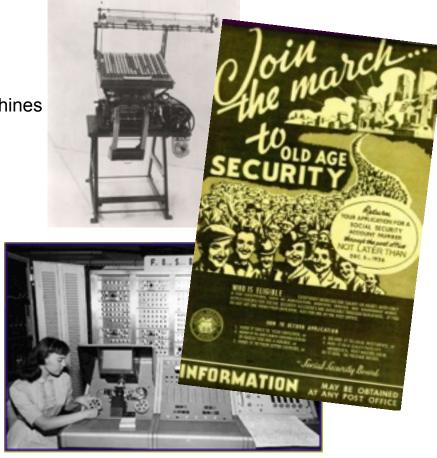
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- 1980s Privacy in the bedroom
- 1990s Spam and telemarketing





#### Privacy and reproductive rights

- Comstock Laws (1873)
- U.S. vs. One Package of Japanese Pessaries (1936)
- Griswold vs. Connecticut (1965)
- Eisenstadt vs. Baird (1972)
- Roe vs. Wade (1973)

... whither Hobby Lobby?



#### Privacy & the law

- Family Educational Rights and Privacy Act 1974
- Right to Financial Privacy Act 1978
- Cable Communications Policy Act 1984
- Computer Matching and Privacy Protection Act 1988
- Employee Polygraph Protection Act 1988
- Video Privacy Protection Act 1988
- Telemarketing Abuse Prevention Act 1993, amended 2003
- Driver's Privacy Protection Act 1994
- Health Insurance Portability and Accountability Act 1996
- Identity Theft and Assumption Deterrence Act 1998
- Children's On-Line Privacy Protection Act 1998
- Financial modernization Act 1999

2001 - 9/11 and the USA PATRIOT Act2013 - Snowden leaks reveal the extent of US

government surveillance

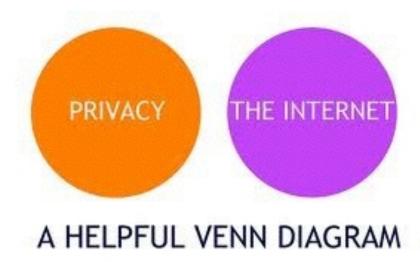




#### The NSA, Edward Snowden, and you



- Piecemeal leaks about warrantless wiretapping and other forms of government surveillance throughout the Bush and Obama administrations
- WikiLeaks spurs public debate about government transparency
- Experiences of other whistleblowers impacted
  Snowden's strategy



### Trade-offs: privacy vs...



#### Privacy vs. curiosity

- Socially acceptable to ask strangers about their lives
- Puritan duty to keep track of what the neighbors were up to
- J. Edgar Hoover's intense interest in Americans' sex lives
- · Celebrity gossip culture
- Concern with personal lives of public figures
- Are Americans more curious than others?



#### Privacy vs. convenience



- Electronic payments
- Saved passwords, credit card info, etc
- Amazon wish lists
- Logging in via Facebook, Google, Twitter, etc.
- "Public by default, private through effort"
- What else?

#### **Privacy vs. security**

- National security loophole in privacy laws
- Broader trade-off between civil liberties and national security (NSA, Snowden)
- Geolocation-enabled wearable tech





#### **Privacy vs. the market**



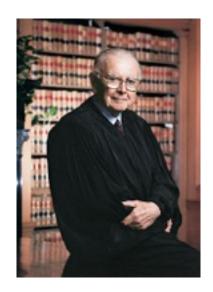
- Big Data is a huge opportunity for business and for social scientists
  - Data-driven decision-making
  - Target, the pregnancy guesser
  - "the quantified self"
- Target marketing has evolved tremendously since the 1980s
- Geolocation tracking, smart advertising displays...
- Neat vs. Creepy Scale

#### What are you trying to hide?

- Being concerned about privacy has often been framed negatively by linking privacy to socially undesirable behavior
- contraception & premarital sex
- · legal abortion
- online porn & general sleaze
- terrorism & threats to national security



#### What is privacy for?



"In a free society people ought not to have to watch their every word so carefully."

- Justice William Brennan, 1963



"A life spent entirely in public, in the presence of others, becomes, as we would say, shallow."

- Hannah Arendt, 1958

#### Privacy & youth/kids/teens

Kids today. They have no sense of shame. They have no sense of privacy. They are show-offs, fame whores, pornographic little loons who post their diaries, their phone numbers, their stupid poetry—for God's sake, their dirty photos!—online.

- Emily Nussbaum, New York Magazine

#### Privacy & youth/kids/teens

- Digital natives? In some ways yes, in others no
- danah boyd: Power, Knowledge and Skills
  - Social status / resistance to hierarchy
  - Reasonable understanding of the social situation and context in which they are operating
  - Manage the social situation in order to both understand and affect how information flows and is interpreted



#### Why do youth/kids/teens need privacy?

- Important for social and emotional development, identity formation
- Especially for the marginalized and underprivileged
- Letting youthful indiscretions be forgotten
- Kids turn into teens... who turn into adults

#itgetsbetter



#### **Group Breakout**



#### Questions to Consider:

- 1. What are the challenges of balancing privacy, participation and your group's theme?
- 2. What are the rights and responsibilities to ourselves and our community?
- 3. Brainstorm new models for teaching and learning privacy in connection to your group's theme.