



PI lab
Privacy & Identity Lab

Privacy Seminar
Introduction

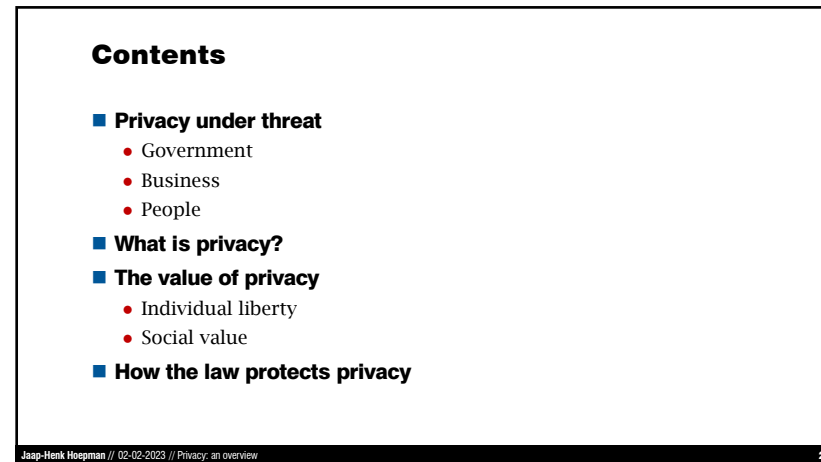
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Radoud University

university of groningen

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Contents

- **Privacy under threat**
 - Government
 - Business
 - People
- **What is privacy?**
- **The value of privacy**
 - Individual liberty
 - Social value
- **How the law protects privacy**

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Government surveillance

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The NSA files

NSA files decoded / Edward Snowden's surveillance revelations explained



All stories

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Fraud detection, policing

de Volkskrant

Columns & Opinie Video Wetenschap Mensen De Gids Cultuur

Gemeente Amsterdam

Politie Amsterdam loerde onterecht in data van milieucamera's



Rotterdam stopt omstreden fraudeonderzoek met SyRI

Rotterdam stopt met het fraudeonderzoek met het risico-indicatiesysteem SyRI in de wijken Bloemhof en Hillesluis. De gemeente krijgt de opzet van het onderzoek niet rond vanwege de juridische onduidelijkheid of het gewenste onderzoek niet in strijd is met privacywetten.



Belastingdienst

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More examples

?

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Commercial surveillance

FACEBOOK AND YOU
If you're not paying for it, you're not the customer. You're the product being sold.

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Text the people you care about, for **free**

Send **photos and videos** in the moment

Create **groups** for the people you message most

Say it better with stickers

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Cambridge Analytica

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UK ▶ UK politics Education Media Society Law Scotland Wales Northern Ireland

Cambridge Analytica

January 2020

It's time to... LEAVE.EU
WWW.LEAVE.EU
MPs call for unlimited fines for those who breach electoral law
18 Jan 2020

Fresh Cambridge Analytica leak 'shows global manipulation is out of control'
4 Jan 2020

<https://www.theguardian.com/uk-news/cambridge-analytica>

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Targetted campaigning, Dutch 2021 elections

Microtargeting is een splijtzwam tussen partijen tijdens de campagne

Politieke advertenties Dankzij het coronavirus is de verkiezingscampagne van politieke partijen nog meer dan eerst op sociale media gericht. Maar de verschillen tussen de online strategieën zijn groot. Wat de ene partij acceptabel vindt, is voor een andere partij een overschrijding van een ethische grens.

Wouter van Loon & Rik Wassens • 22 februari 2021
Leestijd 5 minuten



Politieke partijen willen liever niet dat u dit weet: de geruisloze strijd om uw stem via Facebook


<https://www.nrc.nl/nieuws/2021/02/22/de-rode-roos-maakt-plaats-voor-het-online-filmpje-a4032842>

<https://www.volkskrant.nl/nieuws-achtergrond/politieke-partijen-willen-liever-niet-dat-u-dit-weet-de-geruisloze-strijd-om-uw-stem-via-facebook~bcdbf993/>

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More examples



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They know things before you yourself do ??



TARGET



google.org Flu Trends

Explore flu trends around the world

We've found that certain search terms are good indicators of flu activity. Google Flu Trends uses aggregated Google search data to estimate flu activity. [Learn more.](#)

Flu activity: Intense, High, Moderate, Low, Minimal

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They track you even in real shops



De winkel weet wat u wilt kopen

Bacon als verkliker loop- en koopgedrag klant

Bacon in winkel herkent via Bluetooth draadloze kaart.

Bacon in winkel registreert uw poezie kaart.

Winkel weet waar klant in winkelmeent.

Bij de kassa kan op basis van afrekeningskaart worden aangehouden.

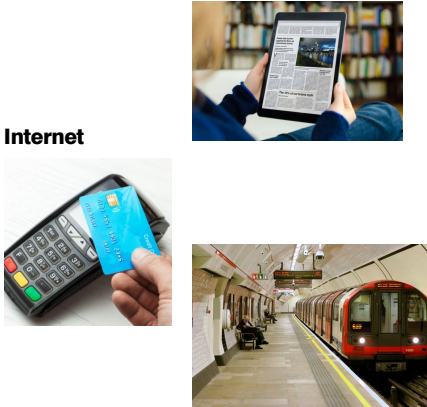



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People...

- Online 24 hours/day
- Do many things over the Internet
 - Social networking
 - Communications
 - Reading
 - Video
 - Finance
 - Maps
 - Platforms (Airbnb, Uber)



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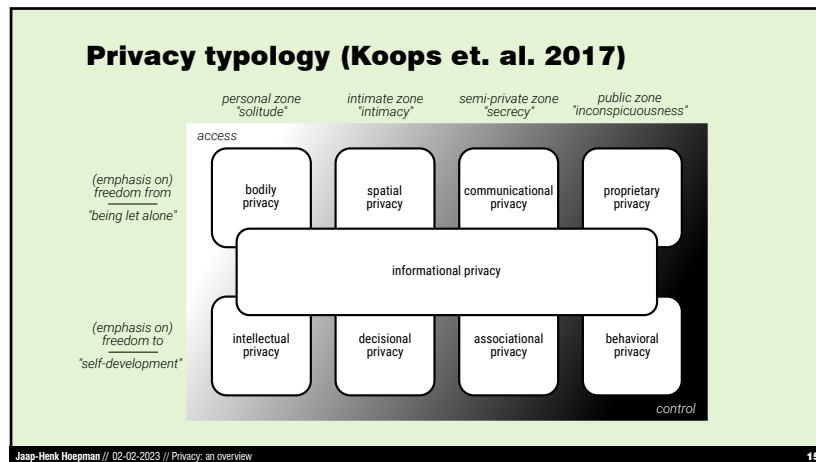
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Privacy

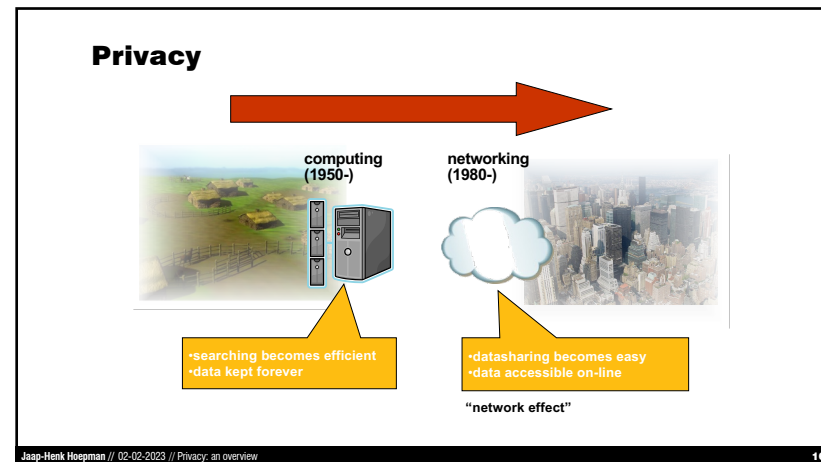
what is privacy according to you?

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Different definitions

- **The right to be let alone**
 - [Warren & Brandeis, 1890]
- **Informational self-determination: The right to determine for yourself when, how and to what extent information about you is communicated to others**
 - [Westin, 1967]
- **The freedom from unreasonable constraints on the construction of one's identity**
 - [Agre, 1998]
- **Contextual integrity: the right to prevent information to flow from one context to another**
 - [Nissenbaum, 2004]

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Contextual integrity: beyond context separation

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Don't confuse these concepts!

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Privacy invasions

Based on: Daniel J. Solove, "A Taxonomy of Privacy" 2006.

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Different types of data/information

- **Volunteered** Transfer
 - What you reveal *explicitly* when asked
- **Observed**
 - What you reveal *implicitly* by your behaviour
- **Inferred**
 - What is derived from other data about you

[World Economic Forum Report Personal Data: The Emergence of a New Asset Class]

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The dangers of metadata

- **Collected surreptitiously**
 - The systems we use rediate personal data continually
- **Small, structured, pieces of data**
 - Easy to collect, store, process and analyse
- **Relate to behaviour**
 - “Don’t listen to what a man says; look at what he does”

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Why is privacy important



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Moral basis for data protection

- **prevention of information-based harm**
 - Like guns, information may kill people
- **prevention of informational inequality**
 - The “market” of information
 - Non-discrimination
- **prevention of informational injustice**
 - Spheres of privacy must be protected
- **respect for moral autonomy.**
 - People change

Hoven, Jeroen Van Den and Vermaas, Pieter E.(2007) 'Nano-Technology and Privacy: On Continuous Surveillance Outside the Panopticon', *Journal of Medicine and Philosophy*, 32: 3, 283 – 297

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The value of privacy

As a personal right

- **Protect**
 - Personal freedom
 - Autonomy
- **Restore power balance**
 - Kafka's "The Trial"

As a societal need

- **Protect democratic process**
 - Prevent meddling with elections
 - Freedom to vote without interference
 - Consistent public political campaign
- **Debate status quo**
 - Labour rights
 - Women voting rights
 - Gay rights

“Privacy is essential for freedom, democracy, psychological well-being, individuality and creativity”

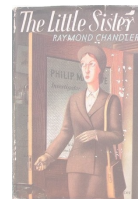
Daniel J. Solove, "Understanding Privacy," Harvard University Press, 2008.

Searching for the right metaphor

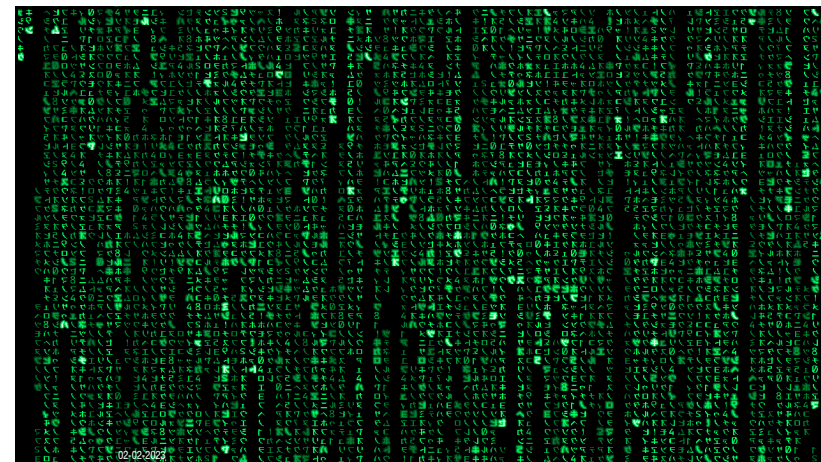
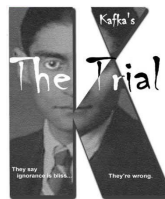
orwell / big brother



chandler / little sister



kafka / the trial



You've got nothing to hide

FOKKE & SUKKE
WORDEN MET DE DAG PARANOÏDER

"AAN DE BEWONERS VAN DIT PAND"
HOE WETEN ZE DAT NOU WEER??

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Have you!???

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I have nothing to hide....

- **Hiding is natural**
 - There is no "I", no self, without privacy
 - It is impossible to be fully transparent
- **Freedom of thought**
 - That job offer looks interesting...
 - That woman looks "interesting"...
- **Necessary to build relationships**
 - Contexts matter!
- **What is the data used for: investigation, anti-terrorism, or ...??**
 - Function creep
- **Everybody has something to be embarrassed about**
 - And everybody breaks the law a lot of times
- **Assumes that the problem is data you want to hide**
 - even "innocent" data can harm you
- **No distinction between illegal (legal) vs disgraceful (moral) vs ...:**
 - data is data
- **Norms change**
 - Pedophilia in NL

Solove, Daniel J., "I've got nothing to hide" 2008.

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Beyond privacy: autonomy

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The GDPR in 5 minutes

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Applies when you process personal data?

(1) 'personal data' means any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person;

<p>■ So...</p> <ul style="list-style-type: none"> • Name • Social security number • Email address 	<p>■ But also...</p> <ul style="list-style-type: none"> • License plate • IP Address • Likes • Tweets • Search terms
---	--

(2) 'processing' means any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction;

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Subject / controller / processor

Data subject
Data controller
Data processor

(7) 'controller' means the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data; where the purposes and means of such processing are determined by Union or Member State law, the controller or the specific criteria for its nomination may be provided for by Union or Member State law;

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GDPR principles (art 5.)

1. Personal data shall be:
 - (a) processed lawfully, fairly and in a transparent manner in relation to the data subject ('lawfulness, fairness and transparency');
 - (b) collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall, in accordance with Article 89(1), not be considered to be incompatible with the initial purposes ('purpose limitation');
 - (c) adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed ('data minimisation');
 - (d) accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay ('accuracy');

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GDPR principles (art 5.)

- (e) kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Article 89(1) subject to implementation of the appropriate technical and organisational measures required by this Regulation in order to safeguard the rights and freedoms of the data subject ('storage limitation');
- (f) processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures ('integrity and confidentiality').
2. The controller shall be responsible for, and be able to demonstrate compliance with, paragraph 1 ('accountability').

GDPR lawfulness (art. 6)

1. Processing shall be lawful only if and to the extent that at least one of the following applies:
- the data subject has given consent to the processing of his or her personal data for one or more specific purposes;
 - processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract;
 - processing is necessary for compliance with a legal obligation to which the controller is subject;
 - processing is necessary in order to protect the vital interests of the data subject or of another natural person;
 - processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller;
 - processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child.

Data protection law (core principles)

- | | |
|--|---|
| <ul style="list-style-type: none"> ■ Legitimate Processing Grounds <ul style="list-style-type: none"> • consent • necessity ■ Data Subject Rights <ul style="list-style-type: none"> • notification • access • rectification • object to profiling | <ul style="list-style-type: none"> ■ Data Protection Principles <ul style="list-style-type: none"> • purpose limitation • data minimisation • duration of retention • accuracy of the data ■ Accountability <ul style="list-style-type: none"> • risk based-approach • transparency of processing • data protection by design • data protection impact assessment |
|--|---|

Article 22

Automated individual decision-making, including profiling

- The data subject shall have the right not to be subject to a decision based solely on automated processing, including profiling, which produces legal effects concerning him or her or similarly significantly affects him or her.
- Paragraph 1 shall not apply if the decision:
 - is necessary for entering into, or performance of, a contract between the data subject and a data controller;
 - is authorised by Union or Member State law to which the controller is subject and which also lays down suitable measures to safeguard the data subject's rights and freedoms and legitimate interests; or
 - is based on the data subject's explicit consent.
- In the cases referred to in points (a) and (c) of paragraph 2, the data controller shall implement suitable measures to safeguard the data subject's rights and freedoms and legitimate interests, at least the right to obtain human intervention on the part of the controller, to express his or her point of view and to contest the decision.
- Decisions referred to in paragraph 2 shall not be based on special categories of personal data referred to in Article 9(1), unless point (a) or (g) of Article 9(2) applies and suitable measures to safeguard the data subject's rights and freedoms and legitimate interests are in place.



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Resources

PRIVACY IS HARD
AND SEVEN OTHER MYTHS

ACHIEVING PRIVACY THROUGH CAREFUL DESIGN



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- **Websites**
 - <http://wiki.science.ru.nl/privacy/>
 - <https://www.eff.org/>
 - <https://www.bof.nl>
- **Books**
 - Agre & Rotenberg: Technology and Privacy: The New Landscape, MIT Press, 1998
 - Ilija Trojanow, Juli Zeh "Aanslag op de vrijheid", de Geus, 2010
 - Daniel J Solove "Understanding Privacy", Harvard University Press, 2008.
 - Bart de Koning "Alles onder controle", Uitgeverij Balans, 2008.
 - Jaap-Henk Hoepman "Privacy Is Hard And Seven Other Myths", MIT Press, October 2021

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Questions / discussie



[Monty Python's Argument Clinic sketch]

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