

CPSC 2910

Lesson 3

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Today's Topics

- ❖ Privacy Risks and Principles
- ❖ Why Privacy Matters (a perspective)
- ❖ The Fourth Amendment
- ❖ Breakout Topics

Key Aspects of Privacy

- ❖ Freedom from intrusion (being left alone)
- ❖ Control of information about oneself
- ❖ Freedom from surveillance (from being tracked, followed, watched)

Privacy Threats

- ❖ Intentional, institutional uses of personal information
- ❖ Unauthorized use or release by “insiders”
- ❖ Theft of information
- ❖ Inadvertent leakage of information
- ❖ Our own actions

Well known examples of each?

Privacy Risks

- ❖ Anything we do in the cloud is recorded.
- ❖ Huge amounts of data are stored.
- ❖ People are not aware of collection of data.
- ❖ Software is complex.
- ❖ Leaks happen.
- ❖ A collection of small items can provide a detailed picture.
- ❖ Re-identification has become much easier due to the quantity of information and power of data search and analysis tools.

Privacy Risks

Cont'd

- ❖ If information is on a public Web site, it is available to everyone.
- ❖ Information on the Internet seems to last forever.
- ❖ Data collected for one purpose will find other uses.
- ❖ Government can request sensitive personal data held by businesses or organizations.
- ❖ We cannot directly protect information about ourselves. We depend upon businesses and organizations to protect it.

Glenn Greenwald: Why Privacy Matters



<https://youtu.be/pcSlowAhvUk>

The Fourth Amendment

The right of the people to be secure in their person, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

—4th Amendment, U.S. Constitution

Sets limits on government's rights to search our homes and businesses and seize documents and other personal effects. Requires government provide probable cause.

DISCUSSION: What are the problems with the Fourth Amendment in current day US?

Fourth Amendment Issues

1. Much of our personal information is no longer safe in our homes; it resides in huge databases outside our control.
2. New technologies allow the government to search our homes without entering them and search our persons from a distance without our knowledge.

Fourth Amendment: Supreme Court Decisions

- **1928 Olmstead v United States:** Supreme Court allowed the use of wiretaps on telephone lines without a court order. Interpreted the Fourth Amendment to apply only to physical intrusion and only to the search or seizure of material things, not conversations.
- **1967 Katz v United States:** Supreme Court reversed its position and ruled that the Fourth Amendment does apply to conversations. Court said that the Fourth Amendment protects people, not places. To intrude in a place where reasonable person has a **reasonable expectation of privacy** requires a court order.
- **2001 Kyllo v United States:** Supreme Court ruled that police could not use thermal-imaging devices to search a home from the outside without a search warrant. Court stated that where "government uses a device **that is not in general public use**, to explore details of the home that would previously have been unknowable without physical intrusion, the surveillance is a 'search.'"

Privacy Terminology

- *Personal information* – any information relating to an individual person.
- *Informed consent* – users being aware of what information is collected and how it is used.
- *Invisible information gathering* - collection of personal information about a user without the user's knowledge
- *Cookies* – Files a Web site stores on a visitor's computer.
- *Secondary use* – Use of personal information for a purpose other than the purpose for which it was provided.

Privacy Terminology

- *Data mining* – Searching and analyzing masses of data to find patterns and develop new information or knowledge.
- *Computer matching* – Combining and comparing information from different databases (using social security number, for example) to match records.
- *Computer profiling* – Analyzing data to determine characteristics of people most likely to engage in a certain behavior.

Privacy Issues - Breakout

- **Video Surveillance** – Should organizers at events where there are possible terrorist targets use such systems? Why and why not?
- **Marketing** - Does a person's decision to interact with a business or Web site constitute implicit consent to its posted data collection, marketing, and tracking policies? How clear, obvious, and specific must an information-use policy be? How often should a site that runs (or allows third parties to run) tracking software remind users?
- **Social and Personal Activity** - Is there information that you have posted to the Web that you later removed? Why did you remove it? Were there consequences to posting the information? Have you seen information that others have posted about themselves that you would not reveal about yourself?
- **Government Systems:** What data does the government have about you? Who has access to the data? How is your data protected? Do you have concerns with the amount of data the government has for individuals?

Next Class

- Read Chapter 3 of the book – Freedom of Speech
- Questions 3.9 and 3.24 from the book