

COM6655 Professional Issues

Autumn 2022-23

**Data protection, privacy
and freedom of information (part 1)**

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Overview

- Privacy in the computer age
- Three aspects of privacy
- DPA 2018 (Data Protection Act)
- EU GDPR (EU General Data Protection Regulation)
- UK GDPR (UK General Data Protection Regulation)
- Information Commissioner's Office - ICO
- Investigatory powers
- Summary

Privacy

Some definitions

Dictionary

privacy

/'prɪvəsi, 'prvəvəsi/

noun

a state in which one is not observed or disturbed by other people.
"she returned to the privacy of her own home"

Similar: [seclusion](#) [privateness](#) [solitude](#) [isolation](#) [retirement](#) [peace](#) 

- the state of being free from public attention.

"a law to restrict newspapers' freedom to invade people's privacy"

Definitions from Oxford Languages

Feedback



The screenshot shows a dictionary entry for the word "privacy". At the top, there is a small image of a hand writing the word "privacy" on a piece of paper. Below the title, the definition is given: "Privacy: A person's ability to exclude others from their personal information and activities". There is also a note about abortion rights. To the right of the text, there is a red box containing the word "privacy" in large white letters. Below the main text, there is a table with columns labeled "HIV" and "DP". The table has several rows of data. At the bottom right, there is a "More images" button and a share icon.

Privacy

Privacy is the ability of an individual or group to seclude themselves or information about themselves, and thereby express themselves selectively. When something is private to a person, it usually means that something is inherently special or sensitive to them. [Wikipedia](#)

Amendment

Sayings

Importance

Taxonomy

People also search for

 Freedom of speech

 Cost

 Health care coverag...

Feedback

Privacy in the computer age

- Information technology allows individuals, governments and businesses to invade the privacy of others.
 - Massive amounts of information can be stored in databases, and searched rapidly to build a profile of an individual.
 - Information can be spread widely very quickly.
 - There is growing concern that Governments and businesses are stockpiling information that should not concern them.
 - All societies need a balance between respect for individual privacy and freedom of information.

NEWS

Business

Facebook to pay record \$5bn to settle privacy concerns

0 24 July 2019

f g t



GETTY IMAGES

Facebook will pay a record \$5bn fine to settle privacy concerns, the US Federal Trade Commission (FTC) has said.

The social network must also establish an independent privacy committee that Facebook's chief executive Mark Zuckerberg will not have control over.

The FTC had been probing allegations political consultancy Cambridge Analytica improperly obtained the data of up to 87 million Facebook users.

The probe then widened to include other issues such as facial recognition.

Context matters

- Are there any circumstances in which an invasion of privacy can be justified?
- Helen Nissenbaum (2010) Privacy in context: Technology, Policy and the Integrity of Social Life:
 - Intensive care in hospital, intrusion into privacy is **expected**
 - Email surveillance **not expected**
 - People are concerned about **inappropriate** sharing of information.
- Social norms and contextual integrity
 - We have **expectations** about what information will be shared where, and when.

Jeremy Bentham's Panopticon



Dataveillance

- Shoshanna Zuboff has described the “information panopticon”
- Computers can be used for real-time surveillance.
 - Surveillance of individuals (personal surveillance) can be a weapon in the fight against crime.
 - but it could be seen as an invasion of privacy
 - or it could provide a basis for coercion or blackmail.
- The aim of mass surveillance can be to identify individuals that are worth subjecting to personal surveillance.

NEWS

Asia

China

China due to introduce face scans for mobile users

⌚ 1 December 2019

[f](#) [w](#) [t](#) [g](#)



AFP

China has for years been trying to enforce rules to ensure that everyone using the internet does so under their "real-name" identities

People in China are now required to have their faces scanned when registering new mobile phone services, as the authorities seek to verify the identities of the country's hundreds of millions of internet users.

The regulation, announced in September, was due to come into effect on Sunday.

The government says it wants to "protect the legitimate rights and interest of citizens in cyberspace".

Surveillance and the state

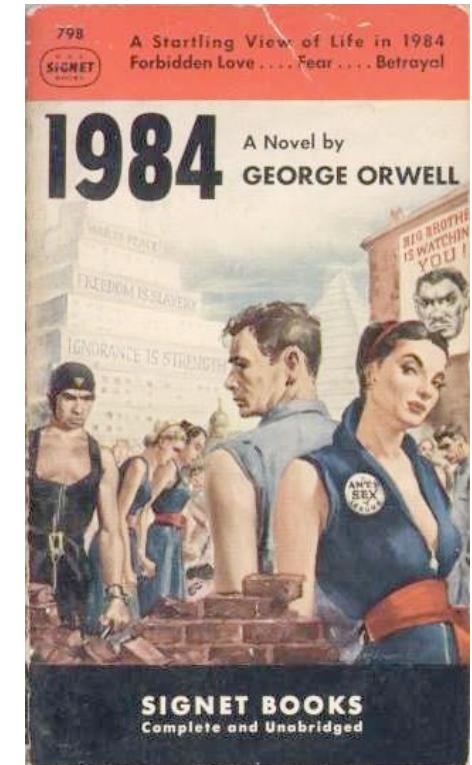
- Surveillance can facilitate **totalitarianism**
 - **total** political power, where the state recognises **no limits** to its authority and strives to regulate every aspect of public and private life.
- **totalitario** - “all within the state, none outside the state, none against the state.” –
B. Mussolini (Italian dictator)



By Banksy - One Nation Under CCTV, CC BY-SA 2.0,
<https://commons.wikimedia.org/w/index.php?curid=3890275>

George Orwell: “1984” (published 1949)

- “Winston made for the stair... on each landing, opposite the lift shaft, the poster with the enormous face gazed from the wall. It was one of those pictures which are so contrived that the eyes follow you about when you move. BIG BROTHER IS WATCHING YOU, the caption beneath it ran.”
- 1984 has passed **without** the general advent of ‘Big Brother’. However, surveillance of personal data (**dataveillance**) is replacing conventional surveillance techniques.



“1984” today?

- In “1984”:
 - homes are equipped with cameras so there is no privacy
 - constant propaganda about how wonderful the government is
 - economic privations are justified by references to a mythical war with a distant enemy, and also with internal enemies opposed to the state
 - language changes - **newspeak** is a form of reduced vocabulary, e.g. bad = ‘ungood’, bliss = ‘doubleplusgood’
 - rewriting history (**fake news**)
 - thought police (PC* vs non-PC)

*PC – Political correctness



The screenshot shows a news article from The New York Times. The top navigation bar includes links for "Recipes", "COVID-19 Mobile Dashboard", "Foghorn", "SAM", and "nytimes.com". Below the navigation is a header with "2020" and categories like "Election Updates", "Paths to 270", "Voting Deadlines", "Voting by Mail", and "Politics". The main title of the article is "Trump Health Aide Pushes Bizarre Conspiracies and Warns of Armed Revolt". The subtitle reads: "Michael R. Caputo told a Facebook audience without evidence that left-wing hit squads were being trained for insurrection and accused C.D.C. scientists of 'sedition.'". Below the text is a photograph of Michael R. Caputo, a man with glasses and a suit, looking towards the right. A caption below the photo states: "Michael Caputo, the top communications official at the Department of Health and Human Services, complained that he was under siege by the news media and said his 'mental health has definitely failed.'" by Sam Hodgson for The New York Times. At the bottom of the article are social sharing icons and a note indicating it was published on Sept. 14, 2020, and updated on Sept. 15, 2020.

Dystopia



THE CONVERSATION

Academic rigour, journalistic fair

COVID-19 Arts + Culture Business + Economy Education Environment + Energy Health + Medicine Politics + Society Science + Technology COP26

Are we living in a dystopia?

April 29, 2020 1.11pm BST Getty/Ryan M. Kelly / AFP

Email 33 Twitter 791 Facebook LinkedIn Print

Dystopian fiction is hot. Sales of George Orwell's "1984" and Margaret Atwood's "The Handmaid's Tale" have skyrocketed since 2016. Young adult dystopias – for example, Suzanne Collins' "The Hunger Games," Veronica Roth's "Divergent," Lois Lowry's classic, "The Giver" – were best-sellers even before. And with COVID-19, dystopias featuring diseases have taken on new life. Netflix reports a spike in popularity for "Outbreak," "12 Monkeys" and others.

Does this popularity signal that people think they live in a dystopia now? Haunting images of empty city squares, wild animals roaming streets and miles-long food pantry lines certainly suggest this.

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Disclosure statement

The authors do not work for, consult, own shares in or receive funding from any company or organisation that would benefit from this article, and have disclosed no relevant affiliations beyond their academic appointment.

<https://theconversation.com/are-we-living-in-a-dystopia-136908>

Today

- Q. Can you give any examples about “1984”-inspired situations?

CCTV (Closed-Circuit TV)

The Telegraph

Home Video News World Sport Business Money Comment Culture
Apple iPhone Technology News Technology Companies Technology Reviews
Mobile Apps HOME » TECHNOLOGY » TECHNOLOGY NEWS

Can anyone escape Britain's surveillance state?

A new Channel 4 show, Hunted, challenging 14 people to live off grid reveals our privacy has never been more under threat



Photo: ALAMY

By Joe Shute
5:38PM BST 28 Aug 2015
[Follow](#) 2,218 followers

When I arrive to meet former City of London counter terrorism chief, Brett Lovegrove, he warns me I am being watched. On the short walk over to Westminster from the Telegraph offices in Victoria I will, according to Lovegrove, have been **recorded on CCTV every step of the way**. My tube journey that morning would have been privy to some of the 16,000 cameras that map every movement on the London underground network.

“When I arrive to meet former City of London counter terrorism chief, Brett Lovegrove, he warns me I am being watched. On the short walk over to Westminster from the Telegraph offices in Victoria I will, according to Lovegrove, have been recorded on CCTV every step of the way. My tube journey that morning would have been privy to some of the 16,000 cameras that map every movement on the London underground network.”

See: <https://www.tfljamcams.net/>

More examples



International logo of Big Br



...or reassurance?

- All Watched Over by Machines of Loving Grace
by Richard Brautigan (1967)

I like to think (and
the sooner the better!)
of a cybernetic meadow
where mammals and
computers
live together in mutually
programming harmony
like pure water
touching clear sky.

I like to think
(right now, please!)
of a cybernetic forest
filled with pines and electronics
where deer stroll peacefully
past computers
as if they were flowers
with spinning blossoms.

I like to think
(it has to be!)
of a cybernetic ecology
where we are free of our
labors
and joined back to nature,
returned to our mammal
brothers and sisters,
and all watched over
by machines of loving grace.

Trade-offs

- Q. Can you think of trade-offs?



More on surveillance



Communications services can be told to collect metadata

Data surveillance powers unlawfully wide, court told

17 Jun 2019 | UK

Powers used by the security services to "Hoover up" communications data from most people in the UK, even those not suspected of an offence, are "too wide" and invade privacy, a court has heard.

Civil rights group Liberty is challenging the government at the High Court over how the Investigatory Powers Act (IPA) - dubbed the "snoopers' charter" by critics - is being used. It says it is incompatible with the European Convention on Human Rights.

The government denies the claim.

"Powers used by the security services to 'hoover up' communication data from most people in the UK, even those not suspected of an offence, are 'too wide' and invade privacy, a court has heard.
[...]"

BBC News

Related stories



MI5's data use was 'unlawful', watchdog...

11 Jun 2019 | UK



Snowden surveillance powers ruled unlawful

13 Sep 2018 | UK

More on surveillance



The body of Sarah Everard was found hidden in woodland

Sarah Everard: How Wayne Couzens planned her murder

By Becky Morton
BBC News
30 Sep | UK

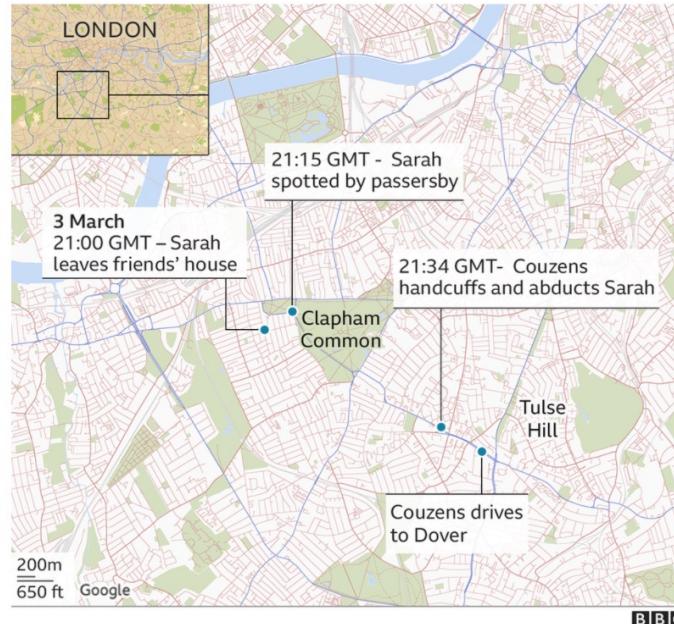
Met Police officer Wayne Couzens has been sentenced to a whole-life term for the murder of Sarah Everard, in a case that sparked national outrage and calls for more action to tackle violence against women.

Couzens admitted the kidnap, rape and murder of the 33-year-old marketing executive when he appeared in court several months ago.

But it was only during his sentencing that the

The unfortunate case of Sarah Everard crime shows how CCTV footage could be used to arrest and further prosecute Wayne Couzens.
BBC News, <https://www.bbc.co.uk/news/uk-58746108>

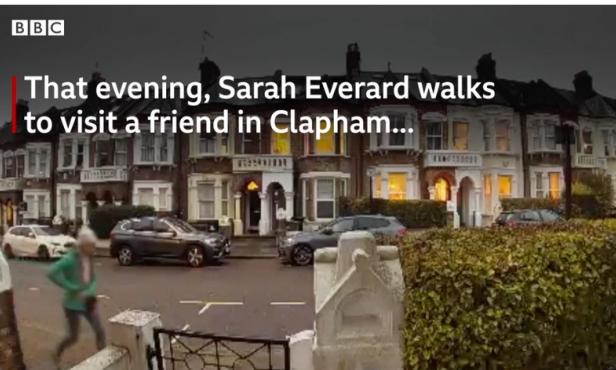
Sarah Everard's last known movements



More on surveillance



On 3 March, Wayne Couzens collects a white Vauxhall hire car...



That evening, Sarah Everard walks to visit a friend in Clapham...



Later that evening, Ms Everard begins the 2.5 mile walk home.



Couzens is caught by CCTV driving around the same area.



was stopped by Couzens before he put her, handcuffed, in his car.



Couzens is then seen driving to Kent.

A CCTV timeline shows key evidence used to arrest and prosecute Wayne Couzens

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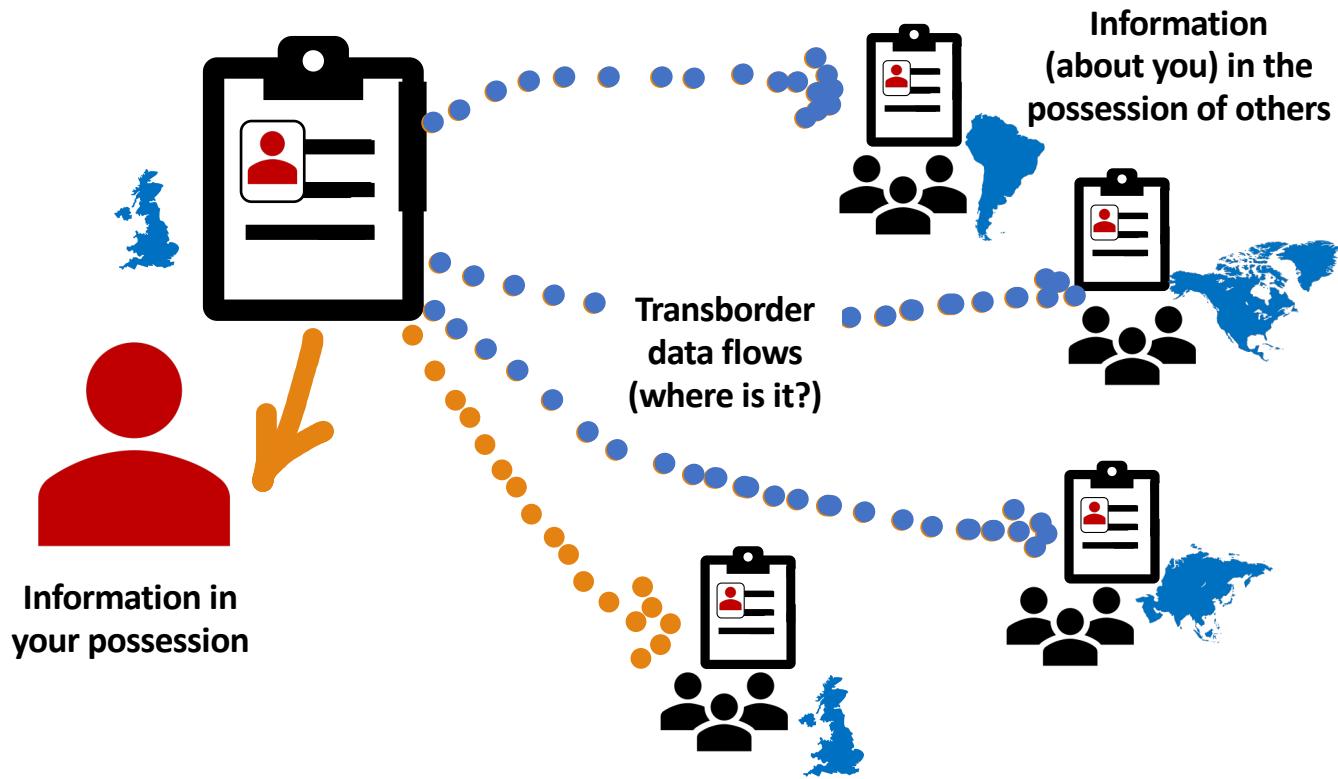
A CCTV timeline shows key evidence used to arrest and prosecute Wayne Couzens

Trade-offs ...

- Privacy when you are in intensive care?
 - Privacy for a frail elderly person?
 - Privacy for a missing person?
-
- Facebook and privacy
 - Supermarket store cards and privacy
 - Smart meters
 - Internet of things
 - Mobile phones and privacy
 - Cashless society

Three aspects of privacy

Three aspects of privacy



Information in your possession

- Consider information in your possession, in the sense of its protection from observation, and perhaps tampering, by others.
- Data that is stored and transmitted by computer systems is potentially very vulnerable, compared to papers that are locked in a filing cabinet.
- Tampering with surface mail is a criminal offence in most countries, but what is the legal status of electronic mail messages?
- The pace of technology is so rapid that it often renders existing privacy laws obsolete.



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Information in the possession of others

- Consider information concerning an individual which is in the possession of others; the individual does not possess the information, but it is considered personal and hence in some sense 'theirs'.
- **Q. Can you give some examples of information like this?**

Information in the possession of others



A photograph of a Ring doorbell camera mounted on a dark wooden door. The camera has a small screen and a circular button below it. The word "ring" is printed on the side of the device. In the background, there are green bushes.

Neighbour wins privacy row over smart doorbell and cameras

By Jane Wakefield
Technology reporter

14 Oct | Technology

A judge has ruled that security cameras and a Ring doorbell installed in a house in Oxfordshire "unjustifiably invaded" the privacy of a neighbour.

Dr Mary Fairhurst claimed that the devices installed on the house of neighbour Jon Woodard broke data laws and contributed to harassment.

The judge upheld both these claims.

Mr Woodard now faces a substantial fine. He

"A judge has ruled that security cameras and a Ring doorbell installed in a house in Oxfordshire 'unjustifiably invaded' the privacy of a neighbour.

[...]

The judgment reads that ... was 'alarmed and appalled' to notice that he had a camera mounted on his shed and that a footage from it was sent to his smartphone.

[...]"

BBC News

Information in the possession of others

- The concern with this aspect of privacy is the **potential for misuse** of information.
- The subject of the data may have no idea what information is stored about them, or who is using it.
- A person or company may be prejudiced by incorrect information, without even being aware that the data has been accessed.
- In England, these issues were addressed by the **Data Protection Act 1998**.
- Before Brexit, they were addressed by the **EU GDPR/DPA 2018**
- Post Brexit (effective 01 January 2021), they are addressed by:
 - **UK General Data Protection Regulation (UK GDPR)**
 - **Data Protection Act 2018 (DPA 2018)**

Revealed: Trump campaign strategy to deter millions of Black Americans from voting in 2016

28 Sep 2020

By Channel 4 News Investigations Team

3.5 million Black Americans were profiled and categorised as 'Deterrence' by Trump campaign – voters they wanted to stay home on election day

AMERICA DIVIDED #DeterringDemocracy

22m

Channel 4 News has exclusively obtained a vast cache of data used by Donald Trump's 2016 presidential campaign on almost 200 million American voters.

It reveals that 3.5 million Black Americans were categorised by Donald Trump's campaign as 'Deterrence' – voters they wanted to stay home on election day.

“We issued Facebook with the maximum monetary penalty of £500,000 available under the previous data protection law for lack of transparency and security issues relating to the harvesting of data. We found that Facebook contravened the first and seventh data protection principles under the Data Protection Act 1998 (DPA1998).”

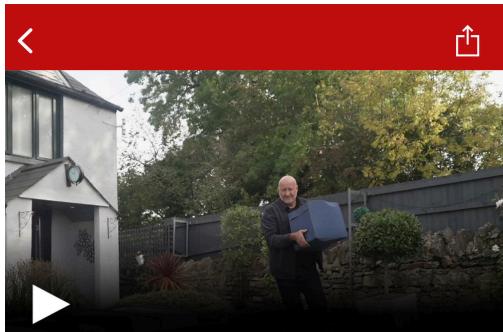
<https://ico.org.uk/media/action-weve-taken/2260271/investigation-into-the-use-of-data-analytics-in-political-campaigns-final-20181105.pdf>

Information Commissioner's Office

Investigation into the use of data analytics in political campaigns

A report to Parliament
6 November 2018





Footballers 'have right to see where data goes'

Professional footballers threaten data firms with GDPR legal action

By Nick Hartley

BBC Wales News

12 Oct | Wales

Hundreds of footballers have threatened legal action against the data collection industry, which could change how information is handled.

Led by former Cardiff City, Leyton Orient and Yeovil Town manager Russell Slade, 850 players want compensation for the trading of their performance data over the past six years.

They also want an annual fee from the companies for any future use



A Welsh government spokesperson said it "takes data protection obligations seriously"

GDPR: Welsh government breached data laws 300 times since 2019

By Alun Jones

BBC Wales Political Unit

4 Sep | Wales politics

The Welsh government has broken data protection laws more than 300 times in less than three years.

Breaches since the start of 2019 involved documents which included criminal allegations and "personal sensitive data".

Some breaches were made from a "secure" government site, a Freedom of Information (FOI) request found.



TikTok sued for billions over use of children's data

21 Apr | Technology

TikTok is facing a legal challenge from former children's commissioner for England Anne Longfield over how it collects and uses children's data.

The claim is being filed on behalf of millions of children in the UK and EU who have used the hugely popular video-sharing app.

If successful, the children affected could each be owed thousands of pounds.

TikTok said the case was without merit and it would fight it.

'Sinister'

“Hundreds of footballers have threatened legal action against the data collection industry, which could change how information is handled.”

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“TikTok sued for billions over use of children’s data.”

BBC News

Transborder data flows

- A transborder data flow (TDF) arises when a computer in one country is accessed by, or transmits data to, a computer in another country.
- Local legislation that prohibits access to information may be circumvented
- Ideally, TDFs should be strongly regulated.
- However, the economies of many countries are supported by the trading of information.

DPA 2018 and UK GDPR

Data protection in the UK: key definitions

- **Personal data:**
 - means any information relating to an **identified** or **identifiable** natural person ('**data subject**');
 - an **identifiable natural person** is one who can be identified, **directly** or **indirectly**, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.
- **Processing** covers almost anything you do with data; including collecting, recording, storing, using, analysing, combining, disclosing or deleting it.

What is personal data:

<https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/what-is-personal-data/>

Data protection in the UK: key definitions

- A **controller** determines the purposes and means of *processing personal data*:
 - A controller is the person that decides how and why to collect and use the data.
 - A controller is usually an organisation, but can be an individual.
 - E.g. If you are an employee acting on behalf of your employer, the employer would be the controller.
 - The controller must make sure that the processing of that data complies with data protection law.
- A **processor** is responsible for *processing personal data* on behalf of a controller:
 - A processor is a separate person or organisation (not an employee) and acts according to the instructions provided by the controller.
 - The nature of the processing covers both:
 - Processing wholly or partly by automated means
 - Processing in a non-automated manner (filling manually info into a system).
 - Processors have some direct legal obligations, but are more limited than the controller's obligations.