POLITECNICO DI MILANO





Computer Ethics

Privacy and surveillance

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Announcement

No class tomorrow October 22nd

Privacy as an instrumental good

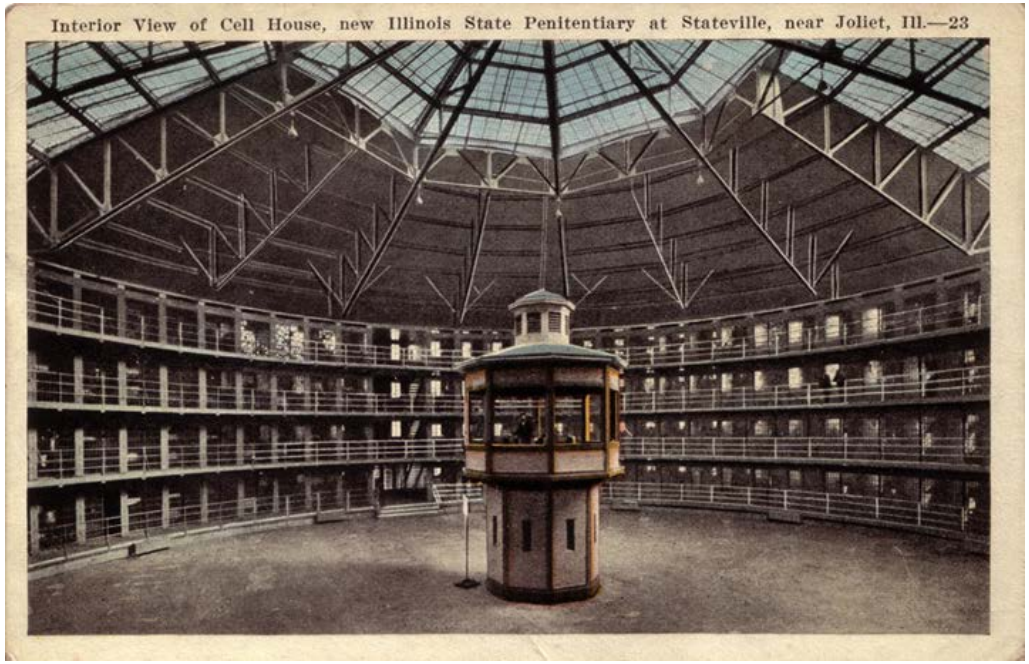
- Privacy as an **instrumental good** for certain kinds of human relationships
  - **Friendship**, **intimacy**, and **trust** could not develop in societies or context in which individuals are under constant surveillance (Fried 1968)
  - Privacy is necessary to maintain a **diversity of relationships**: 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)

Privacy as a social good

- 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)

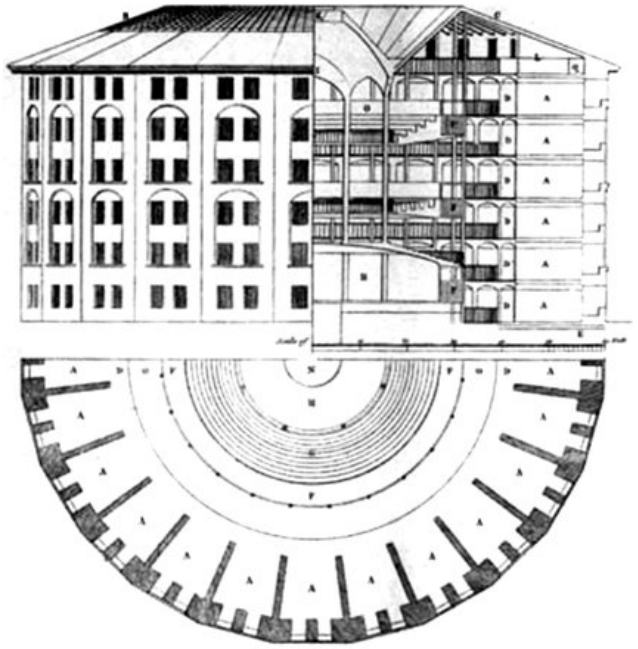
Autonomy and the panoptic gaze

- 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

- 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



Privacy and autonomy

- In IT-configured societies, if much of what we do is **recorded** and **likely to have future consequences** in the way we are treated, then we have to consider our watchers and their norms whenever we act
- Two different concerns arise
  - **Effect** on our **freedom** (autonomy)
  - Who are our watchers and how have they selected the norms of behavior by which they evaluate us? **Effects** on **democracy**

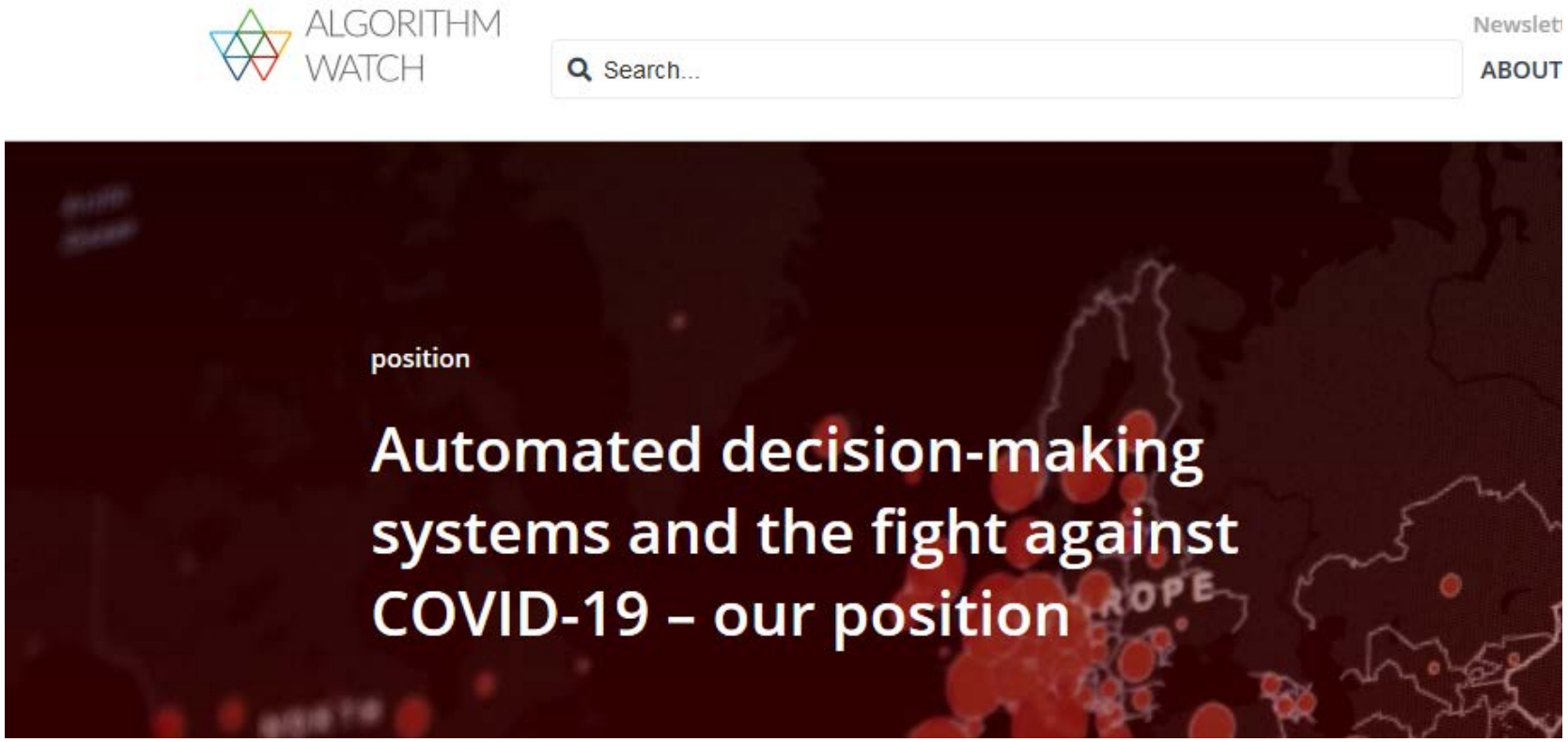
Privacy as essential to democracy

- The idea of **democracy** is that **citizens** have the **freedom** to exercise their **autonomy**
  - Democracy requires citizens capable of **critical thinking**
  - Privacy is not only an individual good, but a **social good** that it should not be eliminated when it comes into tension with other social goods

Privacy vs. health

- Current debate: **privacy vs. health**
- Current debate on **digital contact tracing** and automated decision-making systems (ADMS)
- The (false) dilemma between privacy vs. health when privacy is conceived as an individual good and health as a social good

Technological solutionism



*"**The COVID-19 is not a technological problem**. Analyses of actual responses to the outbreak show that successful interventions are always grounded in **broader public health policies**."*

Data mining and social sorting

- The problem is not just that we are being tracked and monitored
- The norms by which we are measured, evaluated, and treated are often **not subject** to **public discussion** and **negotiation**
  - They are **invisible** to the individuals being watched, evaluated, and treated
- Although organizations gather and process information in order to achieve their goals, information may **continue to be collected** even though it doesn't serve those goals
- Organizations want **to predict** how individuals are likely to behave and treat them accordingly (whether an organization is interested in consumption, terrorist behavior, or employee productivity)
  - People are **categorized into groups**

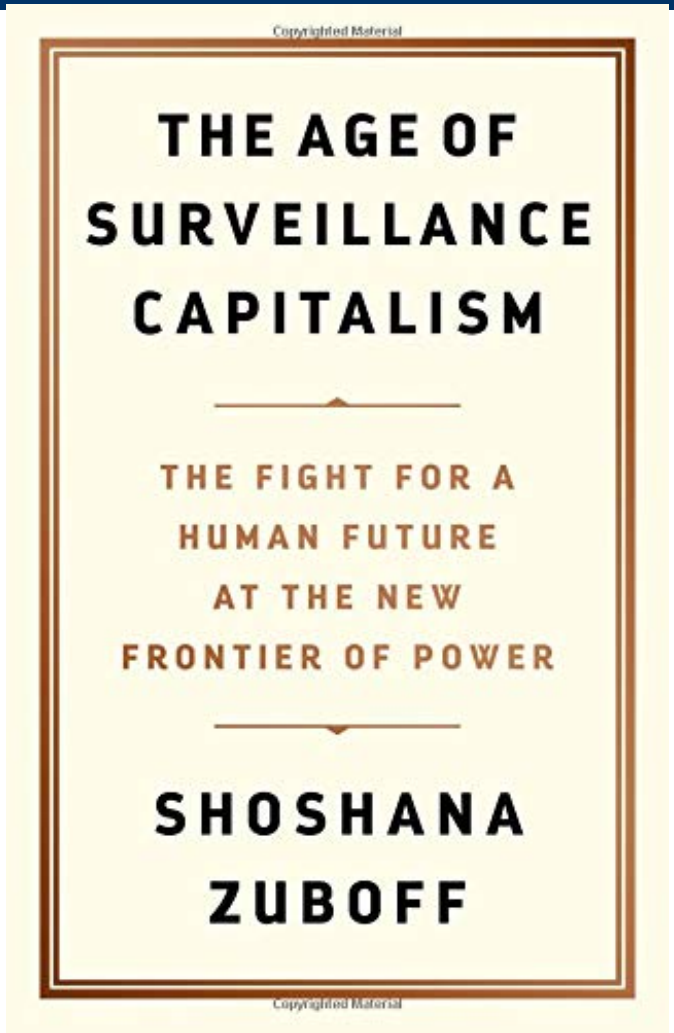
Social sorting and discrimination

- Although the categories that organizations use often seem **demeaning** to individuals, the most significant criticism is that the **sorting** leads to **inequality**
- Different categories of individuals are treated differently, and the **differential treatments** results in individuals having very **different opportunities**
- **Cumulative effects** of social sorting
  - If you fit one category, you are likely to: avoid the suspicion of law enforcement, find employment, travel without being harassed, borrow money with ease, obtain insurance, and receive preferential pricing and access
  - But if you fit a different categories, your opportunities in all of these domains are likely to be diminished

Crude categories

- When personal information is used the way it is being used now, **individuals** are treated as **objects**, **not** as **persons**
- They are **means** to the **goals of organizations**, **not as ends** in themselves (rational beings capable of making decisions for themselves)

Surveillance capitalism



A very interesting documentary here

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

Strategies (1)

- **Fair information practices**
  - Ex.: Code of Fair Information Practices" (1973)
    - There must be **no personal data record-keeping system** whose existence is **secret**
    - There must be a way for an individual to find out what information about him or her **is in a record** and how it is **used**
    - There must be a way for an individual to prevent information about him or her that was obtained for one purpose from being used or made available **for other purposes without his or her consent**
    - There must be a way for an individual **to correct or amend a record** of identifiable information about him or her
    - Any organization creating, maintaining, using, or disseminating records of identifiable personal data must assure the **reliability of the data** for their intended use

Strategies (2)

- **Adoption of transparency policies**
  - One of the reasons that consumers and clients are so complaint when it comes to their privacy is that they are **unware of information practices**
- **Opt-in versus Opt-out**
  - Given how little information consumers, clients, and citizens have about information practices, the opt-out strategy seems unfair if not deceptive
  - If organizations cannot use personal information about us unless they get our permission, then **they have to inform us** of their practices and **convince us that we want to opt-in**

Strategies (3)

- **Design and computer professionals**
  - Role that IT professionals can play in **protecting privacy**
  - The **architecture of IT systems** can make a **big difference** in what kind of data is collected and how it flows from place to place
  - It professionals are often in the best position to evaluate the **security** and **reliability** of databases of personal information and the potential **uses** and **abuses**

ACM Code of conduct

- **ACM code of conduct** about the principle of the **individual's privacy**
  - Minimize the data collected
  - Limit authorized access to the data
  - Provide proper security for the data
  - Determine the required retention period of the data
  - Ensure proper disposal of the data

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