



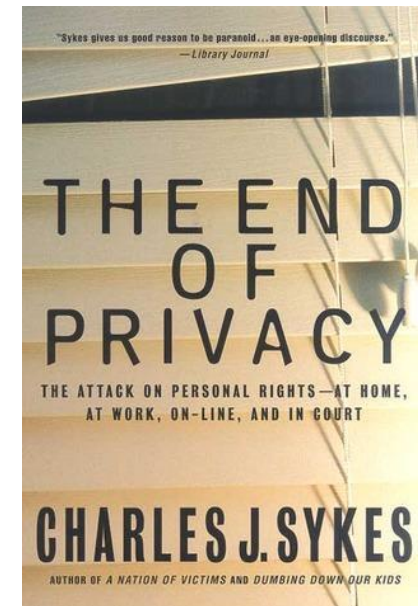
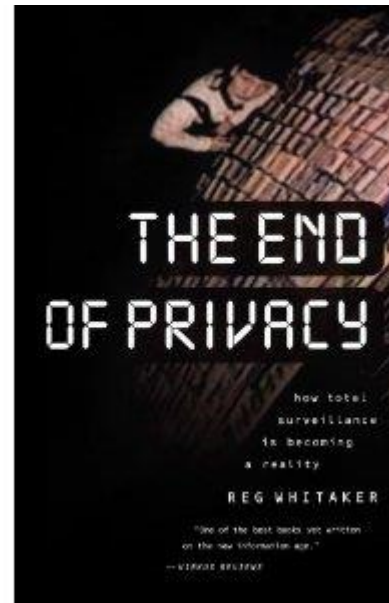
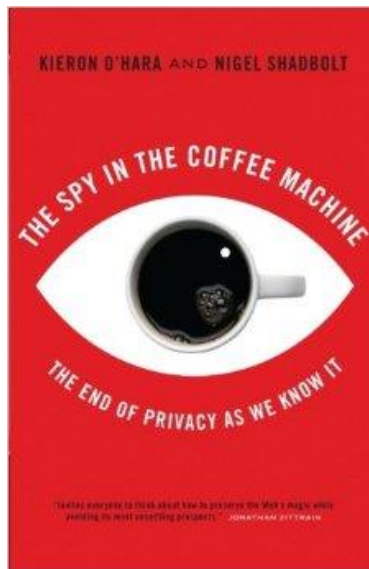
Privacy 1: Introduction

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14 Nov. 2019



CO643/CO841
Computing Law and
Professional Responsibility

University of
Kent



**WILL
PRIVACY
EVER STOP
DYING?**



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Do Social Networks Bring the End of Privacy?

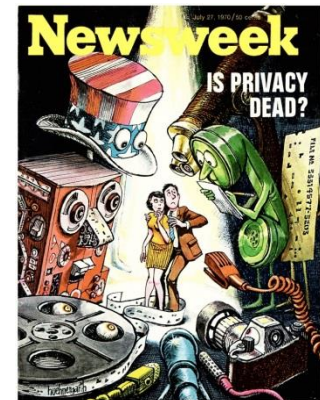
Young people share the most intimate details of personal life on social-networking Web sites, such as MySpace and Facebook, portending a realignment of the public and the private

By Daniel J. Solove

<https://www.youtube.com/watch?v=X7gWEgHeXcA>

“The Undying Death of Privacy”, same author,

<https://www.linkedin.com/pulse/undying-death-privacy-daniel-solove>



‘The right to privacy’ – Harvard Law Review 1890

“being let alone”



Louis Brandeis



Samuel Warren

Westin 1967

- “Privacy is the claim of individuals, groups or institutions to determine for themselves when, how, and to what extent information about them is communicated to others”
- Four states [contexts] of privacy:
 - **Solitude**: solitariness & physical isolation
 - **Intimacy**: seclusion of small group, relationships
 - **Anonymity**: not standing out in public activity
 - **Reserve**: protection against intrusion into thoughts etc

How is privacy protected by Law?

US Constitutional law- 1787

- In constitutional law, **privacy means** the **right** to **make** certain fundamental decisions concerning deeply personal matters free from government coercion, intimidation, or regulation. ... Under the common law, **privacy** generally **means** the **right** to be let alone.

Universal Declaration of Human Rights 1948

Article 12

‘No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour or reputation. Everyone has the right to the protection of the law against such interference or attacks.’

Also **European Convention HR 8**: “Everyone has the right to respect for his private and family life, his home and his correspondence”

Perspectives of privacy

- (Brandeis/Warren) to be let alone
- (Westin) control over others' use of information about oneself-

Pros:

- option to limit the access others have to one's personal information
- the idea of personhood, allows self-actualisation
- allowing creation of intimate relationships

Informational privacy

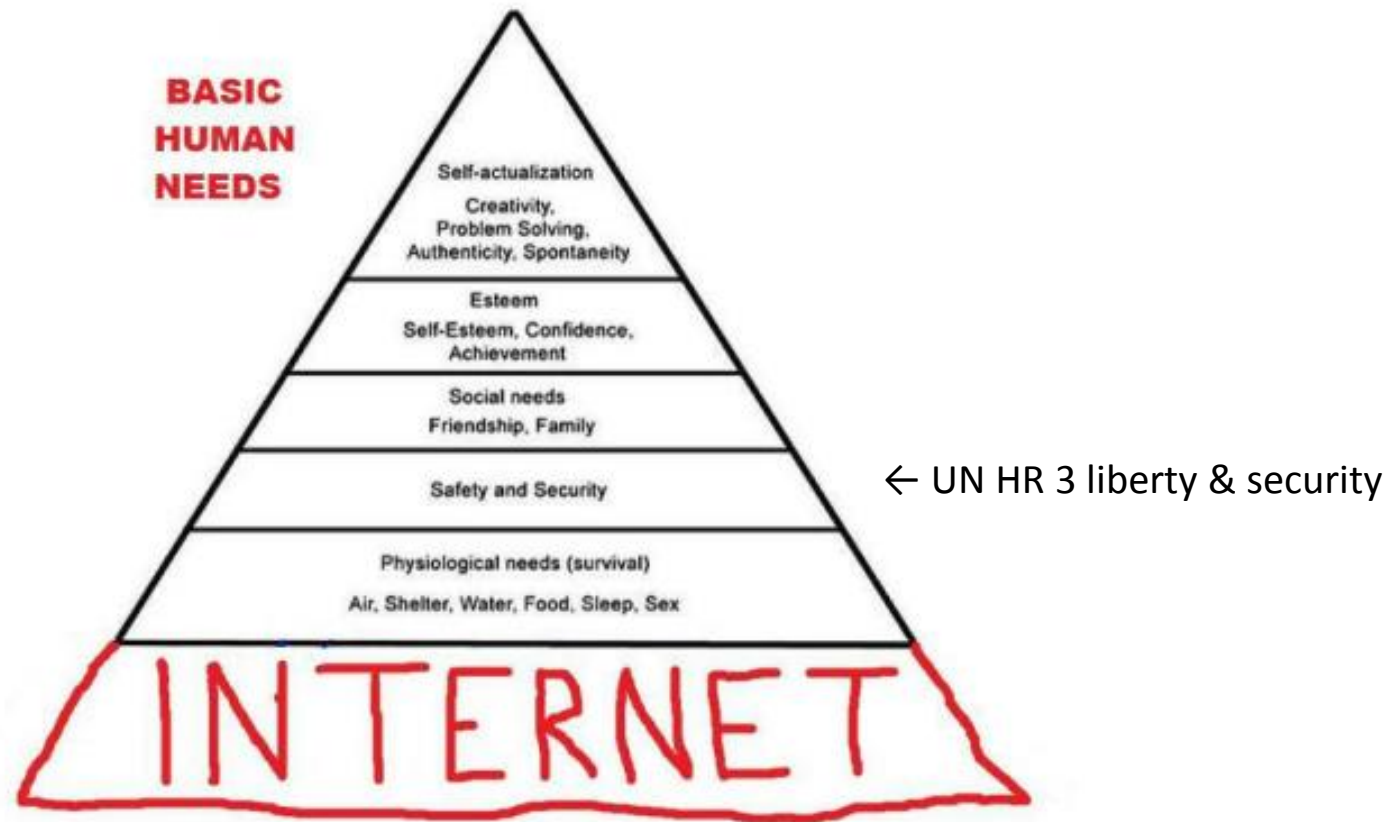
Informational: restricted access, limited control (implies information)

- Paul Bernal “Internet Privacy Rights”, [link to e-book](#) [on campus/VPN] “using internet free from surveillance”
 - UNHCR Article 9 (Freedom of Thought, Conscience and Religion): profiling for religion, ethnicity, political views
 - Article 10 (Freedom of Expression): chilling effects
 - Article 11 (Freedom of Assembly and Association): organise meetings without monitoring or interference

But: Is privacy a core value?

[Maslow in the Internet Age, folklore?,

https://www.youtube.com/watch?v=O-4ithG_07Q



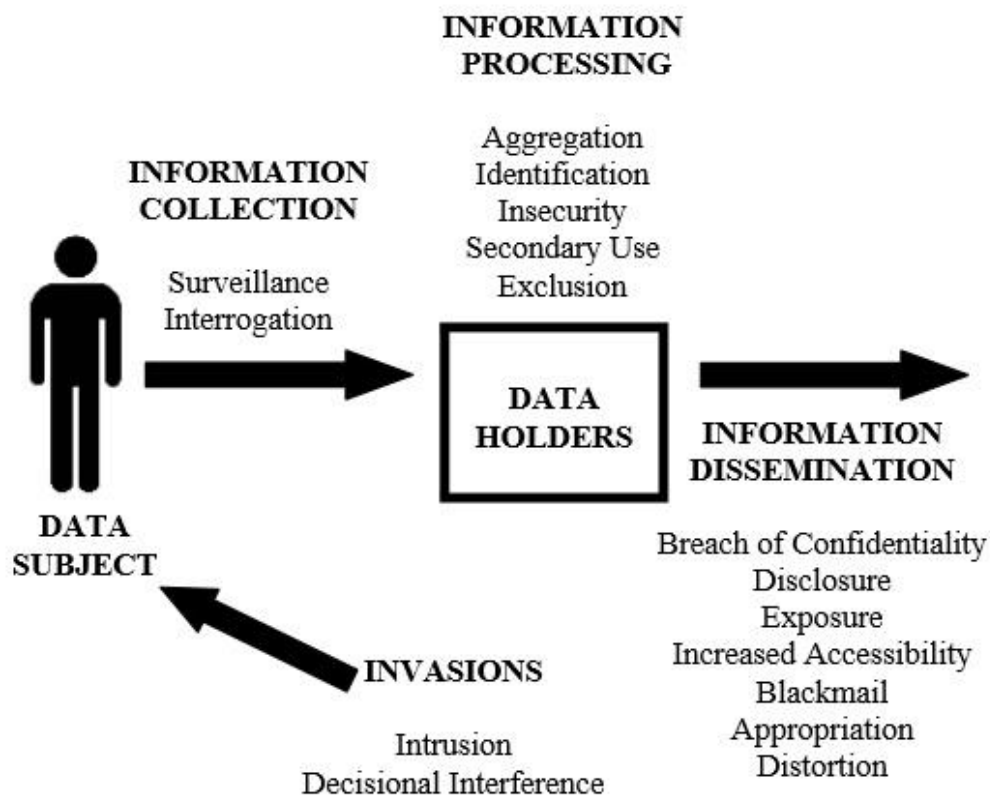
Daniel J. Solove's Hierarchy

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UNIVERSITY OF PENNSYLVANIA LAW REVIEW

[Vol. 154: 477

Figure 1



Eye candy factor!

<https://www.youtube.com/watch?v=dDWxp9kJ4G8>

- Thousands of website gets hacked every day due to vulnerable files, plugins, misconfiguration on the servers.
- Eye candy factor- getting people interested in security

PRIVACY/ DIGNITY in NHS

- **Why is it important to have dignity?**
- **What is the meaning of Respect/Privacy in Health and social care?**
- **Dignity in Care campaign- 2006.**

Your Privacy in NHS/How personal data is used

- In accordance with the Data Protection Act 1998
- Is not shared with third parties
- Consent
- Access is given to the person to their personal information
- Information governance

NHS CODE OF PRACTICE/CONFIDENTIALITY

- Published in 2002-3
- The NHS is committed to the delivery of a first class confidential service. This means ensuring that all
- patient information is processed fairly, lawfully and as transparently as possible so that the public:
 - understand the reasons for processing personal information;
 - give their consent for the disclosure and use of their personal information;
 - gain trust in the way the NHS handles information and;
 - understand their rights to access information held about them.

What is confidential patient information?

- A duty of confidence arises when one person discloses information to another (e.g. patient to clinician)
- in circumstances where it is reasonable to expect that the information will be held in confidence. It – is a legal obligation that is derived from case law;
- is a requirement established within professional codes of conduct; and
- must be included within NHS employment contracts as a specific requirement linked to disciplinary procedures.

The confidentiality model

- **PROTECT**– look after the patient's information;
- **INFORM**– ensure that patients are aware of how their information is used;
- **PROVIDE CHOICE** – allow patients to decide whether their information can be disclosed or used in particular ways.

To support these three requirements, there is a fourth:

- **IMPROVE**– always look for better ways to protect, inform, and provide choice

Data Protection Act 1998 (DPA98)

This Act provides a framework that governs the processing of information that identifies living individuals – personal data in Data Protection terms. Processing includes holding, obtaining, recording, using and disclosing of information and the Act applies to all forms of media, including paper and images. It applies to confidential patient information but is far wider in its scope, e.g. it also covers personnel records.

Data protection principles.

1. Personal data shall be processed fairly and lawfully
2. Personal data shall be obtained only for one or more specified and lawful purposes and shall not be further processed in any manner incompatible with that purpose or those purposes.
3. Personal data shall be adequate. Relevant and not excessive in relation to the purpose or purposes for which they are processed.
4. Personal data shall be accurate and, where necessary, kept up to date.
5. Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.
6. Personal data shall be processed in accordance with the rights of data subjects under this Act.
7. Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.
8. Personal data shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

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