

Does *Privacy in Context* Endorse Moral Relativism?

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Uehiro/Carnegie/Oxford Conference
Information Ethics: Future of the Humanities
December 8-9, 2010

Overview

- Rationale for Contextual Integrity
- Super-brief overview of theory
- CI and Relativism

IT & associated socio-technical practices

Tracking & monitoring (online and off)

RFID, EZ Pass, online-tracking, deep packet inspection, CCTV, biometrics, automobile “black boxes,” DRM, frequent shopper cards, websearch logging, life logging??

Aggregation & analysis

databases, data warehouses, data mining, profiling, government fusion centers, ChoicePoint, Aristotle.com, MATRIX, Census Bureau, Credit Bureaus, Rapleaf, etc.

Publication & dissemination

online public (incl. court) records, Streetview, “Web 2.0,” SNS incl. blogs, MySpace, Facebook, flickr, YouTube, etc.

Control versus Secrecy

Public versus **Private**

Contextual Integrity: **appropriate** flow

Q: What is “appropriate flow”?

A: Flow in accordance with i-norms

Key Concepts

- Context
- Norm
- Actor
- Information type
- Transmission principle

We act and interact in diverse social Contexts

: “real” structured social settings characterized by **roles**, relationships, power structures, canonical activities, strategies, **norms**, enforcement mechanisms, and internal **values** (goals, ends, purposes)

E.g. health-care, education, politics & political citizenship, religious observance, family & friends, more...

... evolve over time in cultures and societies, subject to historical, cultural, geographic contingencies

... may be nested, overlap, conflict, may be more or less explicit or institutionalized (e.g. class clown vs. judge), vary in norm coverage (“completeness,” e.g. party vs. polling station in democratic elections.)

Informational Norms

CR-INS

Variables

- Actors (Sender—Recipient--Subject)
 - Information types
 - Transmission principles

All variables matter!

Transmission Principles

Control (“consent”)

Notice (subject is/is not aware of transmission)

Compulsion (e.g. earnings to IRS)

Confidentiality (recipient does not disclose)

Fiduciary

Sale

Barter

Reciprocity

Entitlement, desert

Need, Etc ...

Informational Norms Embedded in Law: Example (GLB Act)

Sender role


Subject role

Financial institutions must notify consumers
if they share their non-public personal
information with non-affiliated companies,
*but the notification may occur either before
or after the information sharing occurs*

Attribute

Recipient role

Transmission principle



Exactly
as CI
says!

In our formal computer language,

$\square \forall p_1, p_2, q : P. \forall m : M. \forall t : T.$

$\text{incontext}(p_1, c) \wedge \text{send}(p_1, p_2, m) \wedge \text{contains}(m, q, t) \rightarrow$

$\text{inrole}(p_1, \text{institution}) \wedge \text{inrole}(p_2, \text{non-affiliate}) \wedge \text{inrole}(q, \text{consumer}) \wedge (t \in \text{npi}) \rightarrow$

$\diamond \text{send}(p_1, q, \text{privacy-notice}) \vee \diamond \text{send}(p_1, q, \text{privacy-notice})$

Privacy in Japan?

With Kei Tateyama, M.A. Candidate, NYU

Social commentary and novels describing life during Heian period (794-1185), Kamakura period (1185-1333) and medieval courts

informational norms

- Mills, D. E. (1970). *A collection of tales from Uji: a study and translation of Uji shūi monogatari*. Cambridge: University Press.
- Murasaki, S. (2001). *The Tale of Genji* (R. Tyler, Trans.). New York: Viking.
- Sei, S. (1991). *The pillow book of Sei Shōnagon* (I. I. Morris, Trans.). New York: Columbia University Press.
- Yoshida, K. (1967). *Essays in idleness: the Tsurezuregusa of Kenkō* (D. Keene, Trans.). New York: Columbia University Press.

“**Contextual integrity** is preserved when entrenched norms (CR-INs) are respected; it is violated when they are not”

BUT new flows may be better ...

- how to avoid conservatism and bring ethics into the picture

Presumption favors entrenched norms but challenge is possible.

How? Comparative assessment:

1. impacts {in ethical terms}
2. implications for values, ends, purposes internal to respective contexts

Features

- + Makes salient the roots of controversies (e.g. Streetview)
- + Reveals what's at stake, not only individual harm but social integrity (e.g. voting in a democracy)
- + Offers grounds for a decision heuristic, for technology design, policy, etc.

Endorses Moral Relativism?

- Different societies/cultures; different contexts; different CR-INS
- Moral force is mediated through contexts
 - Moral weight through function in context
 - Settles moral conflicts/stalemates