

# I've Got Nothing to Hide: Exploring Privacy in Art, Fiction, and Film

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# I've Got Nothing to Hide

A brief summary of *"I've Got Nothing to Hide" and Other Misunderstandings of Privacy* by Daniel J. Solove.

- If you have nothing to hide, what do you have to fear?
- More like, "I don't care what happens, so long as it doesn't happen to me."
- Strongest argument has a utilitarian perspective: national security is more important than my privacy.

# Privacy is hard to define

## The taxonomy of privacy:

- Information Collection
  - ▶ Surveillance
  - ▶ Interrogation
- Information Processing
  - ▶ Aggregation
  - ▶ Identification
  - ▶ Insecurity
  - ▶ Secondary Use
  - ▶ Exclusion
- Information Dissemination
  - ▶ Breach of Confidentiality
  - ▶ Disclosure
  - ▶ Exposure
  - ▶ Increased Accessibility
  - ▶ Blackmail
  - ▶ Appropriation
  - ▶ Distortion
- Invasion
  - ▶ Intrusion
  - ▶ Decisional Interference

# A Tale of Two Dystopias

- Orwellian
  - ▶ Surveillance state.
  - ▶ Social control through overt presence.
- Kafkaesque
  - ▶ Information processing affects the power relationship.
  - ▶ Frustrate individuals and creates helplessness and powerlessness.

# The problem with “I have nothing to hide”

The argument is built on the “premise that privacy is about hiding a wrong” (Bruce Schneier).

- No Fourth Amendment protection to data stored by third parties.
- Causes a chilling effect on Free Speech and Free Association.
- Secondary Use: Unintended use of the collected data.

# Final Point

“The issue, however, often is not whether the NSA or other government agencies should be allowed to engage in particular forms of information gathering; rather, it is what kinds of oversight and accountability we want in place when the government engages in searches and seizures.”

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## *The Neighbors* (2013) by Arne Svenson

- Photographer takes pictures of his neighbors, without their knowledge, in Tribeca (NYC).
- Two neighbors sued. Their children were in the photos.
- Court ruled the artist was protected under the First Amendment.

I have nothing to hide.

Unless you take a picture of me and call it art!

# Neighbors



Figure: Photos Copyright Arne Svenson

# Face to Facebook

Stealing 1 million Facebook profiles, filtering them with face-recognition software, and then, posting them on a custom-made dating website, sorted by their facial expressions characteristics.

- All “singles” were involuntarily added to a fake an experimental dating site.
- Let’s watch the introduction video.
- Great example of *secondary usage*



**Figure:** Facebook Faces by Joern Roeder and Jonathan Pirnay, University of Visual Arts and Design Kassel, Germany, 2011

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# *The Trial* by Franz Kafka

- Referred to by the author as an example that “depicts a bureaucracy with inscrutable purposes that uses people’s information to make important decisions about them, yet denies the people the ability to participate in how their information is used.”
- Reading from beginning of *The Trial*.
- Reading from *Harper’s*, September 2013, *Life as a Terrorist: Uncovering my FBI File* by William T. Vollmann

I have nothing to hide.

But when the government hides information about you, it enables a sense of frustration and powerlessness.

# *Little Brother* and *Homeland* by Cory Doctorow

- Cory Doctorow: EFF, Boing Boing, several books.
- The day after tomorrow setting: terrorist attack San Francisco.
- *Little Brother* teaches you how to have a GPG Signing party and how to run anonymizing software (like Tails and Tor).
- Afterwards by Bruce Schneier, Andrew Huang, Jacob Appelbaum, Aaron Schwartz.
- *Little Brother* has an excellent Bibliography for other readings on security.

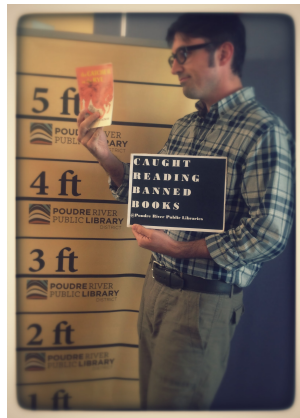


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# *V for Vendetta* (2005)

- Orwellian: state surveillance, mandatory curfews, state media.
- Popularized Guy Fawkes Masks.
- Banned books, art, and subversive material.



Caught with a banned book  
I would not do well in a *V for Vendetta* world.



# Das Leben der Anderen (2006)

- 1950 - 1990 during the DDR, a *real* surveillance state existed.
- Nearly every item on the taxonomy of privacy is violated.
- Stasi infiltration ran deep: industry, schools, and spouses.



## Why invent dystopias?

History serves as a better example.

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# Discussion Ideas

- Would you keep your blinds open in NYC if you lived there? What if your neighbor was taking pictures?
- When, if ever, would you consider filing a Freedom of Information Act (FOIA) request for your file?
- The TSA back-scatter machines have raised privacy concerns because of the revealing images. Would you / did you go through them? Did you feel any pressure to choose the scanner over the pat-down?