CIS 381: Social & Ethical Issues of Computing

Privacy

Dr. David Koop
Defining Privacy

• Privacy related to notion of access
• Access
  - Physical proximity to a person
  - Knowledge about a person
• Privacy is a "zone of inaccessibility"
• Privacy violations are an affront to human dignity
• Too much individual privacy can harm society
• Where to draw the line?
Benefits & Harms of Privacy

• Benefits:
  - Individual growth
  - Individual responsibility
  - Freedom to be yourself
  - Intellectual and spiritual growth
  - Development of loving, trusting, caring, intimate relationships

• Harms:
  - Cover for illegal or immoral activities
  - Burden on the nuclear family
  - Hidden dysfunctional families
  - People on society’s fringes can be ignored

[M. J. Quinn]
Right to Privacy?

- Privacy rights stem from property rights
- 3rd Amendment: Soldiers cannot stay in your home w/o permission
- Judith Jarvis Thomson: “Privacy rights” overlap other rights
- Privacy not a natural right, but as a prudential right
- In 1890, Samuel Warren and Louis Brandeis published article “Right to Privacy” in the Harvard Law Review
- Declaration of a "right to be let alone"
- Response to use of journalist practices and technologies of the time:
  - Instant photography
  - Idle gossip as a trade

[S. Abraham]
Olmstead vs. United States

- Olmstead was a police officer who also ran the most successful bootlegging operation in the Pacific Northwest
- Federal agents used **wiretapping** to incriminate him
- Olmstead appealed the Supreme Court claiming wiretapping was unreasonable search and seizure
  - Violation of the 4th Amendment
- 5-4 verdict against Olmstead
  - Chief Justice William Howard Taft claimed a private telephone communication was no different than a public conversation
  - Justice Brandeis dissented, in part citing right to be let alone: To protect that right, every unjustifiable intrusion by the Government upon the privacy of the individual, whatever the means employed, must be deemed a violation of the Fourth Amendment.

[S. Abraham]
Katz vs. United States

- 1967 case overturned Olmstead vs United States verdict
- Wiretapping by state or federal investigators requires a warrant
- Brandeis’ previous dissent cited for overturn of Olmstead and ruling in favor of Katz
- Brandeis’ idea of a constitutional "right to be let alone" not expressly included in the constitution but used in a number of notable court cases
  - Used in Roe vs. Wade to allow access to abortions
  - Used in Griswold vs. Connecticut to allow access to contraception
  - Used in Lawrence vs. Texas to invalidate sodomy laws

[S. Abraham]
Assignment 4

• Link
• Video: Data Brokers
• How personal information is gathered, sold, and bought
• Due March 8
Privacy and Trust

• Modern life is actually **more private** than life centuries ago
  - Most people don’t live with extended families
  - Automobile allows us to travel alone
  - Television instead of public entertainment
• Challenge: we now live among strangers
• Remedy: establishing reputations
  - Ordeal: lie detector test or drug test
  - Credential: driver’s license, key, ID card, college degree
• Establishing reputation is done at the cost of reducing privacy
Case Study: Nanny Camera

- Parents of baby girl employ a full-time nanny
- Both work
- Concerned about performance of nanny
- Purchase program that allows monitoring through laptop’s camera placed in family room
- Do not inform nanny she is being monitored
Rule Utilitarian Evaluation

• If everyone monitored nannies, it would not remain a secret for long

• Consequences
  - Nannies would be on best behavior in front of camera
  - Might reduce child abuse and parents’ peace of mind
  - Would also increase stress and reduce job satisfaction of child care providers
  - Might result in higher turnover rate and less experienced pool of nannies, who would provide lower-quality care

• Harms appear greater than benefits, so we conclude action was wrong
Social Contract Theory Evaluation

• It is reasonable for society to give people privacy in their own homes

• Nanny has a reasonable expectation that her interactions with baby inside home are private

• Sullivan’s decision to secretly monitor the nanny is wrong because it violates her privacy
Kantian Evaluation

• Imagine rule, “An employer may secretly monitor the work of an employee who works with vulnerable people”

• If universalized, there would be no expectation of privacy by employees, so secret monitoring would be impossible

• Proposed rule is self-defeating, so it is wrong for Sullivans to act according to the rule
Virtue Ethics Evaluation

- Sullivans are responsible for well-being of their daughter
- Chose nanny through concern for baby: characteristic of good parents
- Daughter is truly defenseless, unable to communicate with them
- Decision to monitor can be viewed as characteristic of good parents
- Would also expect them to cease monitoring once assured nanny is doing well
Information Technology Erodes Privacy

- Technology makes collection, exchange, combination, and distribution of information **easier than ever**, lessens privacy
- Scott McNealy: "You have zero privacy anyway. Get over it."
- How do we leave an “electronic trail” of information behind us?
- What others can do with this information?
Where is your personal information shared?
Public Records

• Public record: information about an incident or action reported to a government agency for purpose of informing the public

• Examples:
  - Birth certificates
  - Marriage licenses
  - Motor vehicle records
  - Criminal records
  - Deeds to property

• Computerized databases and Internet have made public records much easier to access
Records Held by Private Organizations

• Credit card purchases
• Purchases made with loyalty cards
• Voluntary disclosures
• Posts to social network sites
Data Gathering and Privacy Implications

- Facebook tags
- Enhanced 911 services
- Rewards or loyalty programs
- Body scanners
- RFID tags
- Implanted chips
- Mobile apps
- OnStar
- Automobile “black boxes”
- Medical records
- Digital video recorders
- Cookies and flash cookies
Cambridge Analytica

- UK-based data firm accused of influencing the US 2016 election
- Co-founder and whistle-blower, Christopher Wylie, accused firm of involvement in Brexit as well
- Questions about involvement in elections in Nigeria and Kenya
- Global Science Research (GSR) created an app, thisisyoudigitallife, which collected data on 270k users who agreed to the study
- App also collected data on participants’ friends to profile 50M users in total
- Intent: Create targeted political ads that swung voters to Trump
Facebook's Involvement

- No actual data breach
- Facebook’s policy allows for collection of friends’ data by app creators and academics
  - Selling data to third parties or using it for advertising is not prohibited
- Facebook claims GSR violated user policies by passing information to Cambridge Analytica
  - App was removed in 2015
  - Facebook requested data be deleted
  - Cambridge Analytica’s account suspended
Fallout

- Facebook stock dropped by as much as $60B
- CEO Zuckerberg testified before Congress
- Legal complaints filed against Cambridge Analytica and related parties by government watchdog group Common Cause
- Cook County, Illinois suing Facebook and Cambridge Analytica for violating state fraud laws
- Facebook being sued by shareholders and users
- Federal Trade Commission currently investigating Facebook
Buying Habits

- A man accused Target of encouraging his teen daughter to get pregnant by sending her coupons for baby clothes etc.
  - Daughter was actually pregnant but had not revealed it to her father until he brought up the Target ads.

- Target associates credit card, e-mail, and name to a guest id number.
  - Guest id number tracks customer’s purchasing history.
  - Associated with demographic information of other customers and based on purchased third-party data.

- Target statistician, Andrew Pole, admitted that Target mixes directed ads with general ads so that customers do not perceive themselves as being targeted.
How can we seek to maintain privacy?
Medical Records and Voter Registration

- 37 states have legislative mandates for hospitals to collect patient data
- Made available to researchers and individuals (anonymized data)
- Voter registration lists available for purchase
- In 1998, Researcher Latanya Sweeney linked the then-governor of Massachusetts to his medical records
- 6 voters had his birthdate, 3 were male, only 1 in his zipcode

[S. Abraham] & [L. Sweeney]