

Is Big Brother dead?

Technology and individual privacy

Who Knows: safeguarding your privacy in a networked world

By Ann Cavoukian and Don Tapscott
Vintage Books

BY ANTHONY J. SKELTON

Who Knows: safeguarding your privacy in a networked world offers up an interesting and helpful cornucopia of gripping accounts of flagrant privacy violation, and moral, legal, political and practical questions. The book also offers suggestions to guide us down the road to understanding the erosion of our "information privacy" through the uses of modern technology, and leads past this understanding to the point of (hopefully) ameliorating the morass.

The central contention in *Who Knows*, authored by Ann Cavoukian and Don Tapscott, is that our informational privacy — "any information about you that is identifiable as yours, meaning that it has your name or an identifying number...on it" — is subtly and irrevocably being undermined. The source of this threat has emerged from the newly-erected knowledge-based economy, which, Cavoukian and Tapscott argue, is based on new networked communications which in turn are founded on the computer network. Concomitant with the change in the economy and the increase in the use of computer-based technology is the rise in surveillance and the subsequent erosion of our privacy.

The reason this technology leads to the demise of privacy, argue Cavoukian and Tapscott, is simply this: if the economy will be going on-line, so will the public through its increasing use of credit and debit cards, computers and telecommunications networks. With every use of these various technologies you leave a trail of your presence behind, which, the authors write, "will become trapped in a variety of computer databases, easily accessible by others through the growing use of electronic networks." Thus, the increase in technology and information hunger by private and public bureaucracies ushers in an increase in surveillance.

Turning to the job of providing us with a definition of privacy, Cavoukian and Tapscott, rather than attempting to give a concrete and philosophically adequate account of the concept of privacy, are content to appeal to our intuitions about privacy by driving home what could occur in the event that privacy were effaced. For instance, Cavoukian and Tapscott argue that if we lose the ability to control what information about ourselves others have, we lose capacity for autonomous action. They further contend that the loss of privacy may also lead to the loss of democracy.

Though I agree that the protection of privacy is an important value, without an adequate ac-

count of what privacy is we will be unable to determine what in fact counts as a breach of privacy. Moreover, there needs to be a discussion of when privacy can or should be breached for the greater good of society. Although Cavoukian and Tapscott pay some attention to this matter, they neglect to give us a good account of when a matter of privacy becomes a matter for public concern. While they seem to favor some sort of balancing of harms account to justify a breach of privacy, they neglect to give an adequate account of what counts as a harm, which in effect leaves us without an answer to this pressing question.

Turning to legal questions surrounding privacy protection, Cavoukian and Tapscott survey some of the historical developments, both internationally and domestically, of laws enacted to protect the privacy of the individual, such as the Organization for Economic Cooperation and Development's Code of Fair Informational Practices (FIPs). According to Cavoukian and Tapscott, when Canadian privacy law is juxtaposed with the FIPs, "it fails to provide the full range of protections."

The failure of the Canadian laws lies in the fact that they only apply to the public sector. Hence, the private sector is not regulated and so this leaves citizens with little or no resources through which to mount complaints about privacy violations at the hands of businesses and organizations not covered by the law. Furthermore, even though some businesses have voluntarily adopted privacy protection regulations, they too, Cavoukian and Tapscott argue, fail to be adequate.

"Since they (the laws) are voluntary in nature there is nothing to compel members to abide by them," write Cavoukian and Tapscott. "There is little recourse that you, the consumer, have if you want to complain."

In place of these insufficient regulations, Cavoukian and Tapscott argue that the best approach to mitigating the erosion of privacy is the introduction of special privacy laws which are overseen and enforced by an independent privacy commission, complete with sector-specific codes which buttress the law.

Although Cavoukian and Tapscott's critique of the current Canadian laws (or lack thereof) enacted to protect privacy is quite germane to the issue at hand, I find it a curious fact that they

"An excellent survey of the threats to privacy today... *Who Knows* does a stunning job of charting the developments in anti-privacy technology and pro-privacy legislation over the past 30 years." — *Wired*

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privacy
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Don Tapscott

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neglected to fully develop their positive suggestion as to how to protect our privacy. Who will be in charge of the independent privacy commission? Who will watch those who are doing the watching? Who will foot the bill for such a body? Without a fully

when they use new technology — for example, the information highway — so as to protect their privacy. It is here, to be sure, that the book's true asset lies.

Cavoukian and Tapscott discuss several areas where the issue of privacy is paramount, such

as the use of the information highway, medical records, credit ratings and the workplace. Each section is accompanied with useful suggestions as to how to safeguard privacy. For instance, Cavoukian and Tapscott bring out that we have a right to ensure that information about us is not compiled into a

dossier or profile about us from our credit card purchases. Moreover, they point out that you can "opt out" and make it explicit that you do not want your information sold to a telemarketing firm.

Also in this portion of the book, Cavoukian and Tapscott examine the deficiencies of the

laws as they pertain to the issues. Here their advice and discussion is indispensable as they supply the reader with the requisite knowledge which they need in order to make the necessary behavioral changes so as to protect their privacy.

Who Knows concludes, so as not to be too critical of technology, with suggestions about how technology can be employed to protect privacy, e.g., through encryption codes, digital signatures and blind signatures. Finally, Cavoukian and Tapscott canvass the various lucrative aspects of ensuring that privacy is protected so as to convince businesses to protect their customers' privacy.

Who Knows should be read less as a book dealing with the theoretical aspects of privacy and more like a self-help manual relating to issues in the protection of personal privacy. All those who are seriously interested in discovering the present state of the privacy of their lives, and in protecting their own privacy, should read *Who Knows*. Be forewarned, though: reading this book, for all those who care that their lives be private, will scare the hell out of you. Fortunately, though, it will also help you locate the sources of the attack on your privacy and tell you how this situation can be rectified.