



Computer Ethics

Information flow, privacy, and surveillance

Viola Schiaffonati

October 20th 2020



A big scandal

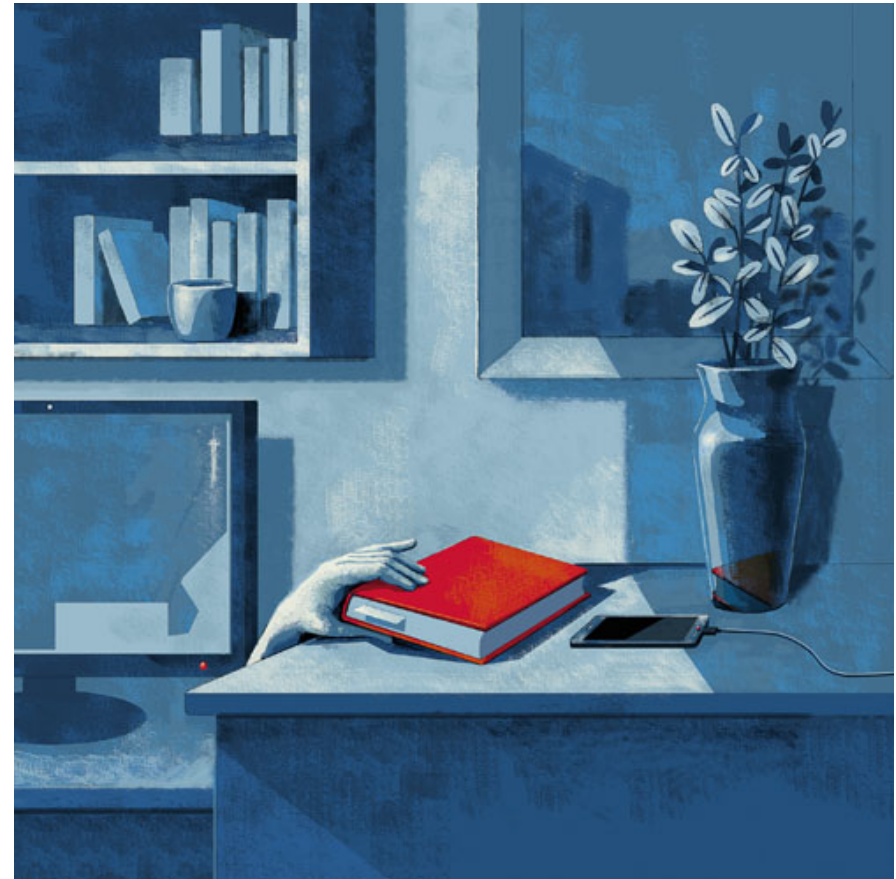
2

- https://www.youtube.com/watch?v=1iCVn_JvOiQ





- **Right to be left alone** based on a principle of 'inviolate personality' (Warren & Brandeis 1890)
- The privacy debate has **co-evolved** with the development of information technology





- **Constitutional (or decisional) privacy**
 - Freedom to make one's own decisions without interference by others in regard to matters seen as intimate and personal (e.g., to have an abortion)
- **Tort (or informational) privacy**
 - Interest of individuals in exercising control over access to information about themselves (e.g., information disclosed on social media)



- IT configured societies are often characterized as '**surveillance societies**'
 - What, if anything, the **value of privacy**?
 - If **privacy disappears**, what exactly will be **lost**?
 - How does surveillance affect **social arrangements, institutions, and practices**?
 - What sort of **beings** do we become when we live in **surveillance societies**?

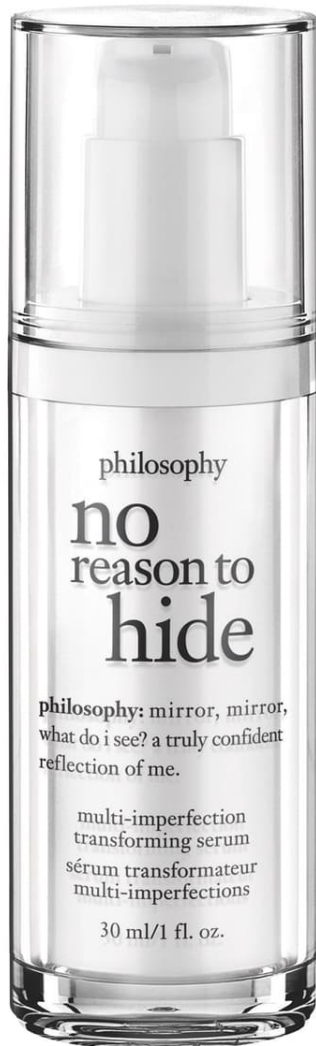




- All three characteristics we identified come into play in privacy and surveillance issues
 - **Reproducibility**: if it weren't for reproducibility, information would still be difficult to distribute and manipulate
 - **Identity conditions** of the Internet: they come into play because it is difficult (and often practically impossible for most) to operate online without being tracked in several ways
 - Information flows globally from **many-to-many**, **one-to-one**, and **many-to-one**



- Much more personal information is collected (**scale**)
 - Electronic records are easy to create, store, maintain, manipulate, search and share
- New kinds of personal information are created (**type**)
 - Transaction generated information (TGI) didn't exist before
- Personal information is distributed more widely (**distribution**)
 - Once information about an individual is recorded on a server, it can be bought and sold, given away, traded, or stolen
- This information endures for longer periods of time (**endurance**)
 - When information is stored electronically, there may be little incentive to get rid of it
- The effects of **erroneous personal information** are **magnified**
 - The erroneous information may spread so quickly that is impossible for an individual to track down all the places it exists



- Those who think we need not worry about intensive tracking and monitoring of individual behavior can make the following arguments
 - 1) **Privacy** only **protects** people **who have something to hide**: if you aren't doing anything wrong, you should have no need to worry about being watched



- It is not true that privacy only protects people who have something to hide
 - **Erroneous information** can **dramatically affect** your life even if you have done nothing wrong
 - It may result in **you being denied a benefit** you are entitled to or subjected to a treatment you don't deserve
 - E.g. issues related to the accuracy of Police databases
 - Information that is **inappropriate** or **unfair** for an organization to use
 - Information can be **used inappropriately** to make decisions for which the information is **irrelevant** or even **illegal** to use
 - E.g. information posted on a social networking site and used by a company to make a hiring decision



- Those who think we need not worry about intensive tracking and monitoring of individual behavior can make the following arguments
 - 2) **Privacy is overrated**: those who live in IT-configured societies have in fact let privacy go and this is evidence that privacy is neither valued nor valuable





- It is not true that privacy is overrated
 - The fact that individuals readily give out personal information doesn't mean necessarily that they don't value privacy, or that privacy isn't valuable
 - They may be **naïve** or **uninformed**, or may be just **wrong**
 - The choices available to individuals when they opt to give out personal information may be constructed in such a way that individuals may **unknowingly choosing against their own interests**
 - E.g. often we are given only the choice to take the benefit in exchange for disclosure of information or not to get the benefit at all
 - What seems to be a choice about a **local sharing** of information may actually be a choice for **global sharing**
 - E.g. cumulative effects of giving up privacy in this or that sector



- Those who think we need not worry about intensive tracking and monitoring of individual behavior can make the following arguments
 - 3) The information that organizations gather about individuals has enormous **benefits** to the **organizations** that gather it as well as to the **individuals** the information is about





- It is not always true that personal information-gathering practices can be beneficial to information-gathering organizations and to their customers and subjects
 - Do organizations use the information **to serve** their **customers** or **to shape** them?
 - Do these organizations use **appropriate information** when they make **decisions about individuals**?
 - To analyze in a **utilitarian framework**: both **positive** and **negative consequences**, and for **all** of those who are affected



- Privacy is an important value that is **intertwined** with **autonomy**, **equality**, and **democracy**
- Its importance ought to be recognized in IT-based practices
- Privacy as an **instrumental good** for certain kinds of human relationships



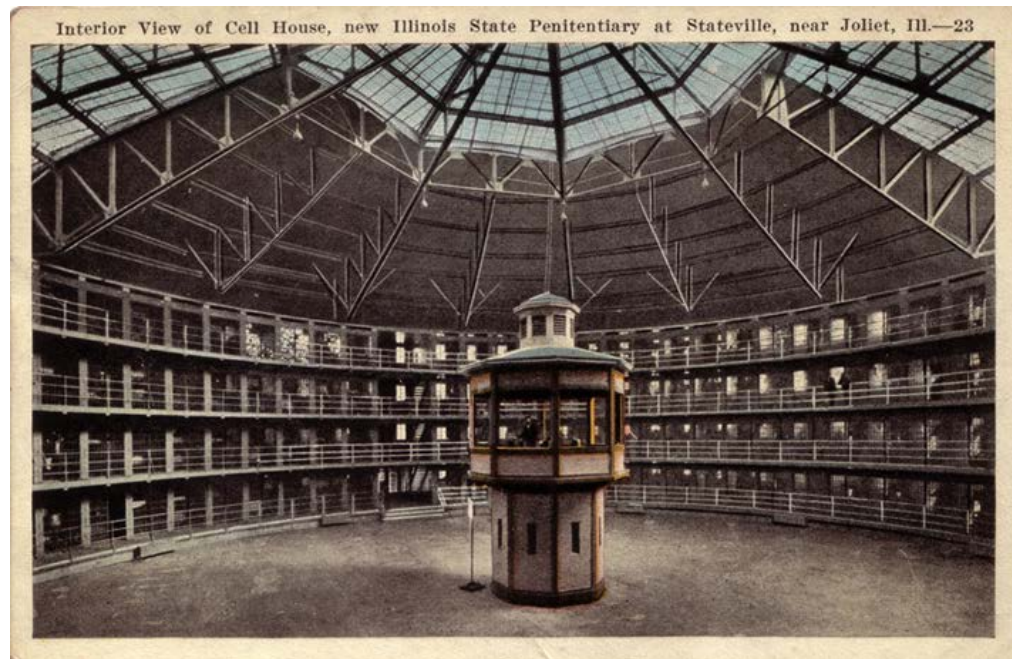
- Privacy as an **instrumental good** for certain kinds of human relationships
 - **Friendship, intimacy, and trust** could not develop in societies or context in which individuals are under constant surveillance (Fried 1968)
 - Privacy is necessary to maintain a **diversity of relationships**: the kind of relationships we have with others is a function of the information we have about each other; if everyone had the same information about you, you would not have a diversity of relationship (Rachels 1975)



- When **individual privacy** is balanced against social goods, such as **security** and **government efficiency**, personal privacy loses (e.g. U.S. Patriot Act, Apple vs. FBI)
- Instead of framing privacy as an individual good, we should understand it as a **social good** (Regan 1995)

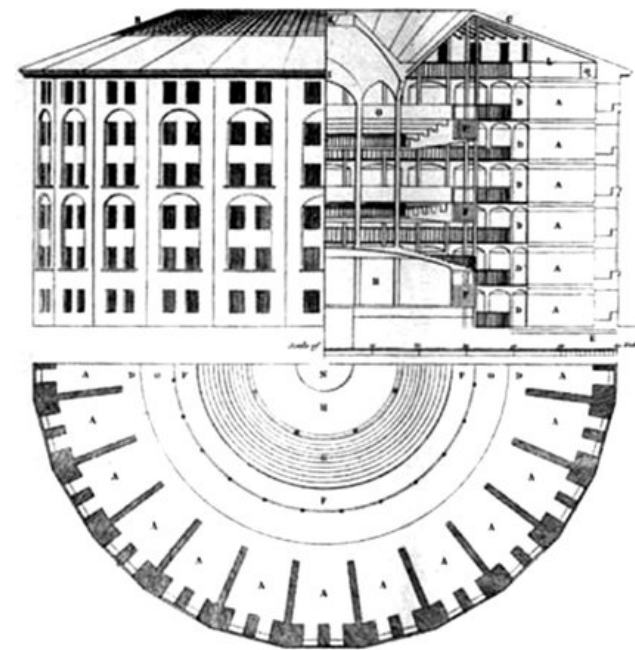


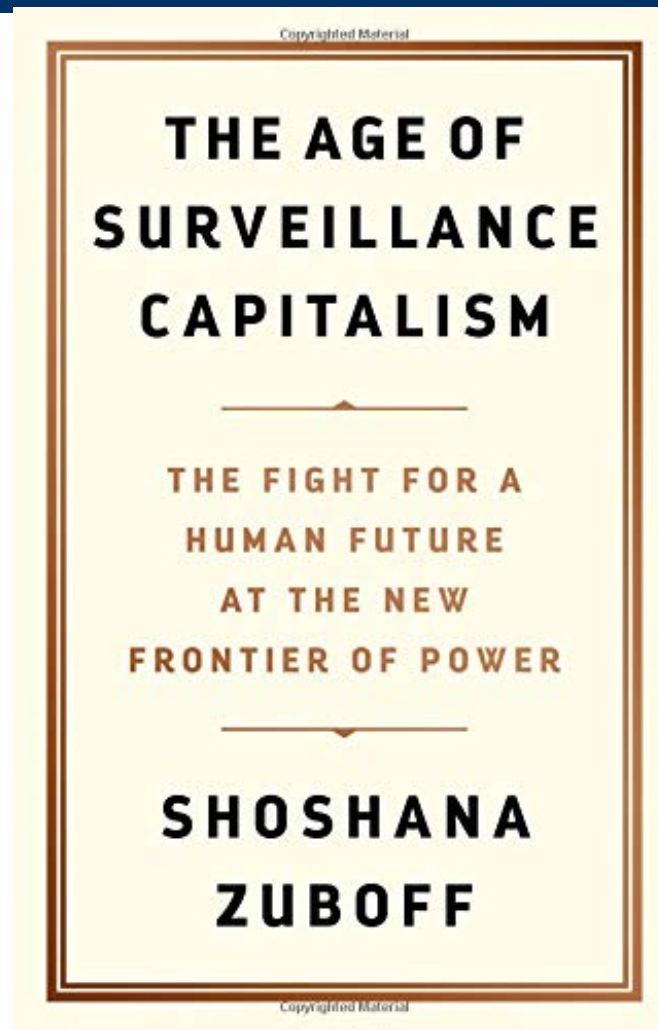
- A number of information theorists have observed that living in **IT-configured society** is similar to living in a '**panopticon**', a structure designed by Jeremy Bentham (1787) to serve as a prison
- **Autonomy** not just as an individual good but rather as **essential** to democracy





- Panopticon means 'all-seeing'
 - The chambers in which **prisoners** lived would be arranged in a circle and the side of each cell facing the inside of the circle would be made of **glass**
 - The **guard tower** would be placed in the **middle of the circle**, so a **guard** standing in the guard tower would have **view of every chamber**, but **prisoners could not see the guard in the tower**
 - As long as **prisoners** believe they are probably being watched (the guard doesn't need to be there at every moment) they will **adjust their behavior** and **adhere to the norms** they believe the guards want to enforce





A very interesting documentary here

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



- Fried, C. (1968). "Privacy: A Moral Analysis", *Yale Law Journal* 77(1): 475-493
- Johnson, D. (2009). *Computer Ethics*, Forth Edition, Prentice-Hall
- Miller, J.I. (2004). "Don't Be Evil: Gmail's Relevant Text Advertisements Violate Google's Own Motto and Your Email Privacy Rights", *Hofstra Law Review* 33: 1607-1641
- Nissenbaum, H. (2004). "Privacy as Contextual Integrity", *Washington Law Review* 79(1): 119-158
- Rachels, J. (1975). "Why Privacy is Important?", *Philosophy and Public Affairs* 4(4): 323-333
- Regan, P. (1995). *Legislating Privacy: Technology, Social Values, and Public Policy*. University of North Carolina Press
- Van den Hoven, Jeroen, Blaauw, Martijn, Pieters, Wolter and Warnier, Martijn, "Privacy and Information Technology", *The Stanford Encyclopedia of Philosophy* (Spring 2016 Edition), Edward N. Zalta (ed.), URL = <<https://plato.stanford.edu/archives/spr2016/entries/it-privacy/>>