Privacy

Defining Privacy

• Privacy related to notion of access & ownership
• Access
  – Physical proximity to a person
  – Knowledge about a person
• Edmund Byrne: Privacy is a “zone of inaccessibility”
• Edward Bloustein: Privacy violations are an affront to human dignity
• Too much individual privacy can harm society
• Where to draw the line?
Benefits of Privacy

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

Is There a Natural Right to Privacy?

- Morton Levine: Property rights → Privacy rights
- Third Amendment to U.S. Constitution
- Samuel Warren and Louis Brandeis: Yes
- Judith Jarvis Thomson: “Privacy rights” overlap other rights

- Key concept: expectation of privacy
U.S. Legislation

- Fair Credit Reporting Act
- Fair and Accurate Credit Transactions Act
- The Family Education Rights and Privacy Act
- Employee Polygraph Protection Act
- Video Privacy Protection Act
- Financial Services Modernization Act
- Children’s Online Privacy Protection Act
- Health Insurance Portability and Accountability Act
**Code of Fair Information Practices**

- No secret databases
- People should have access to personal information in databases
- Organizations cannot change how information is used without consent
- People should be able to correct or amend records
- Database owners, users responsible for reliability of data and preventing misuse

**Privacy Act of 1974**

- Applies only to government databases
- Only covers records indexed by a personal ID
- No federal employee responsible to enforcing Privacy Act provisions
- Allows agencies to share records with other agencies
Data Mining

- Data mining
  - Searching for patterns or relationships in one or more databases
  - Way to generate new information
- Secondary use: information collected for one purpose used for another purpose
- Information about customers is a valuable commodity

OneDOJ Database

- Database being constructed by U.S. Department of Justice
- Gives state and local police officers access to information provided by five federal law enforcement agencies
  - Incident reports
  - Interrogation summaries
  - Other information not available through NCIC
- Criticisms
  - OneDOJ gives local police access to information about people who have not been charged with a crime
  - There is no way to correct misinformation in raw police reports
Proposed by Information Awareness Office of U.S. Defense Advanced Research Projects Agency (DARPA)

Goal: identify terrorists

Means: capture “information signatures” and looks for terrorist-like patterns of activity

Financial, medical, communication, travel, and other records examined

USA PATRIOT Act

- Provisions
  - Greater authority to monitor communications
  - Greater powers to regulate banks
  - Greater border controls
  - New crimes and penalties for terrorist activity

- Critics say Act undermines 4th Amendment rights
  - Pen registers on Web browsers
  - Roving surveillance
  - Searches and seizures without warrants
  - Warrants issued without need for showing probable cause
Patriot Act Successes

• Charges against 361 individuals
  – Guilty pleas or convictions for 191 people
  – Shoe-bomber Richard Reid
  – John Walker Lindh

• More than 500 people removed from United States

• Terrorist cells broken up in Buffalo, Seattle, Tampa, and Portland ("the Portland Seven")
Patriot Act Failure

• March 11, 2004 bombings in Madrid Spain
• FBI makes Brandon Mayfield a suspect
  – Claims partial fingerprint match
  – Conducts electronic surveillance
  – Enters home without revealing search warrant
  – Copies documents and computer hard drives
• Spanish authorities match fingerprint with an Algerian
  – Judge orders Mayfield released
  – FBI apologizes
• Civil rights groups: Mayfield was targeted for his religious beliefs

Airport Scanners