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Author(s): Steve Jackson, 2007-2009.

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SI 507: Information Policy Analysis and Design

Wk 9: Privacy, Security, and Freedom of Information

Code of Fair Information Practices (1973)

- No *secret* record-keeping systems for personal data
- Right of self-discovery of records and their uses
- Right of consent for repurposing of data
- Right of correction or amendment of incorrect information
- Burden of accuracy, reliability, and reasonable precaution against misuse on part of collecting agency

(nb: protections against misuse of data in the *public* sector)

OECD Privacy Guidelines (1980)

(http://www.oecd.org/document/18/0,3343,en_2649_34255_1815186_1_1_1_1,00.html)

Nine principles:

- *Collection limitation*
- Data quality
- *Purpose specification*
- *Use limitation*
- *Security safeguards*
- Openness
- Individual participation
- Accountability

FIP + OECD:

Transparency…

'Travel' & Reuse (contextual control…)

Quality & Security…

Minimalism…

Privacy in commercial online transactions: self-regulation

- E.g. W3C's Platform for Privacy Preferences Project (P3P)
- Expresses individual site's privacy policies in standardized machine-readable formats addressing:

✓ What information the site collects

✓ How this information is used (navigation, tracking, personalization, telemarketing, etc.)

✓ Who will use the information (current company or 3rd party)

✓ Duration and transparency

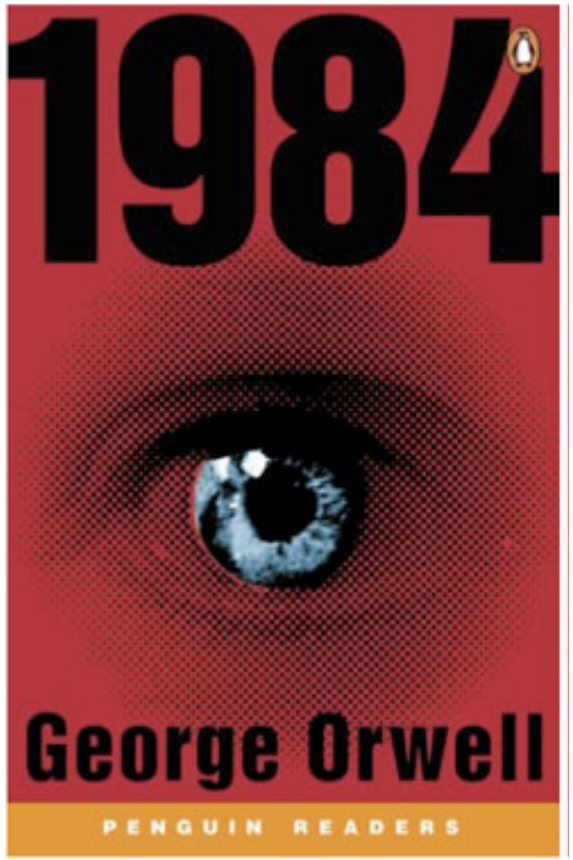
- Criticisms:
- Poorly understood & weakly adopted (by businesses and users)
- Misleading – P3P label suggests protection (rather than a notice and choice system)
- Lack of oversight and enforcement (or sanctions when policies are violated)
- May delay more robust forms of privacy regulation and protection

Do people care about privacy?

- Attitude / behavior gaps?
- Generational gaps?
- Online / offline gaps?
- http://www.msnbc.msn.com/id/15221100/ns/technology_and_science-privacy_lost/

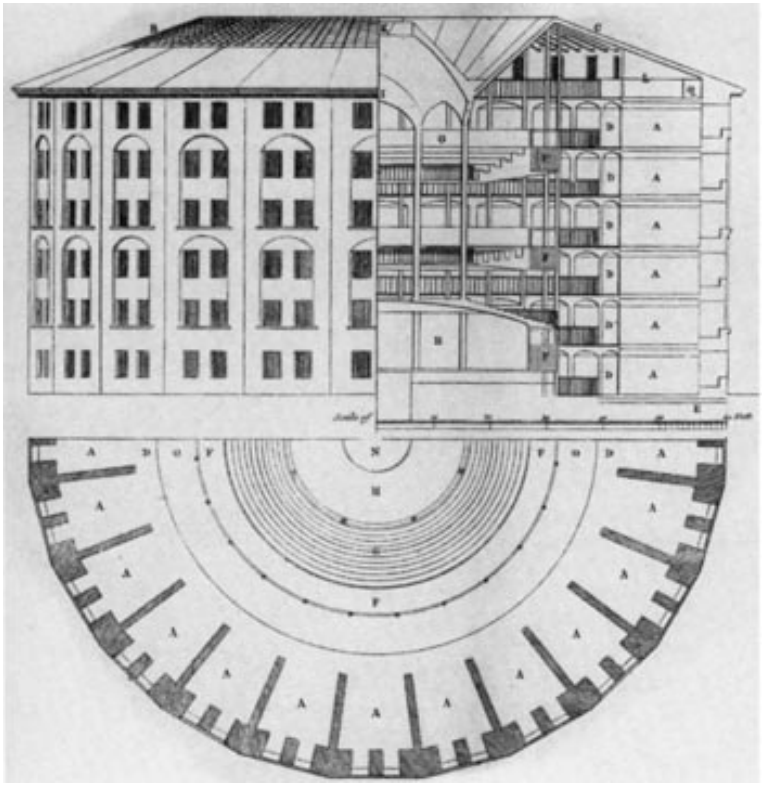
Cultures of privacy and surveillance

FAIR USE Penguin Books



Orwell's **Big Brother** (*1984*)

PD-EXP Jeremy Bentham, 1791 (Wikimedia Commons)



Jeremy Bentham / Michel Foucault's **Panopticon**

Some findings from surveillance studies…

- Roots of surveillance/identification: taxation, conscription, mobility, crime & punishment
- Secular *increase* in surveillance/identification through the late 19th and 20th centuries (migration, urbanization, the burden of care)
- Historical dynamics of surveillance – technology, social structure, and event
- Group level effects of surveillance: surveillance as social sorting (Oscar Gandy, *The Panoptic Sort*; David Lyon, *The Electronic Eye*), e.g. redlining, racial profiling, etc.
- Surveillant *cultures*: care, control, apathy & desire

Surveillance after privacy?

David Brin, *The Transparent Society*

(cc) BY-SA Glogger (Wikipedia)



Steve Mann, ‘sousveillance’

The Surveillance Camera Players:

http://www.youtube.com/watch?v=RILTl8mxEnE

Small group questions:

Are the principles laid out in the HEW fair information practices, now 30+ years old, sufficient and appropriate for the conditions of the contemporary information world (web 2.0, cloud computing, e-government, massive online transactions, etc.)? How / what would we want to change or update? Identify at least 3 key principles (old or new) and explain their application to the online world.

Are existing self-regulatory practices (e.g., the W3C P3P framework) adequate to address privacy concerns in commercial transactions online? Are there more robust and basic protections beyond self-regulation and contract law that government ought to ensure? If so, what are these? How and by whom should such measures be enforced?