Housekeeping: Reminders

• Second assignment – a philosophy paper – will be released this evening. WIM version and non-WIM version: no difference except a required revision for WIM.

• Check course website for resources on writing a philosophy essay.
Serendipity: #DataPrivacyDay is today
Today’s Agenda

1. Introductory Provocations
   • Zuckerberg & Sen. Durbin
   • Panopticon
   • Stanford Data Panopticon
2. What is Privacy?
3. Privacy and Big Data
4. Privacy and other values: security, transparency, consent
5. Biometrics: is there something special about the body?
Mark Zuckerberg testifying before the United States Senate, April 2018
Who is this person?
PANOPTI WHAT?
PanoptiCam is a webcam mounted above Jeremy Bentham's auto-icon.

Learn more about this project!

Archive of Daily Timelapses

At the end of the South Cloisters of the main building of UCL stands a wooden cabinet, which has been a source of curiosity and perplexity to visitors. The cabinet contains the preserved skeleton of the philosopher and jurist Jeremy Bentham, (1748-1832), which dressed in his own clothes, and surmounted by a wax head, looks towards UCL's main entrance.
Stateville Correctional Center, Illinois
Michel Foucault (French philosopher)

“He is seen, but he does not see; he is an object of information, never a subject in communication.”

Discipline and Punish
Citizens can sign up as Virtual Texas Deputies to participate in border surveillance through this social network. Virtual Texas Deputies from around the country will monitor the streaming video from these cameras 24/7 and report any suspicious activities directly to the Border Sheriffs via email. All emails regarding suspicious activity will be submitted anonymously.
CCTV in London

Greater London has an estimated 500,000 closed circuit television cameras monitoring public spaces.
Google and Facebook

WHAT TO LOOK FOR IN YOUR FACEBOOK DATA—AND HOW TO FIND IT
US Bill of Rights (roughly speaking)

• 1A: Congress shall not limit religious freedom, or freedom of speech or of the press.
• 2A: The right to bear arms shall not be infringed.
• 3A: Govt shall not quarter soldiers in any house.
• 4A: The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated.
• 5A: No person shall be required to be a witness against himself; no private property shall be taken for public use without due compensation
The Digital Bill of Rights?

• 1A: Government can learn where/how you worship, what you say, with whom you meet or communicate.
• 2A: Government can discover who has bought Arms and can keep track of those persons.
• 3A: Government can “quarter” in any house, “without the consent of the Owner,” ways to learn any digitized activity by any person or thing in the house.
• 4A: Government can search any device, without a warrant or having any reason to believe any such person has committed or intends to commit a crime.
• 5A: Any person’s digital information can be taken and used against such person, without compensation or any legal process.

Adapted, Reed Hundt, Boston Review
Scott McNealy, CEO Sun Microsystems

You have zero privacy. Get over it.
Tim Berners-Lee, founder of the web

“The right of people to have a private conversation is really important for democracy. People in the same family who live in different cities need to be able to communicate privately without it being intercepted. Really, it is a human right.”

Wired Magazine 2017
6.1.1 Privacy and Access to Electronic Information

Last updated on: 10/04/2016

Formerly Known As Policy Number: 61

This guide memo establishes a policy on privacy in Electronic Information and the circumstances under which Electronic Information may be accessed and/or disclosed without User Consent.

Authority:
Approved by the President of the University.

Jump To:

1. Summary
2. Definitions
3. Privacy and Confidentiality
4. Access Without User Consent
5. Additional Procedures
6. Retention and Disposition
8. Appendix B: Information Available to the University

1. Summary

a. Purposes of Policy
Establish a policy on privacy in Electronic Information and the circumstances under which Electronic Information may be accessed and/or disclosed without User Consent.
Third Provocation: Stanford data collection policies

Spend 3 minutes:

Make a list of all the data that you believe Stanford has collected about you in the past 7 days
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What is Privacy?

Few values so fundamental to society as privacy have been left so undefined in social theory or have been the subject of such vague and confused writing by social scientists.

Alan Westin, 1967
What is Privacy?

The most striking thing about the right to privacy is that nobody seems to have any very clear idea what it is.

Judith Jarvis Thomson, 1975
MIT Philosopher, “The Right to Privacy”
Privacy is a concept in disarray.

Daniel Solove
Georgetown Law Professor
Privacy is a value so complex, so entangled in competing and contradictory dimensions, so engorged with various and distinct meanings, that I sometimes despair whether it can be usefully addressed at all.

Robert Post, Yale Law Professor
Aristotle provides us an early view:

**The Public Sphere**: politics and commerce

**The Private Sphere**: domestic life, family and friends

Individuals have interests in shielding the public (politics and commerce) from seeing/hearing what happens in private.
So What is Privacy?

But the public/private sphere distinction is crude.

**Social context** is what’s important, whether in the public or private sphere (Nissenbaum). We want to be able to control what is known about us, how we present ourselves, whether we are in public or private spheres.

Individuals have privacy interests even when in public!
So What is Privacy?

Privacy is multi-dimensional (Solove)

Privacy concerns control over information about ourselves (self-determination), and about the pursuit of relationships with others (intimacy).

⇒ Individuals have privacy interests even when in public!

Privacy is not about hiding things that are wrong or embarrassing.

It is about protecting intimacy, freedom, and control. (Solove, “Nothing to Hide Argument”)

Modern view is concerned with both private and public spheres.

Privacy is central to *individual autonomy* or *self-determination*:

*The claim of individuals to determine for themselves when, how, and to what extent information about them is shared with or communicated to others.*

Violations of privacy impose *harms*:

Loss of freedom, intimacy, control over self and future.
Four Categories of Privacy Harms

1. Information Collection (e.g., surveillance)
2. Information Processing (e.g., aggregation and inferences made from big data)
3. Information Dissemination
   A. Breach of confidentiality
   B. Disclosure to third parties
   C. Blackmail
4. Invasion of Privacy
   A. Intrusion
   B. Decision interference

(Solove, A Taxonomy of Privacy)
Question:

Should privacy be treated differently depending on whether it is the government or a company that collects data?

Different privacy standards for different agents?
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Privacy and Big Data

When interacting with digital devices, individuals often give up information about themselves, creating digital exhaust streams.

Then algorithms can make inferences about people from these data.
Target broke through to a new level of customer tracking with the help of statistical genius Andrew Pole, according to a New York Times Magazine cover story by Charles Duhigg.

Pole identified 25 products that when purchased together indicate a woman is likely pregnant. The value of this information was that Target could send coupons to the pregnant woman at an expensive and habit-forming period of her life.

Plugged into Target's customer tracking technology, Pole's formula was a beast. Once it even exposed a teen girl's pregnancy:
QUESTION:

Was the information about the women private information?
1. Encryption
Protect information collection, processing, and dissemination

2. Differential Privacy
Retaining predictive accuracy while also protecting individual privacy.

⇒ Mehran to discuss on Wednesday.
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Rival Values?

Privacy versus National Security?

Does national security and safety override concerns about privacy?
Privacy vs. Security?

Apple vs the FBI:

Should the government be able to compel Apple to unlock the iPhone of a suspected terrorist?

In Apple Debate on Digital Privacy and the iPhone, Questions Still Remain

By Eric Lichtblau

March 28, 2016

WASHINGTON — A furious legal battle over digital privacy in the age of the iPhone ended on Monday with no clear winner — only lingering questions over what will happen the next time the government tries to force Apple to help break into one of its own phones.

The Justice Department on Monday announced that it had gotten what it wanted most immediately in the case of the San Bernardino terrorist attack: a way to unlock the iPhone used by one of the shooters to determine what evidence it might hold, even without Apple's assistance.

But that development forestalls a court ruling on the bigger legal questions that have been so hotly debated since the case erupted last month when a judge in California ordered Apple to unlock the phone used by Syed Rizwan Farook.

The legal debate in that state offered what many legal analysts saw as a powerful test case for the Justice Department to establish its position. But that verdict will now have to wait for another day.
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