

# **CPSC156: The Internet Co-Evolution of Technology and Society**

**Lectures 16 and 17:**

**March 27 and 29, 2007**

**Solove's taxonomy of privacy**

# Reading Assignment

**"A Taxonomy of Privacy,"  
by Daniel J. Solove**

[http://papers.ssrn.com/sol3/papers.cfm  
?abstract\\_id=667622](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=667622)

(Contact the TA if you have trouble downloading this paper.)

# Outline

- Motivation
- Solove's two-level, 16-part taxonomy
- Definitions and discussion of five of the parts
- Questions about this taxonomy and its relationship to other taxonomies we have considered

# Motivation for this Work

“Under the **secrecy paradigm**, privacy is tantamount to complete secrecy, and a privacy violation occurs when concealed data [are] revealed to others. If the information is not previously hidden, then no privacy interest is implicated by the collection or dissemination of the information.”

Solove's thesis in this article is that the secrecy paradigm has strongly influenced court decisions but is a thoroughly inadequate organizing principle for privacy law.

# A. Information Collection

1. Surveillance
2. Interrogation

# B. Information Processing

1. Aggregation
2. Identification
3. Insecurity
4. Secondary Use
5. Exclusion

# C. Information Dissemination

1. Breach of Confidentiality
2. Disclosure
3. Exposure
4. Increased Accessibility
5. Blackmail
6. Appropriation
7. Distortion

# D. Invasion

1. Intrusion
2. Decisional Interference



# Aggregation

- The gathering of information about a person
- When combined, disparate pieces of information begin to form a portrait of a person.
- When analyzed, aggregated information can reveal facts that the person did not expect to be revealed when the isolated pieces of information were collected.

# Identification

- The linking of information to “the person in the flesh”
- Identification enables us to attempt to verify that, e.g., a person who wants to access a data record is the owner of the account or the subject of the record.
- Identification can attach “informational baggage” to people and inhibit their ability to change.

# Insecurity

- Technical glitches, security lapses, carelessness, and abuse or illicit use of information about people
- Information insecurity can lead to identity theft, unauthorized access to bank accounts, and other serious harms.
- Many privacy laws require that information be kept secure. However, courts have been reluctant to award damages to victims, because harm is hard to measure.

# Exclusion

- Failure to provide people with notice and input about their records
- Exclusion reduces accountability of organizations that maintain records, violates Fair Information Practices, and often goes hand-in-hand with inadequate security.
- Organizations often claim that requirements to provide notice and input are too costly or, in the case of law enforcement and intelligence, that notice can tip off people under investigation and render the data records useless.

# Disclosure

- Revelation to others of true information about a person
- Various statutes restrict disclosure of information from government records, health records, motor vehicle records, school records, and even records of certain commercial activities (such as cable viewing and video rental). The information is deemed to be private and not of interest to the general public.
- Some critics contend that restrictions on disclosure are restrictions on free speech.

# Question: *General Approach*

Is this a useful taxonomy? Are these 16 categories truly distinct, and are they collectively exhaustive of all privacy violations?

Is this highly particularized, incremental approach the right one, or would a broad, simply stated "right to privacy" be more effective?

# Question: Relationship to Digital Identity

Compare Solove's privacy taxonomy to Marx's identity taxonomy. (See lecture 15 and the March 8 reading assignment.)

Are the authors' conceptual frameworks consistent, inconsistent, complementary, or overlapping? Would widely available pseudonymous or anonymous communication make Solove's goal simpler?

# Question: Relationship to Fair Information Practices

Consider Solove's privacy taxonomy in the context of Fair Information Practices.  
(<http://zoo.cs.yale.edu/classes/cs155/fall01/cranor.ppt>)

Are these two conceptual frameworks consistent? Taken together, do they address essentially all legitimate concerns about "cyber rights"?