

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

Joshua Datko

Department of Computer Science
Drexel University
Philadelphia, PA 19103
jbd65@drexel.edu

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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 over presence.
- Kafkaesque
 - ▶ Information processing affects the power relationship.
 - ▶ Frustrate individuals and creates helplessness and powerlessness.

The problem with the argument

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.

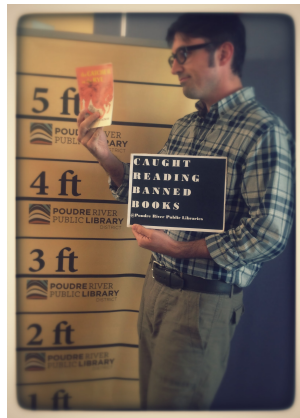


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V for Vendetta 2005

- 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 filling 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?