

Tutorial 9 – Human Rights, Surveillance, Freedom of Expression

1. “Privacy, freedom of expression and association are all core, mutually interdependent human rights.”
 - a. Define what you mean by each of these concepts – ‘privacy’; ‘freedom of expression’; ‘freedom of association’

Privacy, keeping things hidden from other people unless you choose to let them know.
Freedom of expression, being able to speak your mind. Freedom of association, being able to mix with and talk to whoever you choose to.
 - b. What limits are there to these as human rights? All these HRs have some limits

Somethings can't be kept private, such as NI number, actions if you are part of a police investigation, exam results. Freedom of expression is usually bounded by ‘not inciting hatred’ and ‘not inciting violence’, because then you are denying other people their human rights. Freedom of association is bounded for example when a group is designated a ‘terrorist group’, or when you’re in prison your freedom of association is limited.
 - c. Give a non-technical example situation of people exercising each of these rights. Privacy – right to not tell people about your religious beliefs when applying for a job. Right to protest and to organise protest marches. Right of association to create a political party and encourage others to join.
 - d. Give examples of facilities the Internet provides to enable people to exercise these rights? Privacy – can use a completely different name/persona online. Freedom of expression – social media, blogs, can express a wide range of opinions. Freedom of association, can join any group worldwide.
 - e. Give some examples of where there may be conflicts between these rights. The use of anonymous personas online can allow people to incite hatred and it can be difficult to catch them. People often feel emboldened when semi-anonymous to say things and spread half-truths. It's difficult to know what is true and what is false.
 - f. What are the potential problems with exercising these rights on the Internet? Posting online is a form of ‘publishing’ where more people may see something and more laws come into play. It’s easy to publish something that may be inaccurate, may be inflammatory. Mix of privacy and freedom of association allows paedophiles to groom children, pleas to join groups without knowing who is running them.
 - g. Using the example you thought of above, describe the consequentialist, duty-based and relativist views of this issue. Which one most aligns with your own view? Forwarding a social media post that proves to be wrong.
2. Surveillance scenario
3. Jon Thompson is a young entrepreneur with a bright future. He has several businesses, including a tech start-up and a series of gyms that are doing well. Jon lives and works in the inner city, where there are some rough areas, so he uses a team of professional bodyguards. At home, he receives a stream of guests, including business associates and friends. His bodyguards keep an eye on him and see to the orderly arrival and departure of the guests. Because of this, they keep a permanent office and sleeping quarters at Jon’s mansion.
4. Recently, Jon has installed CCTV all around his house facing outwards into the streets as well as at the front door. He has cameras and listening gadgets in the guards’ office and

sleeping quarters to record their conversations and movements. He's done it because it makes him feel safer. Because it's around his own home, he didn't think it needed to be registered in any way.

- a. What are the legal issues relating to this scenario?

CCTV is ok, but should not be picking up public spaces. He should refocus the cameras so they're only on his property. He is also using his home as a business, so for the purposes of GDPR this needs to be registered. Jon must register with ICO and follow the guidelines for using CCTV. He needs to make sure he's only using it for legal purposes and proportionately. Needs to follow guidelines about storing data as well.

- b. Do the bodyguards have any right to privacy on Jon's premises ?

Yes, they have rights as employees. He can watch them while they're at work, but they need to know about it, and it should be in their contract.

- c. Does Jon have a right to know what the bodyguards are doing in their private quarters?

No. These should be private. There is a bit of a grey area with this. They're private quarters, but in the workplace. Whatever he does he should be tell them, this should not be covert surveillance.

5. Social issues

On a Saturday, 10 years in the future, after a hard week's work as an estate agent, Katherine aims to enjoy herself shopping and going out with her friends to a club. She uses public transport to go to town. Her smartphone is equipped with near field communication (NFC) technology. It automatically proceeds to the payment as soon as she passes close to a reader on the bus. Once the transaction is completed, she immediately receives an advert on her smartphone with offers for different types of transport tickets.

Since NFC technology was first introduced as a means for mobile payment a few years ago, tremendous progress has been achieved, especially in terms of database interoperability. The government has centralised its databases so there is a massive aggregation of data from and/or about bank accounts, health records, ID cards, population registers, marital status, social entitlements, as well as DNA and biometric information. All of this information is stored in the NFC chip on Katherine's smartphone and is accessible to any smartphone reader.

As a cost-saving measure, the government has subcontracted many of its public services to private companies. With access to massive datasets, private companies can better target their advertisements.

Like many of her friends, Katherine uses a personal online shopping app to reserve items. As soon as she enters the first shop, her smartphone is read by RFID readers. All her personal information is centralised in her smartphone, and she has not made any effort to protect it, so the store's RFID readers have access to it. She has not anonymised or encrypted it, partly because she does not regard her personal privacy as very important and partly because of the effort needed to take what she thinks are unnecessary precautions.

When she returns home, she changes into her new clothes and, as she does so, she switches on the television. An industry expert and a privacy activist are engaging in a heated debate. The activist argues that new technologies, such as mobile payments using NFC technology, present dangers for citizens' privacy, data protection and other fundamental rights. Consent is absent. There are dangers for personal autonomy, and free choice is being eroded as we are only presented with advertising that supposedly matches us best. Such power inequality can result in discriminatory practices based on income and social status. He criticises the collusion between government and private businesses in the aggregation and processing of vast amounts of data from hundreds of sources. Puzzled by the fact that someone might oppose the very technologies that helped her achieve such a successful shopping day ("So much fuss about trivialities," she thinks), Katherine switches off the TV.

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a) What social issues are raised in this scenario.

Privacy, convenience, benefits/drawbacks of joined up tech, not realising the potential negative impacts on certain groups in society (digital divide) because it works for her, living in a tech curated world (no need to explore so much)

b) What potential risks are there for Katherine in this scenario?

Hacking, intrusive advertising, health data theft, identity theft