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
- Too little can harm the individual
- 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**
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
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

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

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- 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, ok?