

**2-2 Activity: Privacy Case Study**

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The article discusses a unique problem called the "surveillance gap," where some people have too much or too little privacy. This gap can prevent certain groups, like homeless individuals, undocumented immigrants, and former prisoners, from accessing services and opportunities that are crucial for their well-being and integration into society. The main issue is that while most privacy concerns focus on people being watched or tracked too much, the surveillance gap highlights a different problem—being left out because there is insufficient data about them. This lack of visibility can mean missing out on health care, legal rights, and job opportunities. The article suggests that being ignored can be as harmful as being watched too closely, especially when it leads to discrimination and exclusion. It challenges the traditional view of privacy as a shield from surveillance, proposing that both excessive and insufficient privacy can have negative effects on individuals and communities (Gilman & Green, 2018).

The article references various European and U.S. regulations that impact privacy protection. In Europe, privacy is strongly regarded as a fundamental human right, anchored by the Charter of Fundamental Rights of the European Union, which explicitly affirms individuals' rights to privacy and personal data protection. This solid legal foundation mandates that personal information can only be processed with the individual's consent, ensuring robust data protection. Conversely, the U.S. approach to privacy is described as fragmented and sectoral, needing a unified federal data protection law. Instead, the U.S. employs industry-specific laws, such as those for health or financial services, and largely relies on self-regulation by private companies. This system heavily burdens individuals to manage their privacy and make informed decisions based on often complex and opaque privacy policies. Gilman & Green's (2018) article criticizes this model for its ineffectiveness, particularly highlighting the limitations of the "notice and

choice" framework, where consumer consent is often uninformed and coerced, thus not a genuine choice.

The article's conclusion effectively encapsulates the complex nature of privacy issues addressed throughout, highlighting that excessive and insufficient privacy can be harmful, and recognizes the need for a balanced approach to privacy that includes considerations for marginalized groups. This perspective is essential as it emphasizes the inclusivity in privacy discussions and policies, suggesting that privacy solutions should cater to all segments of society, not just the most technologically integrated or affluent (Gilman & Green, 2018, p. 308). However, while I agree with these points, the conclusion could be enhanced by offering concrete examples of potential legal changes or new policies to help close the surveillance gap. It would also benefit from discussing the role of technology in greater detail, as digital tools can provide innovative ways for people to manage their privacy and increase their visibility when necessary. Overall, the conclusion is insightful but could be improved by incorporating detailed recommendations and examples of successful interventions.

### References

Gilman, Michele, & Green, Rebecca. (2018). The surveillance gap: the harms of extreme privacy and data marginalization. *New York University Review of Law & Social Change*, 42(2), 253-308.