

- Dilemmas of Privacy & Surveillance
Issues raised and some recommendations
- BCS-ISSG
London, July 2007
- Dave Birch
Director, Consult Hyperion.



In the world of post-modernism, it is no longer clear that any one identity is "real" — Charles Raab, Professor at the AHRB Research Centre in Intellectual Property and Technology, School of Law, University of Edinburgh, speaking at The Life of Mobile Data, University of Surrey (Guildford: 2004).

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- Introduce the report
 - Dilemmas of Privacy and Surveillance
Challenges of technological change
 - The Royal Academy of Engineering (March 2007)
- Illustrate some of the issues
 - By discussing a couple of paradoxes
- Talk through the recommendations



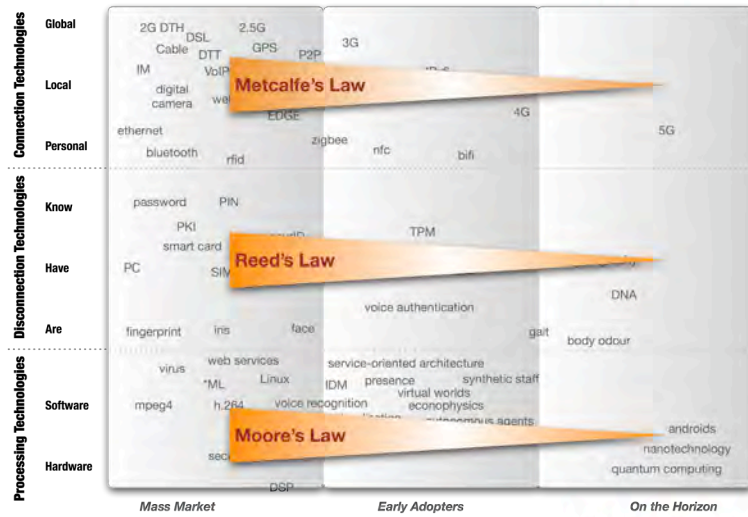
*If I need to buy something quickly, I just grab my cell phone and run out the door
Mihoko Iguchi, 43, Tokyo dress shop owner, Washington Post (19th December 2005).*

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Dilemmas of Privacy & Surveillance Issues: Technology

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Dilemmas of Privacy & Surveillance Issues: Privacy

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- Digital identity
 - Real identity maps to...
 - Virtual identity maps to...
- Digital territory
 - Bubbles
 - Borders
 - Boundaries
 - Bridges



[A] "privacy paradox." Consumers declare that they value privacy highly, yet do not take steps to guard it during transactions. At the same time, consumers feel unable to enact their preferences on privacy —Harvard Business School Working Paper 07-75 (May 2007).

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Issues: Trust

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- **Trust models**
 - Mapping technological to social
- **Communication**
 - The role of brand
- **Expectations of redress**
 - Tesco Clubcard
 - Public sector databases
 - Children's Index



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Dilemmas of Privacy & Surveillance
Dilemmas

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- **Whistleblowers and credentials**
 - I must know what you are, not who you are
- **Chat rooms and disclosure**
 - Don't do as I do, do as I say
- **Banks and legacies**
 - Bringing down the system from within



*But what would you do with a computer that's not connected to the Internet?
12-year old daughter of a colleague, querying his decision to take a laptop on a camping holiday.*

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R1: Failure Proofing

- Systems that involve the collection, checking and processing of personal information should be designed in order to diminish the risk of failure as far as reasonably practicable
- Public sector organisations should take the lead
 - Start using engineering disciplines



R2: Comfort & Compensation

- Many failures can be foreseen
- It is essential to have procedures in place to deal with the consequence of failure, especially aiding and compensating individuals who are affected



R3: Reasonable Expectations

- Human rights law already requires that everyone should have their reasonable expectation of privacy respected and protected.
- But what is a 'reasonable expectation'
 - Other than a full employment act for lawyers, that is



R4: Powers & Penalties

- Significant penalties should be imposed on individuals or organisations that misuse data
- The Information Commissioner should also have the power to direct that audits be performed
- A public debate should be held on whether the collection of data, or whether it is the processing and use of data that should be the focus

- Organisations should not seek to identify the individuals with whom they have dealings if all they require is authentication
- When organisations do desire identification, they should be required to justify the decision

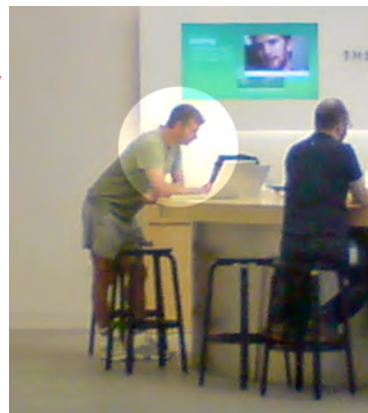


The true identity of a counterparty may be the least interesting fact about them in a commercial transaction — John Browning in Wired. 5(11): p.65(6) (November 1997).

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- Research into the effectiveness of camera surveillance is necessary
- Monitor public spaces
 - But minimise the impact on privacy
- Sur vs. sous
 - Will “private” go the way of “lost”



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R7: Designing for Purpose

- Information technology services should be designed to maintain privacy
- Technology (easy)
 - PET
 - CRM
 - DRM
- Management (hard)



The weakest link in security is the fact that passwords are used... the Internet needs to move away from passwords and into the use of smart cards
Bill Gates speaking at the Las Vegas Interop (May 2000).

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R8: Personal Expectations

- There is need for clarity on the rights and expectations that individuals have over their personal information
- A digital charter outlining an individual's rights and expectations would deliver that clarity
- Access by individuals to their personal data should also be made easier



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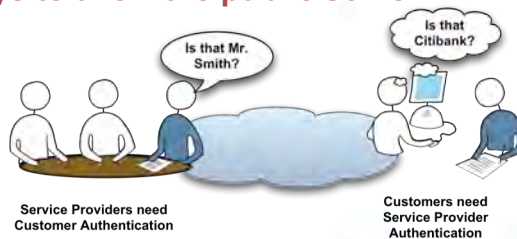
R9: Honest Profiling

- Commercial organisations that select their customers or vary their offers to individuals on the basis of profiling should divulge to the data subjects that profiling has been used.
- Profiling will always be used to differentiate between customers, but discrimination should not be permitted



R10: Reciprocity

- System should be designed so that there is reciprocity between data subjects and owners of the system.
 - The gas man came to call
- In the case of camera surveillance, there should be research into ways to allow the public some level of access.
 - “Y’all Tube”



Dilemmas of Privacy & Surveillance Conclusions

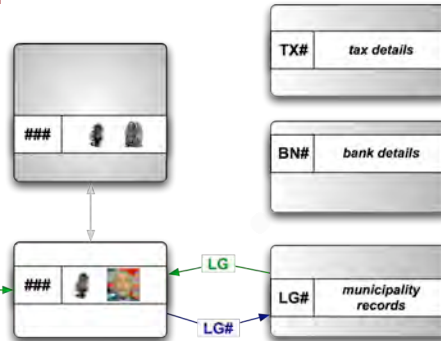


■ We have the technology...

- Smart cards
- Mobile phones
- Public key infrastructure
- Biometrics

■ We don't have the vision

- Cardboard age concepts and
- Computer age systems in
- Communication age context



It is the business of the future to be dangerous... the major advances in civilization are processes that all but wreck the societies in which they occur
Alfred North Whitehead (1861-1947)

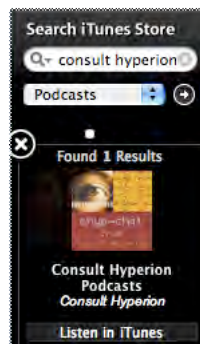
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