

Privacy, Data, Algorithms, AI, Labour

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Overview

What is Privacy ?

- History - US

- History - India

Expectation

- Asymmetries

Business & Market Value

- Commodity

- Permanancy

- Permanancy

- Mass Control

Aspects of Privacy

- States

- Degrees

- Organizational

Data Base Breaches

Rethinking

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What is Privacy ?

- - - -

- ▶ ***Privacy in general*** - Ability & Degree of Control by an Individual about their own information.
- ▶ ***Data privacy*** - Essentially the way data collected, & distributed. Tech, public expectation of privacy, legal and political issues surrounding data

History

Year	Authority	Interpretation
1604	Edward Coke	Common law, The house for everyone is to him as his castle and fortress
1782	Benjamin Franklin	Employees not to open mail to congress
1844	Federal Government	Telegraph, congress accessing messages via telegraph from western union
1859	John Stuart	"On Liberty", need to preserve a liberty zone for the citizen, free from authority of the state
1888	Thomas Cooley	Treatise on the law of Torts - Right to be left alone
1890	Earl Warren & Louis Brandeis	Retains the power to fix the limits of the publicity which shall be given them
1928	Louis Brandeis	Ways enabled to expose to a jury the most intimate occurrences of the home
1934	Federal Government	Federal communications act helped with interception and development of Data privacy
1960	William Prosser	4 types of privacy torts - Intrusion upon seclusion, Public disclosure of private facts, Publishing objectionable false information, misappropriation of name or likeness
1967	John Marshall Harlan	If society is prepared to recognize expectation of privacy as reasonable
1974	Federal Government	Fair information Practice Principles Act - Collection limitation, Security, Data quality, Openness/notice, Purpose specification, Individual participation, Use limitation, Accountability
2006	Daniel Solovey	Taxonomy of Privacy - Information collection, processing, dissemination, Invasions

... In India

Year	Case	Judgement
<i>Locating constructs of Privacy within classical Hindu Law</i>		
1954	M.P.Sharma v. Satish chandra	process of search & seizure violated 20(3) of constitution
1964	Kharak Singh v. State of UP.	police regulations violating 21 of constitution
1970	Menaka Gandhi v. Union of India	enumeration in article 19 does not deprive article 21
1975	Gobind v. State of MP.	dealt with real world police surveillance, "compelling State interest"
1978	R.C. Cooper Case	fundamental rights are not water tight
1994	R.Rajagopal v. State of TN	freedom of press & right to privacy
1996	PUCL v. Union of India	questioned rampant misuse of telephone tapping

Reference : *PUCL v. Union of India, Why India's Surveillance law must be redesigned for Digital Age*

Reference : *Puttaswamy Case Arguments*:

[Respondents' arguments before the court]

- ▶ very few people are affected by right to privacy
- ▶ as fundamental right is rejected in constitutional debates
- ▶ no need make it constitutional right, as statutory right exists
- ▶ is still an elitist construct
- ▶ is a common law right
- ▶ substantive due process is not granted
- ▶ is a civil liberty and not personal liberty

[Petitioners' arguments before the court]

- ▶ privacy is a neutral and inalienable right
- ▶ individuals have the right to informational privacy
- ▶ privacy is a concern against state and non-state actors
- ▶ always been legislatively recognized :
 - ▶ Telegraph Act 1885 [section 5]
 - ▶ Indian Post office act 1898 [section 26]
 - ▶ Right to Information bill 2011 [section 8(1)(i)]
 - ▶ Privacy Bill 2011

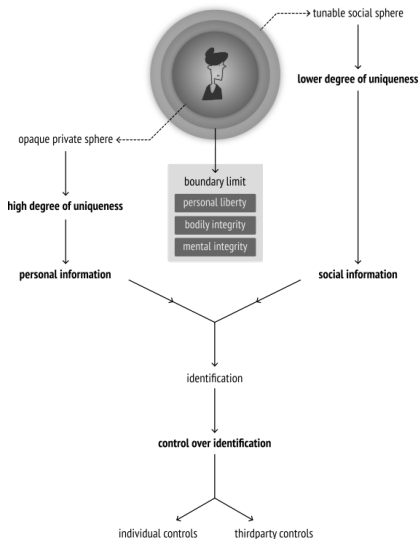
Expectation of Privacy

Not absolute, but also must be Reasonable

Boils down to Social aspect of Individuality

... expectation of Privacy

Layers of spheres that enables relationship definitions from individuals perspective to the society



... expectation of Privacy

Small town has privacy (everyone socially knew others and relatively cares),
Cities have anonymity (as nobody cares)

Small town has mostly symmetric information power & awareness

Data science can result in major asymmetries

Traditional privacy is based on Trust, but with Data privacy is based on contracts, ***not on trust***

Business & Privacy

Privacy Commodification

Public Ad's necessitates huge financial inertia on the business to attract consumers

Targeted Ad's reduces financial expenditure and there by cost of Advertising

Increased Targeting using "voluntary mandatory consent" data collection services or by cracking encryption .. increases the cost for Consumer's individual privacy

Privacy as Commodity (affordability, awareness matters)

Meta Data Plunder [contextual awareness & user profiling]

Archives & Permanent Storage

Artificial Scarcity & Deriving Control

Right to be Forgotten

Vested interest in not Deleting the Data & the Links

Ownership of Data using Ownership through Platform that hosts & holds Data

Cloud Storage Market demand because of ever increasing Big data storage

Ad free Services as Commodity package.

Ad's are default & are hyper normalized as part of information society

Historical data has value for intelligence

Mass data collection on several aspects are required for profiling

Surveillance & Intelligence agencies require **scalable surveillance & intelligence derivation**

Intelligence often requires Unique Identification for Targeted Ad's, Services,
Psychological Operations ...

Types of Data

Types of Data

- ▶ Online (Internet) Privacy
- ▶ Financial Privacy
- ▶ Medical Privacy (Patient Health Records)
- ▶ Residential & Geographic Records

States of Privacy

States of Privacy

- ▶ Solitude [*physical separation from others*]
- ▶ Intimacy [*closed, relaxed and frank relationship with 2 or more individuals*]
- ▶ Anonymity [*desire of individuals at times of public privacy - mostly political and struggle oriented*]
- ▶ Reserve [*creation of psychological barrier against unwanted intrusion*]

Degrees of Privacy ?

Degrees of Privacy

- ▶ Privacy is not non-disclosure
- ▶ Unintented usage of data collected and provided to a service providing agency. Maintaining control is Trust when Data is held by the service provider, shared by the consumer.
- ▶ "All or Nothing" based agreement, causes loss of privacy.
Thus needs GRADUATED CHOICE
- ▶ Measurement & Surveillance are not equal * [difference between collection & use] [Difference between being useful and getting used]
- ▶ Sharing personal data is a personal decision, not a choice
- ▶ Sharing my DNA makes my relatives DNA semi public
- ▶ Relationship with Power : Inverse relationship

Organizational Privacy

Organizational Privacy

- ▶ By Government (opaque, non transparent, secrecy)
- ▶ By Corporations (Trade secrets, intellectual proerty, patents ...)
- ▶ By Misusing Individuals (in the darkness of patriarchy)

Breaches

Breaches

- ▶ Breach Types : Card, Hack, INSD, PHYS, PORT, STAT, DISC, UNKN
- ▶ Business Types : BSF, BSO, BSR, EDU, GOV, MED, NGO, UNKN

Rethinking Data Privacy

Rethinking

- ▶ GDPR ?
- ▶ Data Anonymization ?, What will happen if De-anonymization is possible ?
- ▶ PI (Personal Identifiers) [Unique Identification]
- ▶ QI (Quasi Identifiers) [categories, age, gender, etc...] - attributable to more than one individual
- ▶ SI (Sensible Identifiers) [protected attributes that should not be traceable to individuals identity]
- ▶ Anonymization cannot confront Deanonymization as long as cross-referencing publicly available databases to narrow down, match by combining QI's with anonymized records.