Does Privacy in Context Endorse Moral Relativism?

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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**  
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.

**Recipient role**
Transmission principle

In our formal computer language,

\[ \forall p_1, p_2, q : P. \forall m : M. \forall t : T. \]

\[ \text{incontext}(p_1, c) \land \text{send}(p_1, p_2, m) \land \text{contains}(m, q, t) \rightarrow \]

\[ \text{inrole}(p_1, \text{institution}) \land \text{inrole}(p_2, \text{non-affiliate}) \land \text{inrole}(q, \text{consumer}) \land (t \in \text{npj}) \rightarrow \]

\[ \Box \text{send}(p_1, q, \text{privacy-notice}) \lor \Box \text{send}(p_1, q, \text{privacy-notice}) \]
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


“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