

Data Privacy

In the digital age, the concept of data plays a tremendous role in our everyday lives. In the modern world personal data is presented in many ways such as social media, online shopping, medical portals, political affiliation, family history, and more. A lot can be learned about a person from their data, and in recent times there has been a big concern regarding data privacy. In the modern world, the concept of data privacy is an important matter, and one event regarding the issue could have the potential to affect many people.

The right to privacy is not a right that is explicitly defined within the United States Constitution but is a right that is implied by the Bill of Rights. In the Supreme Court case *Griswold vs Connecticut* (1965) its ruling established the right to privacy by using the Bill of Rights. The First Amendment was used to argue about who people choose to associate with, the Third Amendment was written for forced quartering, the Fourth Amendment was based on unreasonable search and seizure implied you have an expectation of privacy, and the Fifth Amendment protects the right of private property. The Ninth Amendment was a key argument for the right since it mentions there are constitutional rights that are not explicitly defined by the constitution. Finally, many justices applied the Fourteenth Amendment by using the Due Process clause to expand the right to the states.

The internet provides the world with many business opportunities for its users however, one particular business model that is controversial is the data broker model. An information broker, also known as a data broker is someone or a company that specializes in collecting data. One company that uses this model is Facebook which makes its money by selling personal data to advertisers. This is legal because many users will give their consent in the company's terms of service, however in practice most of their users either do not read the terms of service or do not have a good understanding of it. This means there is a significant amount of people who do not know what they are signing up for creating an opportunity for the company to do whatever they want with the data. Axiom is another prominent data broker that also claims to have files of 10 percent of the world's population making up one of the world's largest databases.

There is a significant amount of Americans that believe the government is overreaching its authority regarding data privacy. The September 11th attacks marked one of the deadliest events on US soil which led to one of the most controversial laws known as the Patriot Act. This would expand government surveillance and give the federal government the tools to combat terrorism for national security. This law made amendments to the Wiretap Act making it easier for law enforcement to spy on alleged criminals or terrorists. This allowed law enforcement to

obtain court orders to spy on suspects by intercepting their phone calls, emails, text messages, and any form of digital communication. This also allowed government officials to use trap and trace devices to conduct sneak and peek searches. There have been arguments that this law is unconstitutional with many opponents criticizing section 215 which allows government agencies to conduct warrantless searches which could conflict with the Fourth amendment.

Supporters of the Patriot act have claimed this act is necessary for national security and promotes government cooperation to prevent future terrorist attacks. Opponents of the law have argued that mass government surveillance is dangerous and violates the Bill of Rights. Edward Snowden is a famous whistleblower who worked at the National Security Agency and in his revelation, he explained how the government was using its power. Snowden shared classified government documents and exposed secret government surveillance programs. One important topic in his revelations was the NSA PRISM program in which the NSA would collect internet traffic from various US companies. What was most important about the Snowden revelations was most people were not aware of what the US government was overseeing, and there have been calls to reform the government when it comes to conducting surveillance. Many provisions in the patriot act have expired or have been struck down in court, and in 2015 the Freedom Act was signed into law replacing the Patriot Act along with reforming government surveillance.

After the terrorist attacks on San Bernadino, the FBI manage to get ahold of one of the suspect's iPhone. Law enforcement had access to the phone's older backups from the cloud through Apple's terms of service, but there were no backups on the phone during the time of the attack. The FBI demanded Apple give backdoor access to the device however Apple did not comply arguing this would lead to a slippery slope that would nullify the confidentiality in their product's security that could be exploited by hackers. The company was willing to take the FBI up to the Supreme Court to defend their stance, but eventually, the FBI dropped their demands and were able to crack the phone without the aid of Apple. This could have led to a landmark court case that would have altered the concept of data privacy for millions of people.

Data privacy is an issue that will continue to be relevant especially in a world where technology is becoming more prominent. This issue is so important even the UN has recognized and defined the right of data privacy in the digital age. The European Union has also played a role by threatening to fine companies that misuse private data. There is no centralized authority that could guarantee an environment to protect someone's private data, but instead, it is up to a collective of jurisdictions to decide what digital environment the world will live under. Data privacy will continue to be a very important issue for the following years to come and will continue to be a part of humanity's concerns.

References

Data Privacy: <https://www.youtube.com/watch?v=3YIPQrEWOeY&t=2s>

Data Privacy: <https://www.youtube.com/watch?v=ZNEPaGFApX4>

Apple vs FBI: <https://www.youtube.com/watch?v=YrIGn7BKm8g>

Right to Privacy: <https://www.youtube.com/watch?v=vmMcYUUz18A>

Right to Privacy (Griswold v Connecticut): <https://www.oyez.org/cases/1964/496>

Patriot Act: <https://www.youtube.com/watch?v=KP9VklrXPZs&t=73s>

Patriot Act: <https://www.congress.gov/107/plaws/publ56/PLAW-107publ56.pdf>

Snowden: <https://www.youtube.com/watch?v=0hLjuVyllrs>

EU data privacy: <https://www.youtube.com/watch?v=UdWkFloDbAs>