

A Gift of Fire

Third edition

Sara Baase

Chapter 2: Privacy

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Slides prepared by Cyndi Chie and
Sarah Frye

Privacy and Individualism

“The poorest man may in his cottage bid defiance to all the forces of the Crown. It may be frail, its roof may shake; the wind may blow through it; the storms may enter, the rain may enter,—but the King of England cannot enter; all his forces dare not cross the threshold of the ruined tenement.”

[William Pitt, March 27, 1763]

What We Will Cover

- Privacy and Computer Technology
- “Big Brother is Watching You”
- Privacy Topics
- Protecting Privacy
- Communications
- Kill switches

Privacy and Computer Technology

Computer technologies that can decrease privacy (examples):

- Data bases
- Digital cameras
- The Web
- Smart phones
- GPS

Privacy and Computer Technology

Key Aspects of Privacy:

Privacy and Computer Technology

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- Freedom from intrusion (being left alone)

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- Control of information about oneself

Privacy and Computer Technology

Key Aspects of Privacy:

- Freedom from intrusion (being left alone)
- Control of information about oneself
- Freedom from surveillance (being tracked, followed, watched, and eaves-dropped upon)

Privacy and Computer Technology

A purpose of privacy:

- To protect an individual

Privacy and Computer Technology

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- To protect an individual from involuntary submission to others

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Some (alleged) negative aspects of of Privacy:

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- Allows fraud
- Protects the guilty
 - Should we also be concerned that the *presumption of innocence* protects the guilty?

Privacy and Computer Technology

Some (alleged) negative aspects of of Privacy:

- Covers deception, hypocrisy, wrongdoing
- Allows fraud
- Protects the guilty
 - Should we replace it with the *presumption of guilt* like during the Soviet trials during the purge' 1930s?

Privacy and Computer Technology

Some (alleged) negative aspects of of Privacy:

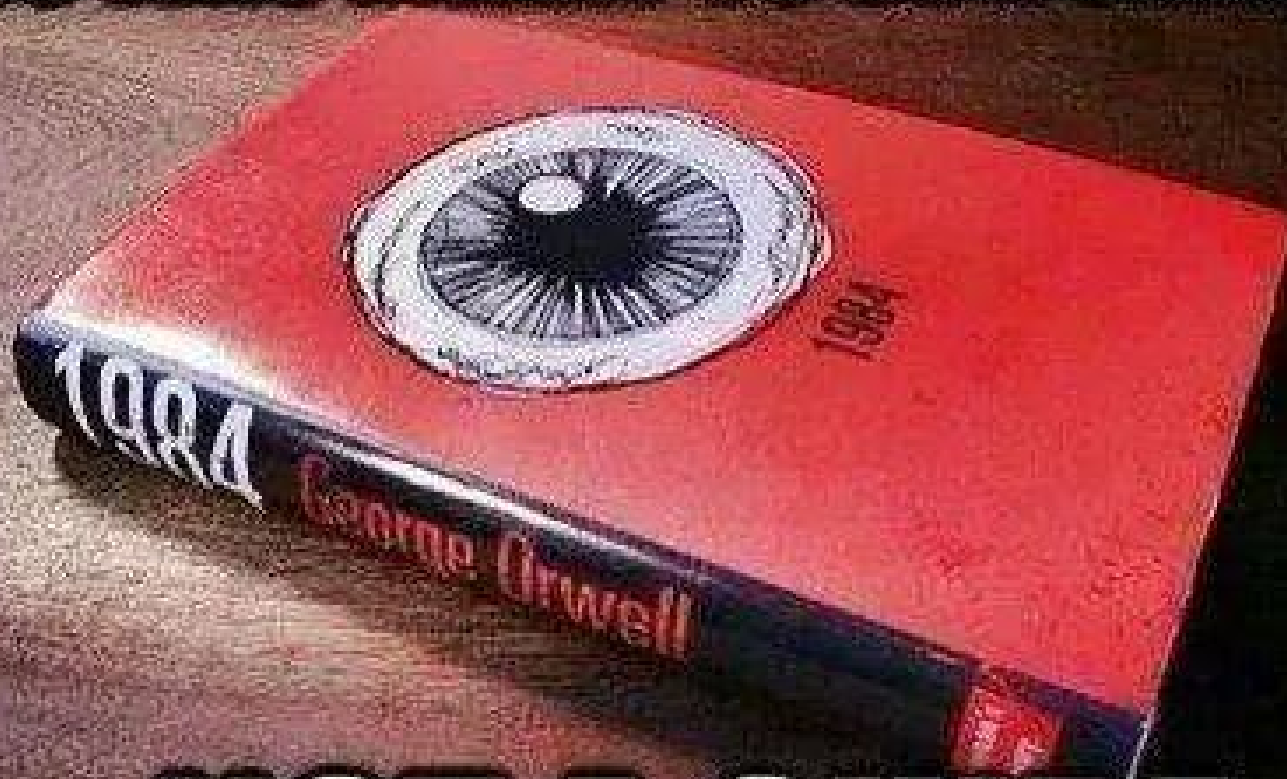
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- Protects the guilty
- After all, “What do you have to hide?”

Privacy and Computer Technology

Some (alleged) negative aspects of of Privacy:

- Covers deception, hypocrisy, wrongdoing
- Allows fraud
- Protects the guilty
- After all, “What do you have to hide?”
 - Really? Are we in “1984” movie, yet?

THIS WAS MEANT TO BE A WARNING



NOT A GUIDE

Privacy and Computer Technology

Some (alleged) negative aspects of of Privacy:

- Covers deception, hypocrisy, wrongdoing
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- After all, “What do you have to hide?”
- Obstructs collectivism

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Privacy threats:

- Intentional institutional uses of personal information (e.g., for tax collection, marketing)
- Unauthorized use or disclose by “insiders”
- Theft of information
- Inadvertent leakage
- Our own actions

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- While under lawful search or investigation

Privacy and Computer Technology

When complete privacy is not to be expected or desired:

- While in a public place (including the Web)
- In interactions with others
- In entering in contracts (including borrowing)
- While receiving services
- While under lawful search or investigation
- While providing private data to DMV

https://csc.csudh.edu/suchenek/CSC301/DMV_v_privacy.html

Privacy and Computer Technology (cont.)

New Technology, New Risks:

Privacy and Computer Technology (cont.)

New Technology, New Risks:

- Government and private databases

Privacy and Computer Technology (cont.)

New Technology, New Risks:

- Government and private databases
- Sophisticated tools for surveillance and data analysis

Privacy and Computer Technology (cont.)

New Technology, New Risks:

- Government and private databases
- Sophisticated tools for surveillance and data analysis
 - Big Data
 - predictive analytics
 - data mining
 - AI, machine learning, neural nets, ...

Privacy and Computer Technology (cont.)

New Technology, New Risks:

- Government and private databases
- Sophisticated tools for surveillance and data analysis
- Vulnerability of data

Privacy and Computer Technology (cont.)

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Privacy and Computer Technology (cont.)

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Privacy and Computer Technology (cont.)

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Google, Facebook, ...

Privacy and Computer Technology (cont.)

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Privacy and Computer Technology (cont.)

Summary of risks:

- Read bullet points on pages 55 – 56.

Privacy and Computer Technology (cont.)

Terminology:

Privacy and Computer Technology (cont.)

Terminology:

- **Invisible information gathering** - collection of personal information about someone without the person's knowledge

Privacy and Computer Technology (cont.)

Terminology:

- **Invisible information gathering** - collection of personal information about someone without the person's knowledge
- **Secondary use** - use of personal information for a purpose other than the one it was provided for

Privacy and Computer Technology (cont.)

Terminology (cont.):

- **Data mining** - searching and analyzing masses of data to find patterns and develop new information or knowledge

Privacy and Computer Technology (cont.)

Terminology (cont.):

- **Data mining** - searching and analyzing masses of data to find patterns and develop new information or knowledge
- **Computer matching** - combining and comparing information from different databases (using social security number, for example, to match records)

Privacy and Computer Technology (cont.)

Terminology (cont.):

- **Computer profiling** - analyzing data in computer files to determine characteristics of people most likely to engage in certain behavior

Privacy and Computer Technology (cont.)

Principles for Data Collection and Use:

- Informed consent
- Opt-in and opt-out policies
- Fair Information Principles (or Practices)
- Data retention

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Privacy and Computer Technology (cont.)

10 Fair Information Principles

- Accountability; ● Identifying Purposes;
- Consent; ● Limiting Collection;
- Limiting Use, Disclosure, and Retention; ● Accuracy; ● Safeguards;
- Openness; ● Individual Access;
- Challenging Compliance

<http://www.privacysense.net/10-privacy-principles-of-pipeda/>

Privacy and Computer Technology (cont.)

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"Big Brother is Watching You" (Section 2.2)

Databases:

- Government Accountability Office (GAO) - monitors government's privacy policies
- Burden of proof and "fishing expeditions"
- Data mining and computer matching to fight terrorism

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"Big Brother is Watching You"

A memorable example of a government spying on the majority of its people:

Read the first para of Section 2.1 page 48.

"Big Brother is Watching You"

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The above is a consequence of the fact that privacy allows individuals to resist submission to the collective.

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"Big Brother is Watching You" (cont.)

The Fourth Amendment, Expectation of Privacy and Surveillance Technologies:

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"Big Brother is Watching You" (cont.)

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- Weakening the Fourth Amendment

"Big Brother is Watching You" (cont.)

The Fourth Amendment, Expectation of Privacy and Surveillance Technologies:

- Weakening the Fourth Amendment
- Supreme Court decisions and expectation of privacy

"Big Brother is Watching You" (cont.)

The Fourth Amendment, Expectation of Privacy and Surveillance Technologies:

- Weakening the Fourth Amendment
- Supreme Court decisions and expectation of privacy
 - Modern surveillance techniques are redefining expectation of privacy

"Big Brother is Watching You" (cont.)

- The Fourth Amendment, Expectation of Privacy and Surveillance Technologies (cont.):
- The USA Patriot Act and national security letters
 - No court order or court oversight needed
 - 2003-2005 report found "widespread and serious misuse" of the FBI's national security letters authority

As of 2022, there is an on-going investigation of alleged FISA Court abuse during the FBI investigation of a 2016 election campaign.

"Big Brother is Watching You" (cont.)

Video Surveillance:

- Security cameras
 - Increased security
 - Decreased privacy

"Big Brother is Watching You" (cont.)

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"Big Brother is Watching You" (cont.)

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"Big Brother is Watching You" (cont.)

“The man who is compelled to live every minute of his life among others and whose every need, thought, desire, fancy, or gratification is subject to public scrutiny, has been deprived of his individuality and human dignity. [He] merges with the mass. ... Such a being, although sentient, is fungible; he is not an individual.”

Edward J. Bloustein

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Why?

"Big Brother is Watching You" (cont.)

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Because an individual needs to be left alone in order to put his thoughts together on how to not yield to a collective consensus and plan a defense against group's ideology pressure.

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Thus the concept of jury trial is an expression of individualism that was intended to protect individual rights.

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Privacy Threats

Marketing, Personalization and
Consumer Dossiers:

- Targeted marketing
 - Data mining
 - Paying for consumer information
 - Data firms and consumer profiles
 - “Free services” (e.g., Facebook)
- Credit records

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Privacy Threats (cont.)

Location Tracking:

- Global Positioning Systems (GPS) - computer or communication services that know exactly where a person is at a particular time
- Cell phones, smart phones, and other devices are used for location tracking
- Pros and cons

Privacy Threats (cont.)

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Privacy Threats (cont.)

Stolen and Lost Data:

- Hackers
- Physical theft (laptops, thumb-drives, etc.)
- Requesting information under false pretenses
- Bribery of employees who have access

Privacy Threats (cont.)

What We Do To Ourselves:

- Personal information in blogs and online profiles
- Pictures of ourselves and our families
- File sharing and storing

Privacy Threats (cont.)

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Privacy Threats (cont.)

Children:

- The Internet
 - Not able to make decisions on when to provide information
 - Vulnerable to online predators
- Parental monitoring
 - Software to monitor Web usage
 - Web cams to monitor children while parents are at work
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Privacy Threats (cont.)

Due to their lack of experience, naiveté, and parental protection,

children (and teenagers) are sometimes used as pawns in economic and political “battles” that target them as well as their parents.

They are also used as cover from behind which political groups of adults make their demands.

Remember the “human shields” tactics?

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Here is what was done to some kids.

Social Engineering

Social Engineering

Afflicting children
with political anxiety

In Nazi Germany:



Hitler Jungend

In Nazi Germany:



Hitler Jungend

In Soviet Union:



Communist Union of the Youth

In Soviet Union:



“Soviet Jugend”

**ЛУЧШЕМУ
ДРУГУ
ДЕТЕЙ**

**ВЕЛИКОМУ
СТАЛИНУ
СЛАВА!**





ISIS "warrior" threatens the Prez.

In Sweden:



We are in the beginning of a mass extinction

Greta Thunberg teaching adults about climate.

In Europe:





A blue gradient background with a thin white arc. The arc starts from the top left, curves across the top, and then curves down towards the bottom right corner.

You simply don't do this to
children!

Weaponization of children is one of the things that adults are **not** supposed to do to them.

It is the adults' responsibility to:

- protect children from the horrors of real life, and
- guard their innocence

while they are still in their formative age.

Can anyone say:
Child abuse?

Privacy Threats (cont.)

Students (K-12 through college), too, are subjects to similar manipulations for political purposes.

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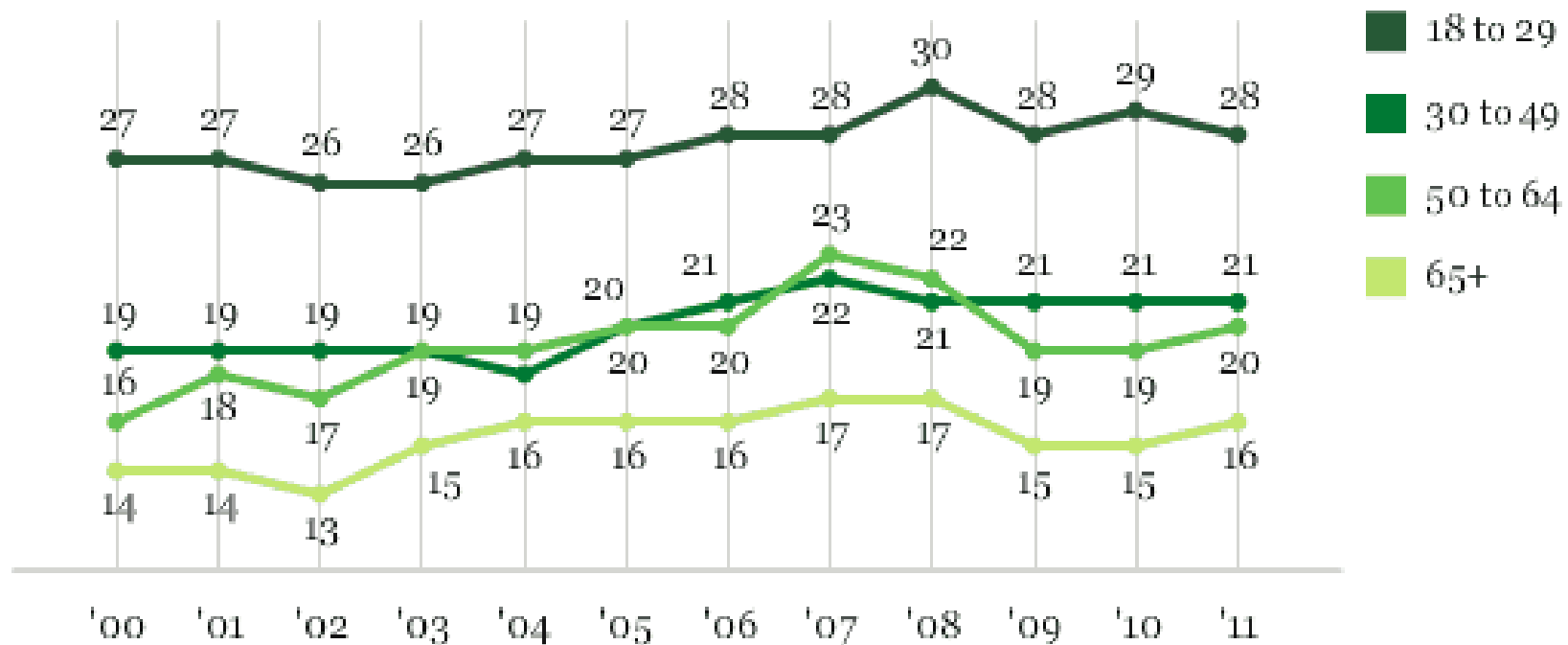
Starving in Soviet Union



Millions were forced to starve in Soviet Union by Stalin and his apparatus in the name of Marx.

U.S. Political Ideology by Age

Recent trend in % liberal

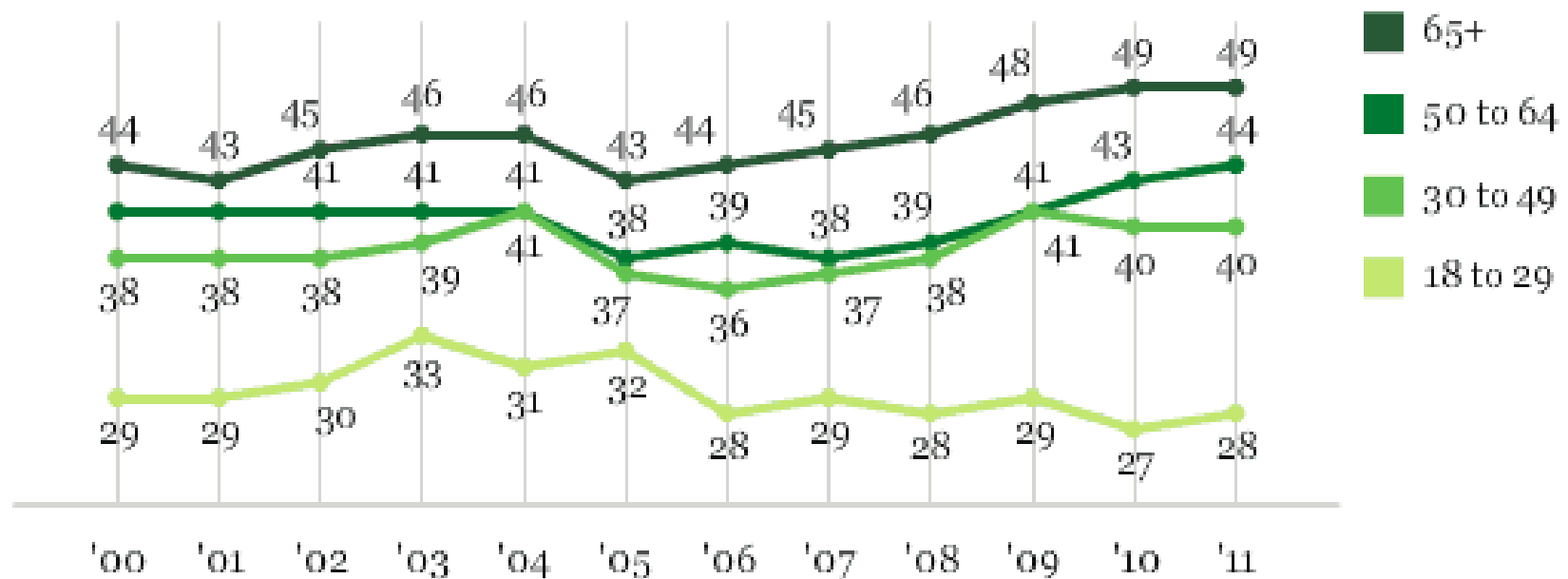


Annual averages

GALLUP®

Orientation *U.S. Political ~~Ideology~~ by Age*

Recent trend in % conservative

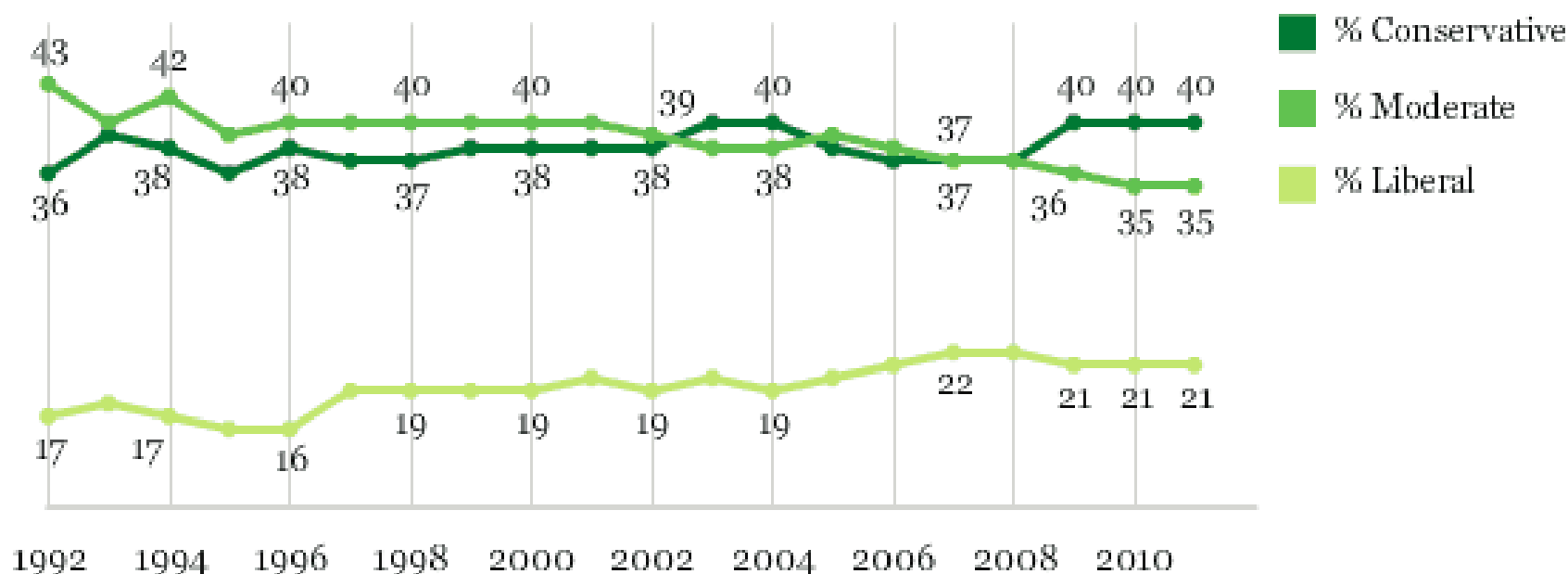


Annual averages

GALLUP®

Orientation
U.S. Political ~~Ideology~~ -- 1992-2011 Annual Averages

How would you describe your political views -- very conservative, conservative, moderate, liberal, or very liberal?



Based on 20 Gallup and USA Today/Gallup polls conducted in 2011

GALLUP®

College Faculties A Most Liberal Lot, Study Finds

<http://www.washingtonpost.com/wp-dyn/articles/A8427-2005Mar28.html>

By Howard Kurtz

Washington Post Staff Writer

Tuesday, March 29, 2005; Page C01

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Are students well-served by professors' liberal bias?

<http://www.ocregister.com/articles/students-656532-university-political.html>

April 3, 2015

In an essay published last year by Prager University, Matthew Woessner argued that the problem with academia's "overwhelming left-wing bias" is not that it unduly influences right-leaning students, but that "it insulates left-leaning students, hindering their ability to critically analyze their own ideas."

Are students well-served by professors' liberal bias?

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- Restrictions on freedom of expression of non-Liberal opinions
- Silencing the critics and opponents of Liberal theses
- Declaring certain topics as out of the range of scholarly and scientific inquiry
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YOU BETTER AGREE
WITH ME OR ELSE!

OR
ELSE
WHAT?

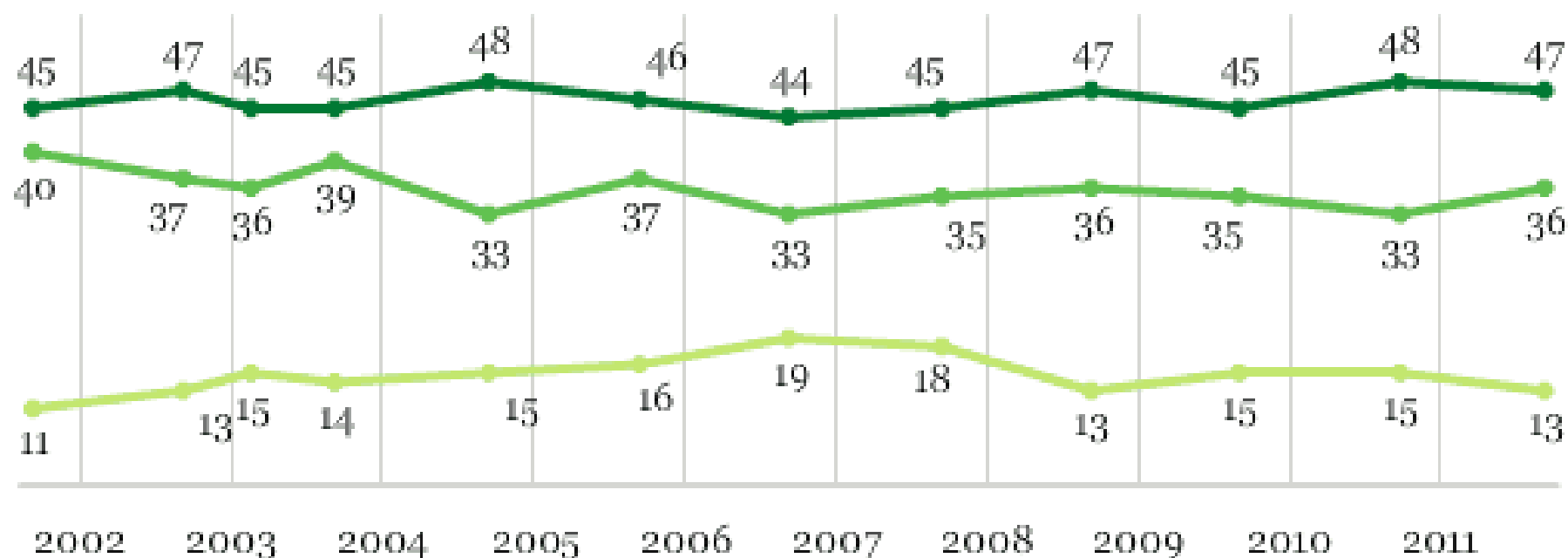
OR ELSE YOU'RE
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www.politiccartoons.com

© 2009, *Real Jany*

In general, do you think the news media are -- [ROTATED: too liberal, just about right, or too conservative]?

■ % Too liberal ■ % Just about right ■ % Too conservative



GALLUP®

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That insulation causes:

- Unrealistic ideas being accepted as “facts”
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- Illusion that thinking is independent of reality
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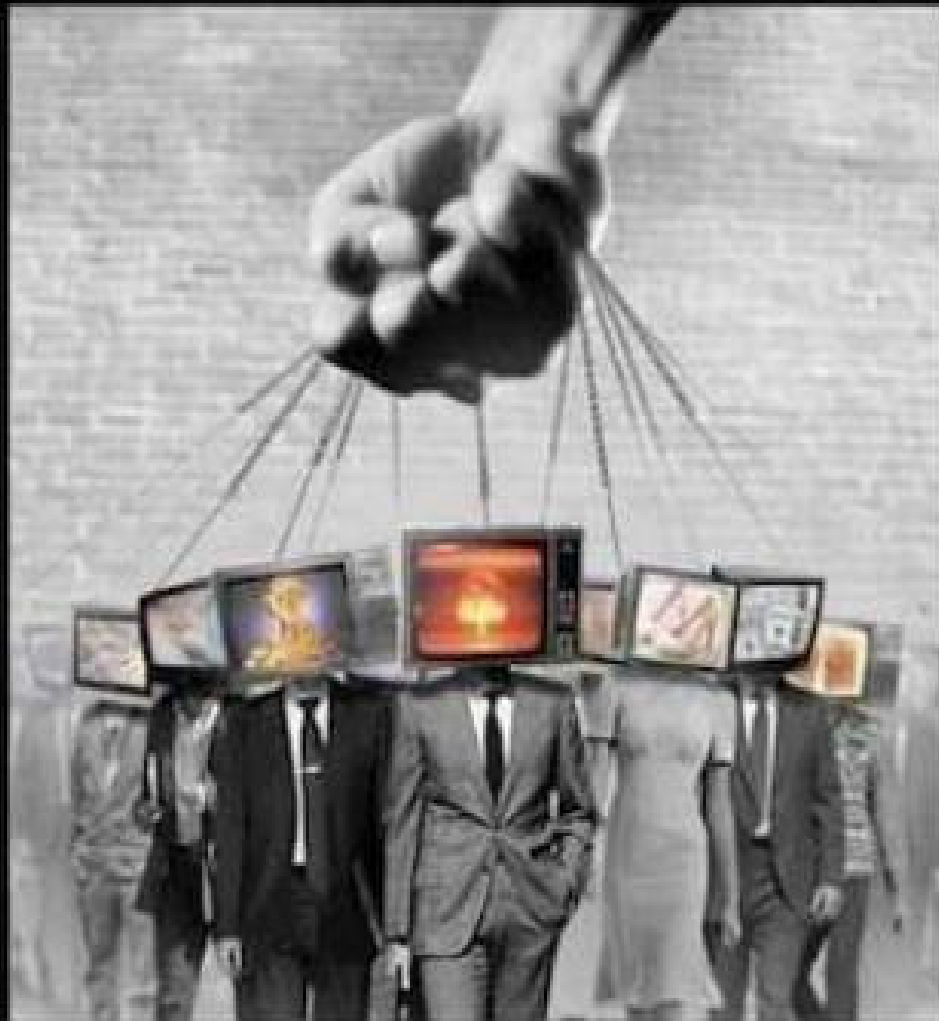
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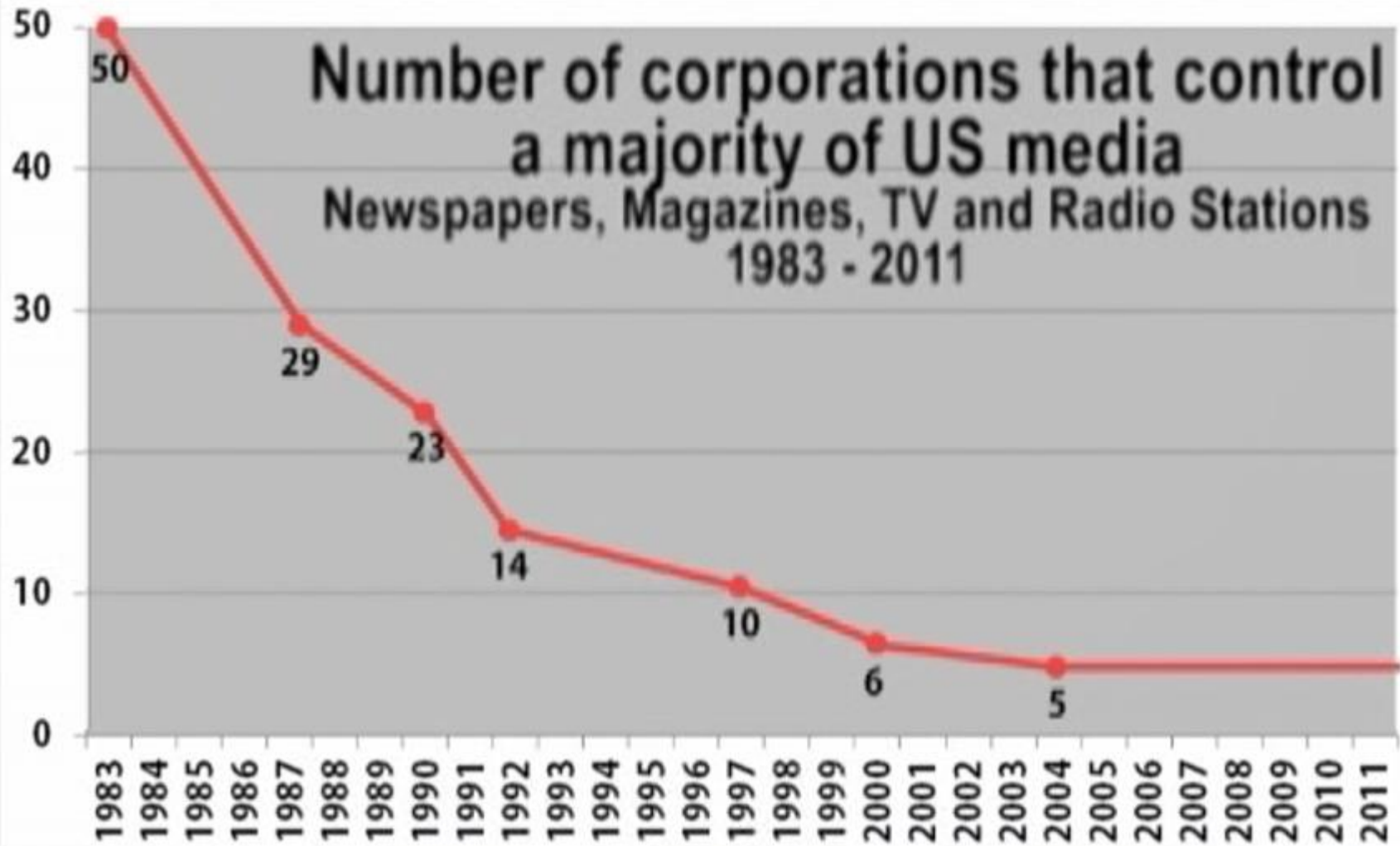


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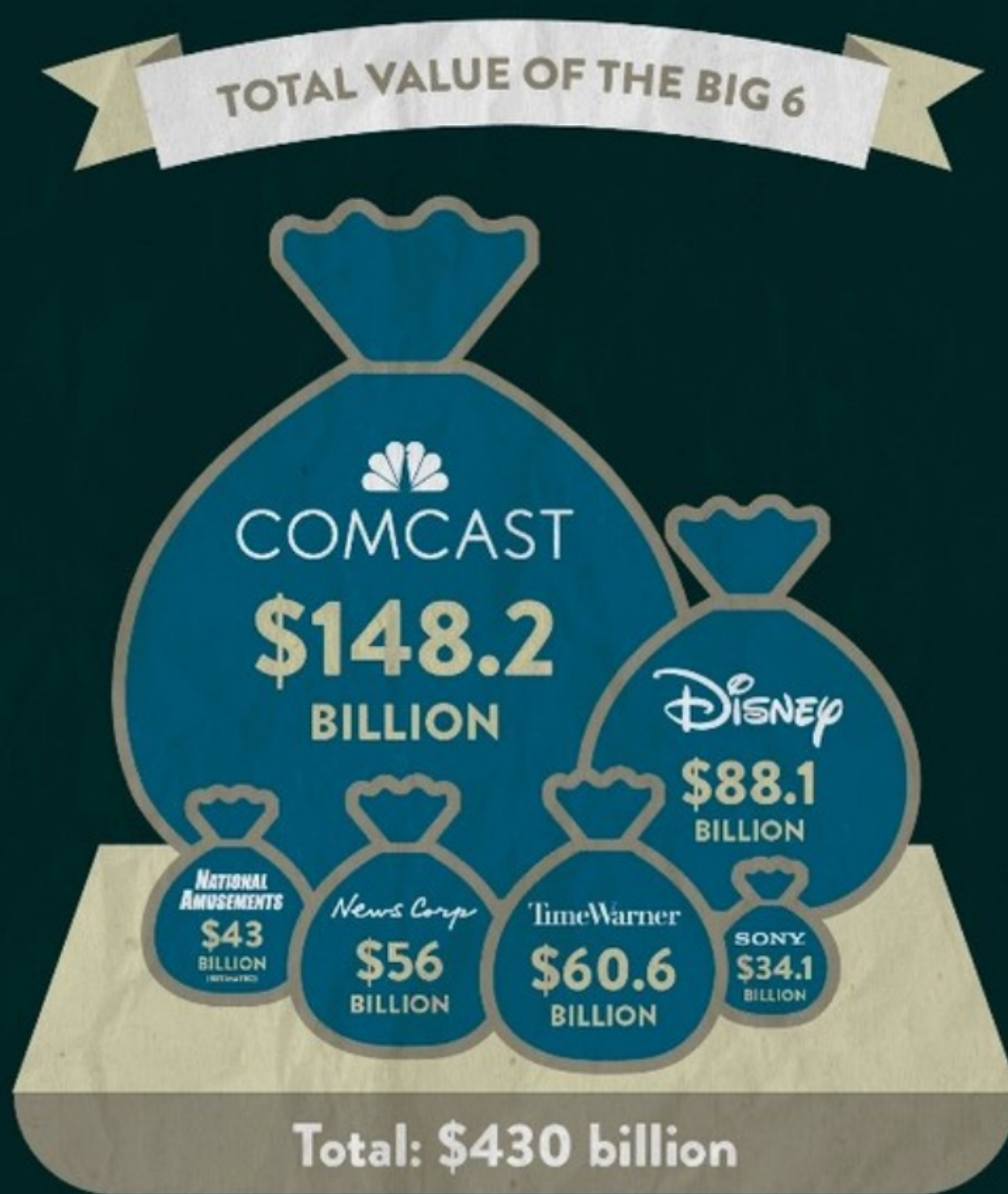


*The people will believe what
the media tells them they believe.*

Number of corporations that control a majority of US media Newspapers, Magazines, TV and Radio Stations 1983 - 2011



As of
2017:



Market capitalization (2020)

(# of outstanding shares * price per share)

Disney: \$ 245 billion

Verizon: \$ 240 billion

(owned Yahoo! & AOL; sold in 2021)

Comcast: \$ 220 billion

AT&T: \$ 206 billion

(owns CNN & Warner Media)

Market capitalization (2020)

Sony: \$ 110 billion

News Corp: \$ 10 billion

(owns Fox Corporation)

National Amusements: a private company

owns 80% of ViacomCBS: \$ 18 billion

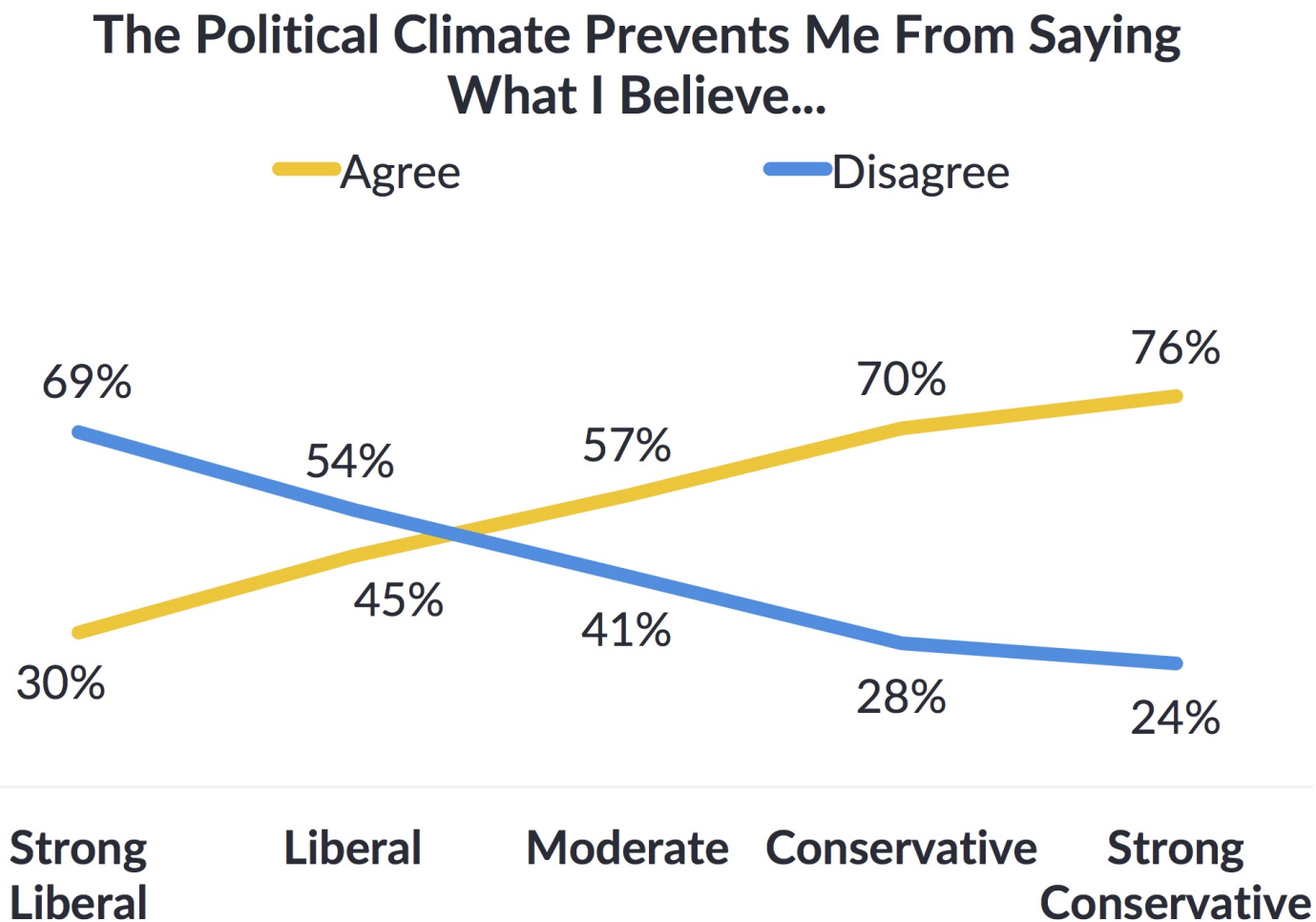
Alphabet: \$ 1.2 trillion

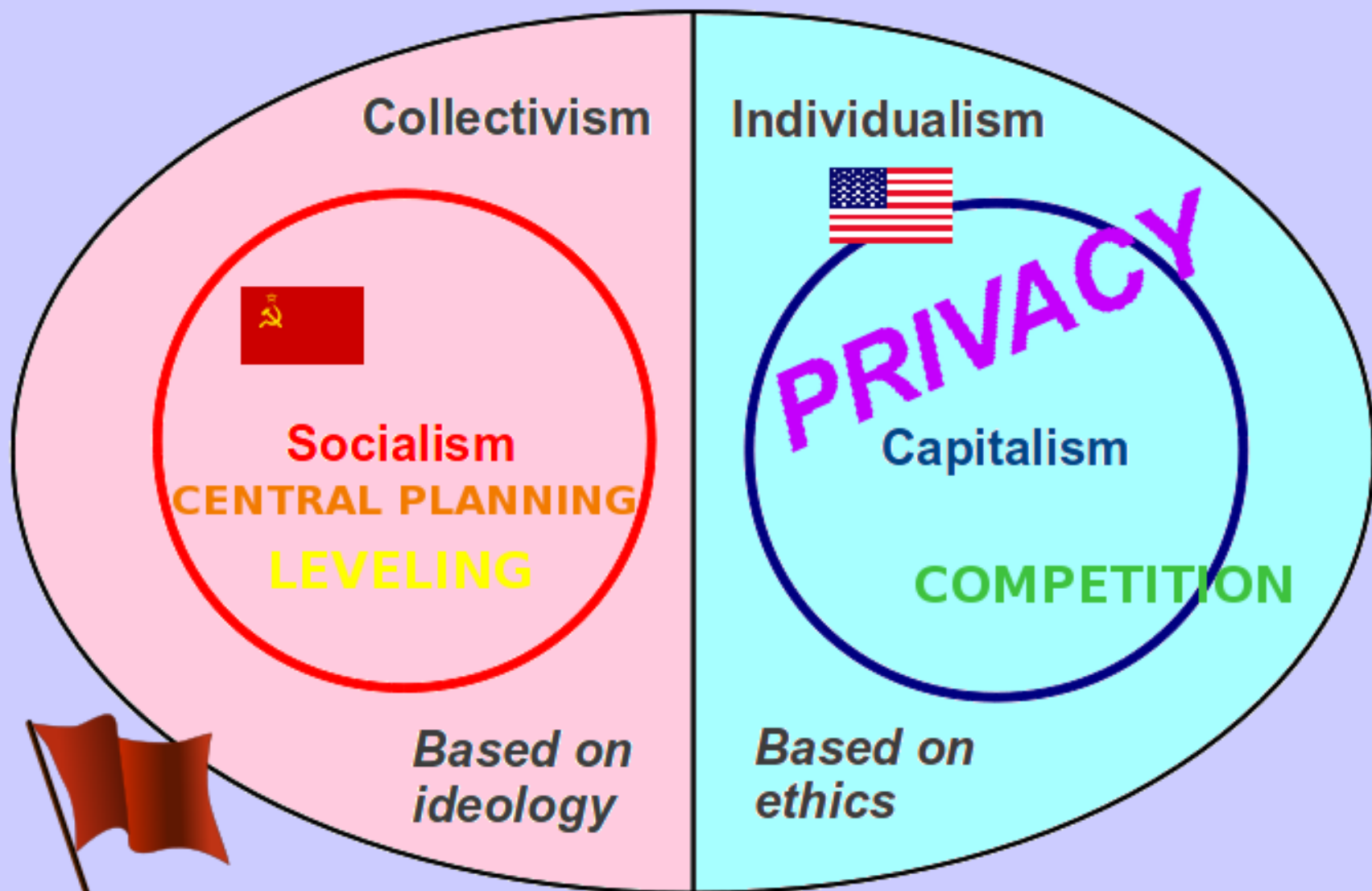
Amazon: \$ 1.6 trillion

The Cato 2017 Free Speech and Tolerance Survey, a new national poll of 2,300 U.S. adults, finds that **71% Americans believe that political correctness has silenced important discussions** our society needs to have. The consequences are personal—**58% of Americans believe the political climate prevents them from sharing their own political beliefs.**

Liberals Most Likely To Feel Comfortable Sharing Political Beliefs; Conservatives Most Likely to Self-Censor

Agree/Disagree: The political climate these days prevents me from saying things I believe because others might find them offensive.





United Left



Divided Right

Privacy Threats (cont.)

Public Records: Access vs. Privacy:

- Public Records - records available to general public (bankruptcy, property, and arrest records, salaries of government employees, etc.)
- Identity theft can arise when public records are accessed
- How should we control access to sensitive public records?

Privacy Threats (cont.)

National ID System:

- Social Security Numbers
 - Too widely used
 - Easy to falsify

Privacy Threats (cont.)

National ID System:

- Social Security Numbers
 - Too widely used
 - Easy to falsify
 - SS Administration refuses to report some violation out of “privacy concerns” for the perpetrators

Privacy Threats (cont.)

National ID System (Cont.):

- A new national ID system - Pros
 - would require the card
 - harder to forge
 - have to carry only one card
- A new national ID system - Cons
 - Threat to freedom and privacy
 - Increased potential for abuse

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Protecting Privacy

Remember the “expectation of privacy”
qualification of 4th Amendment
protection against governmental
intrusion.

(A SCOTUS invention)

Protecting Privacy (cont.)

Technology and Markets:

- Privacy enhancing-technologies for consumers
- Encryption
 - Public-key cryptography
- Business tools and policies for protecting data

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Protecting Privacy (cont.)

Rights and law:

- Theories
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Protecting Privacy (cont.)

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- Impact of immigration policy and its enforcement on privacy rights
 - Example to discuss: airport security

Protecting Privacy (cont.)

When We the People ask that the border and the immigration laws be enforced, so that the bad guys are kept out of our country and there is no need to spy on American citizens then the government turns its deaf ear on the People's requests.

Protecting Privacy (cont.)

When We the People ask that the border and the immigration laws be enforced, so that the bad guys are kept out of our country and there is no need to spy on American citizens then the government turns its deaf ear on the People's requests.

Allegedly, that would be disrespectful or even discriminatory for our prospective guests.

Protecting Privacy (cont.)

But if there is one person who asks:

“Please, take away our liberties
(2nd and 4th Amendment rights) for
our protection”

then the government is eager to grant
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Protecting Privacy (cont.)

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Now, that would **not** be disrespectful or
discriminatory to submit us to “random”
warrantless searches.

Protecting Privacy (cont.)

Rights and law:

- Theories
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- Impact of immigration policy and its enforcement on privacy rights
- Privacy rights were **not** meant to protect criminal or otherwise harmful behavior!

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- Transactions & free market
- Ownership of personal data (Posner)

Protecting Privacy (cont.)

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Judge Richard Posner, named by The Journal of Legal Studies as the most cited legal scholar of all time (ref: Fred R. Shapiro, "The Most-Cited Legal Scholars", The Journal of Legal Studies, Vol. 29, No. S1 (January 2000), pp. 409-426, The University of Chicago Press for The University of Chicago Law School, URL: <http://www.jstor.org/stable/10.1086/468080>

Table 6, p. 424, 7,981 citations).

Protecting Privacy (cont.)

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- Richard Posner: “An Economic Theory of Privacy”
- Argues that a person should not have a property right to derogatory information (e.g. criminal record, credit history) whose concealment aids fraud and misrepresentation (recall the purpose)
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Protecting Privacy (cont.)

The HIPAA Privacy Rule

A [health care provider] may disclose PHI (Protected Health Information) to facilitate treatment, payment, or health care operations without a patient's express written authorization.

They also must disclose PHI when required to do so by law such as reporting suspected child abuse to state child welfare agencies.

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- Free Market View
 - Freedom of consumers to make voluntary agreements
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Protecting Privacy (cont.)

Privacy Regulations in the European Union (EU):

- Data Protection Directive
 - More strict than U.S. regulations
 - Abuses still occur
 - Puts requirements on businesses outside the EU

Communication

Wiretapping and E-mail Protection:

- Telephone
 - 1934 Communications Act prohibited interception of messages
 - 1968 Omnibus Crime Control and Safe Streets Act allowed wiretapping and electronic surveillance by law-enforcement (with court order)
- E-mail and other new communications
 - Electronic Communications Privacy Act of 1986 (ECPA) extended the 1968 wiretapping laws to include electronic communications, restricts government access to e-mail

Communication (cont.)

Designing Communications Systems for
Interception:

- Communications Assistance for Law
Enforcement Act of 1994 (CALEA)

Communication (cont.)

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Communication (cont.)

Secret Intelligence Gathering:

- The National Security Agency (NSA)
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Communication (cont.)

Encryption Policy:

- Government ban on export of strong encryption software in the 1990s (removed in 2000)
- Pretty Good Privacy (PGP)

Communication (cont.)

Encryption Policy:

- Government ban on export of strong encryption software in the 1990s (removed in 2000)
- Pretty Good Privacy (PGP)
- How has the “borderless” Internet led to the above conflict.

Kill switches

(Chap. 1 p. 9-10)

Uses (examples):

- Remove content that infringes copyright
- Replace malfunctioning, obsolete, or malicious software
- Remove contents that is deemed “offensive”
- Stop operation of computer-controlled machines

Kill switches

(Chap. 1 p. 9-10)

Risks:

- Infringements of privacy
- Censorship
- Increased government control
- Vulnerability to hacking

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To be continued ...

... in Lecture Notes for Chapter 2.