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

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**Is There a Natural Right to Privacy?**

- Morton Levine: Property rights → Privacy rights
- 3rd & 4th Amendments to U.S. Constitution
- Samuel Warren and Louis Brandeis: Yes
- Judith Jarvis Thomson: “Privacy rights” overlap other rights

- Key concept: expectation of privacy
3rd Amendment

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

4th Amendment

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.
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
• 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 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