

LIS-3353

More Privacy Theory

A framework for digital privacy?

The Constitution thinks of privacy in terms of your stuff –

- but what changes when
everything is recorded,
by someone who ain't you?

3 components:

- 1) Secrecy. (encryption)
- 2) Anonymity
- 3) The cultural belief and legal reinforcement of 1 and 2.

We have technical privacy

(if we're careful)

(really, really careful)

Legal “privacy”

No explicit right to privacy in the Constitution
–but..

1st, 4th, 5th, amendment, and others

Two big legal cases

Kyllo v. U.S.

- (Thermal imaging case)

Katz v. U.S

- (Wiretapping)

Pre-Internet!

Traditional (misconceptions of) privacy

The one deep dark secret that you would be mortified if the world knew....?

The P.I.s best friend



Specifically...



Even better (for them)



Not much wrong here, right?

Can a store legally record your purchasing?

- (sure, why not?)

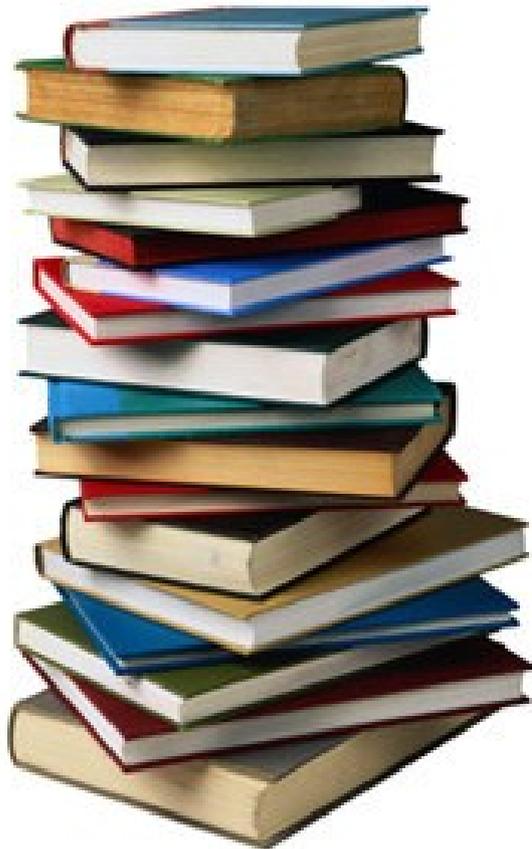
Why might they?

- Inventory
- Advertising, etc

Legal protection/acknowledgment:

TRADE SECRET

Suddenly, online!



amazon.com[®]

But, maybe you don't keep it a
trade secret..after all:

If CVS sees: Pregnancy tests

..then that's interesting, kind of.

If Amazon ALSO sees: “What to expect when you're expecting”

...perhaps valuable info for CVS? Vice-versa?

And again, all legal: Gathered legally, traded or sold legally – little, marginal steps.

Don't forget

...the security cameras

..the bank records

..the credit scores

..the phone records

**AND THIS IS ONLY WHAT WAS GIVEN UP
“ON ACCIDENT...”**

Info brokers:

- Choicepoint
- Acxiom ,etc.

Then, there's the VOLUNTARY side

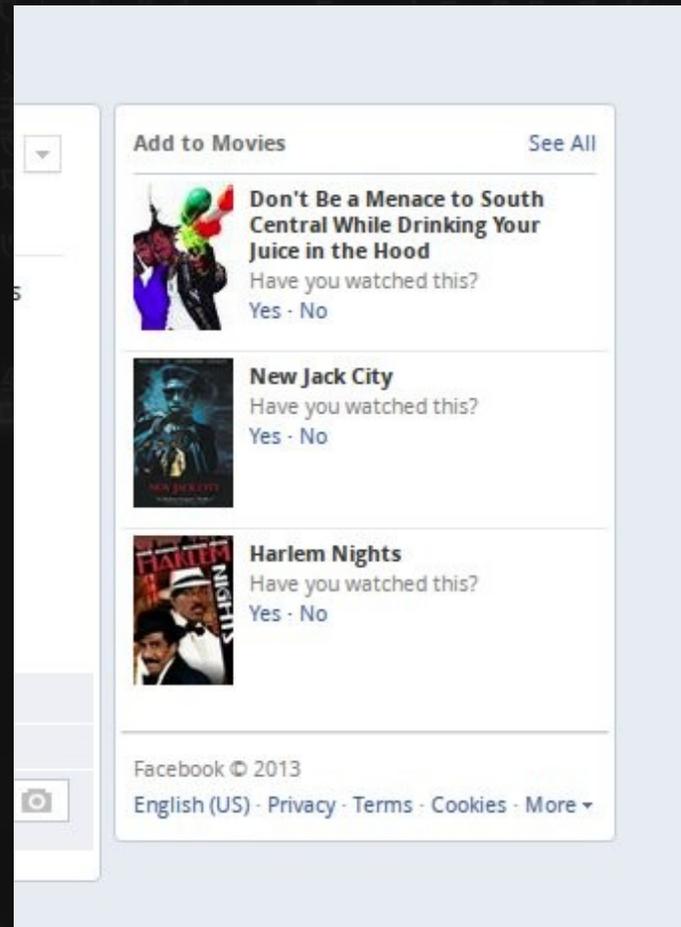
Facebook, et al

...but you guys know all about this, right?

“but hey, it's just advertising”

Inference: Figuring out things about people

True story: the first time Facebook asked me about my movies...



Inference

Credit scores

“Google Killed Me”

Target and pregnancy

And Graph Search...(wow, they're really that oblivious?)

If companies can sell, who's buying

Other companies? Yep?

Law enforcement? Yep.

(but what about the 4th amendment?)

Interesting question:

- Why should the gov't / law enforcement directly surveill AT ALL?

This allows you to get around them pesky Constitutional rules...

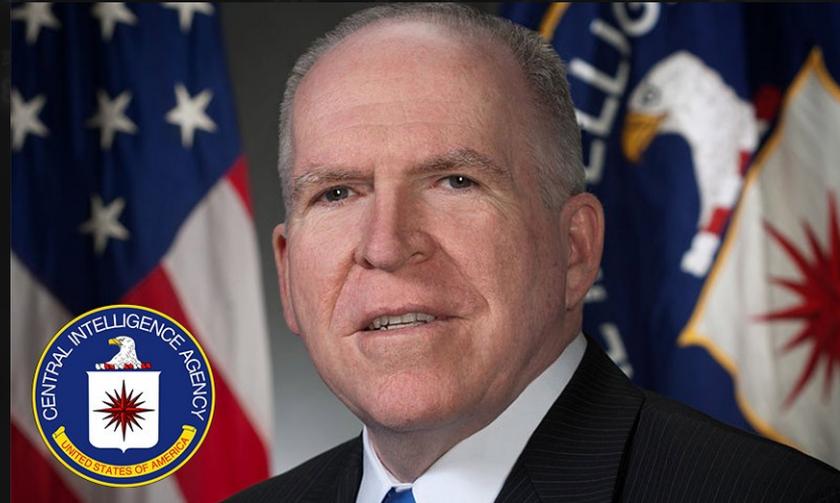
But, as we know, they did.
(he wasn't the first...)



NSA: PRISM (among others)

- Roughly: everything.
- “Collect it all now, perhaps analyze later”

Do they even understand this stuff?



Justification: Terrorism?

Perhaps, but not a great strategy.

Why an “automatic terrorism detector” will pretty much never work...

The False Positive Paradox (Gatorbola!)

New disease; Unspeakable consequences.

Incidence rate: 1/10,000 people have it

Yikes!

But, there's a better than 99%
accurate test!

Specifically:

For tests coming out negative – 100% accurate

For tests coming out positive – 99% accurate

But...uh-oh: you get tested and...

The test is positive!

What are the odds that you have **Gatorbola**?

Do the math:

99% right = 1% wrong.

So, if you test 10,000 people:

100 out of 10,000 people will have a + test

But..

1 out of 10,000 people will actually HAVE it.

Whoa, what?

Even for a test that's 99% accurate, there's still only a 1/100 chance that you have it.

Now, consider a “terrorism” test? e.g.

How many terrorists are there? And

How accurate could a terrorism test possibly be?

Why NOT surveil? (in this way)

What exactly is wrong with ubiquitous surveillance?

AKA, the “What do you have to hide” question.

Silver Linings?

The end of shame?

If everybody knows everybody's business,
can this reduce shame/embarrassment?

Little Brother

As opposed to “Big Brother”

Yes, cameras are everywhere – but “we” control quite a few of them.

Almost final thought:

“I'm not too worried about privacy because I have nothing to hide...”

Almost final thought:

“I'm not too worried about free speech because I have nothing to say...”