

**Online Privacy**  
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**Indian Institute of Technology, Hyderabad**  
**Right to Privacy and Contextual Integrity**

Welcome back NPTEL students, it is great to have you back. I hope you enjoyed the content that we had for week 1. Thanks to some of you for being active on the mailing list, I hope more of you start being active on the mailing list, I think it is generally a good idea to be, up on the topic, through the discussions and through the topics that are going on outside the class also, we will get you more involved in the topics that are outside the class.

But please participate in the mailing list, not just asking questions, the answer questions for others, help others to understand a topic if you have understood better or if you have seen something interesting that is happening outside the class, please post it in the mailing list.

So, what we will do for the week two is actually to look at right to privacy, some old research work done on the space of privacy, then what is contextual integrity, then we will look at privacy policy, privacy policy means quiet amount of time on understanding what privacy policy is, how some of the company's privacy policies are some companies state you may be interacting very regularly, we will look at their privacy policy and see how they do.

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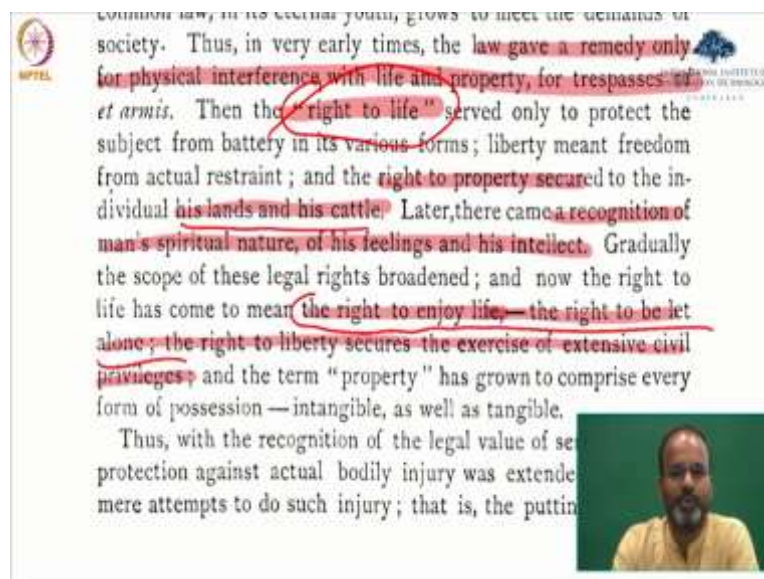
The first one is what we will look at is the right to privacy, this is the work that was done in 1890. This is, I mean, as part of this class is about topic of privacy, this is one of the most important document that you should be doing, this talked about the right to privacy and as I have marked here, we will look at the document itself.

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So, this is written by Samuel Warren and Brandeis, this is very, very popular document, you will generally hear about Warren and Brandeis name in while discussing the topic of privacy.

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So, what did this, this article basically talked about the, meaning raised a lot of questions about the idea of right to privacy, giving the scenarios in that era, showing that how privacy why privacy is needed. So, we will look at some aspects, please again, my role here is to get you excited about some parts of the document, feel free to go read the document as, if you are interested in knowing more details about the article itself.

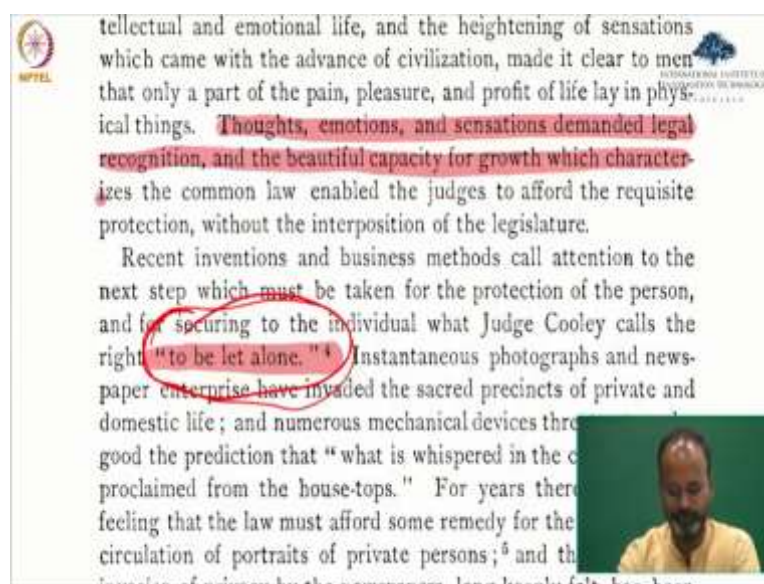
Right to Life. So, this is one of the meaning, I think this right to is also very common now. So, there is GDPR, which is talking about right to be forgotten in 2016-2017 period and the

topic of right to be forgotten has come. So, this is right to life and how it was necessary in those days to be discussing about right to property, his land or his cattle. It is the article, please keep in mind was written in 1890 that is why the context of cattle, all that is coming in and you need, there is one way also to think about privacy as a property right.

So, it is my data, it is my data and who should have access to it, if you have access to it what will I get in return of that access and what benefits do I get because you have access to my data, this if you just think about it, this is just the concept of property which is being used to describe privacy is this one phenomena, one way of describing the content of privacy also, a topic of privacy also.

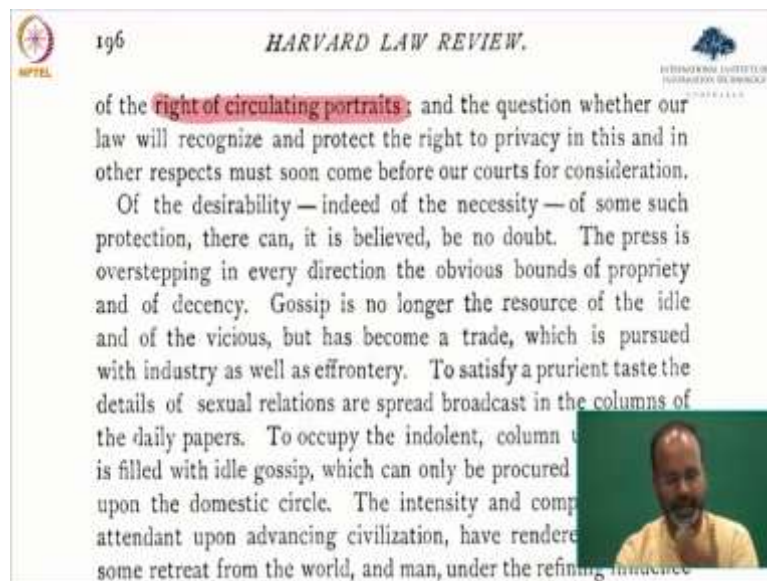
So, if you look at this it says right to be, right to enjoy life, right to be left alone, right to be, right to liberty secure exercise extensive civil privileges. We have talked about let alone if you remember the western's characters that we had created or taxonomy that we had created you would remember the four, five characters that we talked about, solitude, in that also right to be let alone was there, which is I just want to be alone in the topic of privacy, right when I am discussing something when I am wanting to, I do not want to be interacting with anybody else.

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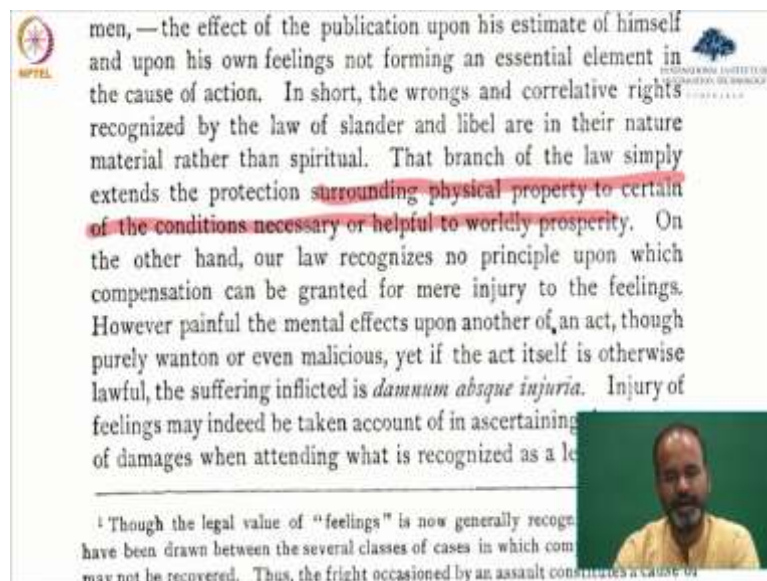
I will get you to some specific to be left alone. So, this is an important aspect of a proposal for this particular article, thoughts, emotions and sensations, the demand or legal recognition and the beautiful capacity for growth which characterises the common laws. I think the idea of common law also is, meaning I am both of them are lawyers. So, they talk about the privacy from the legal point of view.

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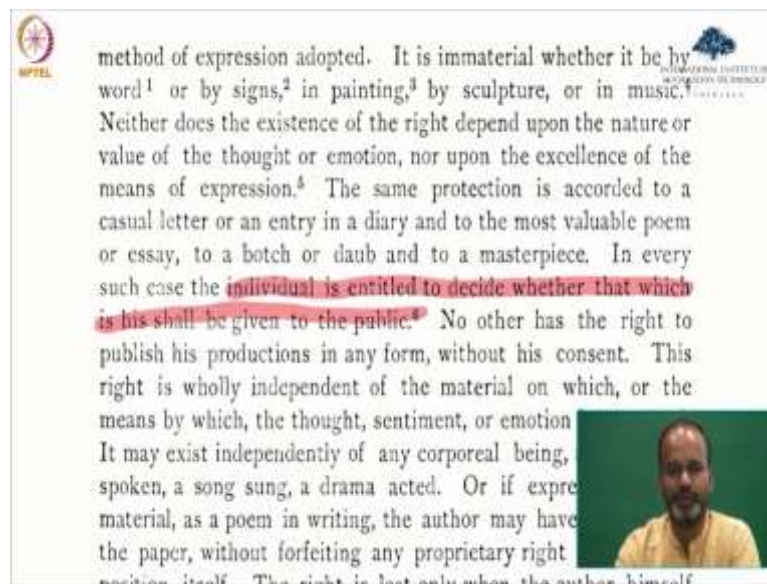
Right of circulating portraits, in emphasising the emphasising the need for the topic of privacy there.

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Surrounding physical property to certain of the conditions necessary or helpful to worldly prosperity. So, again, the necessity of having privacy, what are the benefits of it is being argued here.

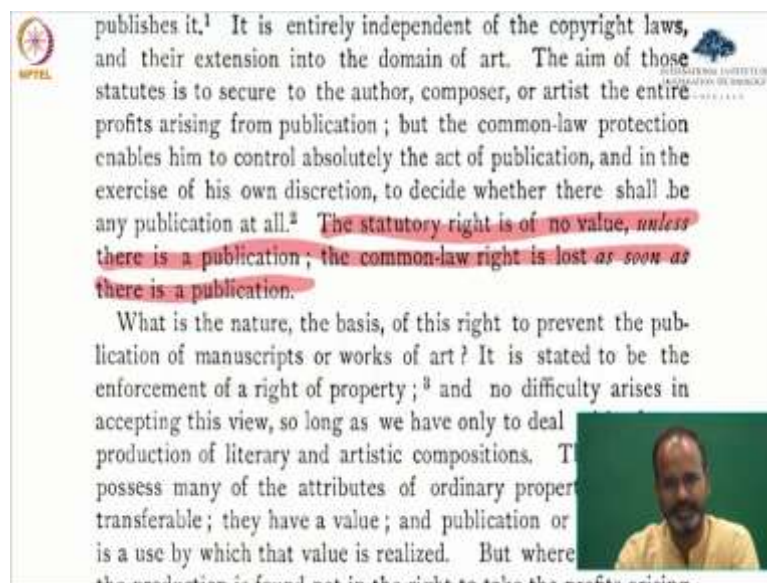
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A slide from an MPTEL presentation. The slide features a logo in the top left corner and a small video inset of a man in a yellow shirt in the bottom right corner. The main text discusses copyright law, stating that the right to publish is independent of the material or means of expression. A key sentence is highlighted in red: "In every such case the individual is entitled to decide whether that which is his shall be given to the public." The text continues to state that no other has the right to publish his productions without his consent.

method of expression adopted. It is immaterial whether it be by word<sup>1</sup> or by signs,<sup>2</sup> in painting,<sup>3</sup> by sculpture, or in music.<sup>4</sup> Neither does the existence of the right depend upon the nature or value of the thought or emotion, nor upon the excellence of the means of expression.<sup>5</sup> The same protection is accorded to a casual letter or an entry in a diary and to the most valuable poem or essay, to a botch or daub and to a masterpiece. In every such case the individual is entitled to decide whether that which is his shall be given to the public.<sup>6</sup> No other has the right to publish his productions in any form, without his consent. This right is wholly independent of the material on which, or the means by which, the thought, sentiment, or emotion may be expressed. It may exist independently of any corporeal being, whether spoken, a song sung, a drama acted. Or if expressed in material, as a poem in writing, the author may have the paper, without forfeiting any proprietary right in the production itself. The right is lost only when the author himself

Individual is entitled to decide whether that which is his shall be given to the public. So, the, in every such case, the individual is entitled. So, the control of information that the users have, user should have is actually mentioned here.

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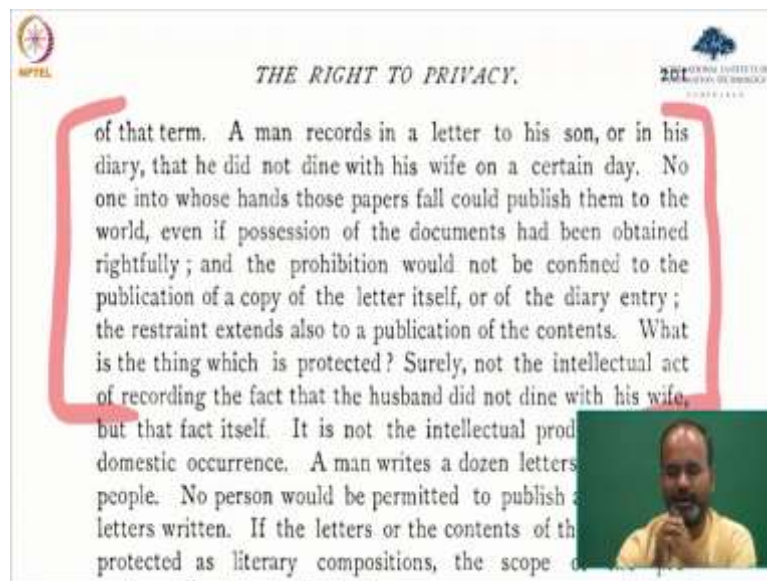
A slide from an MPTEL presentation. The slide features a logo in the top left corner and a small video inset of a man in a yellow shirt in the bottom right corner. The main text discusses the nature of the right to prevent publication. A key sentence is highlighted in red: "The statutory right is of no value, unless there is a publication; the common-law right is lost as soon as there is a publication." The text continues to discuss the nature of this right, stating it is the enforcement of a right of property.

publishes it.<sup>1</sup> It is entirely independent of the copyright laws, and their extension into the domain of art. The aim of those statutes is to secure to the author, composer, or artist the entire profits arising from publication; but the common-law protection enables him to control absolutely the act of publication, and in the exercise of his own discretion, to decide whether there shall be any publication at all.<sup>2</sup> The statutory right is of no value, unless there is a publication; the common-law right is lost as soon as there is a publication.

What is the nature, the basis, of this right to prevent the publication of manuscripts or works of art? It is stated to be the enforcement of a right of property;<sup>3</sup> and no difficulty arises in accepting this view, so long as we have only to deal with the production of literary and artistic compositions. They possess many of the attributes of ordinary property: they are transferable; they have a value; and publication or non-publication is a use by which that value is realized. But where the production is found not in the right to take the profits arising

The statutory right is of no value unless there is a publication, the common law right is lost as soon as there is a publication meaning, I think these are all references to the common law and the legal system in the US at that point.

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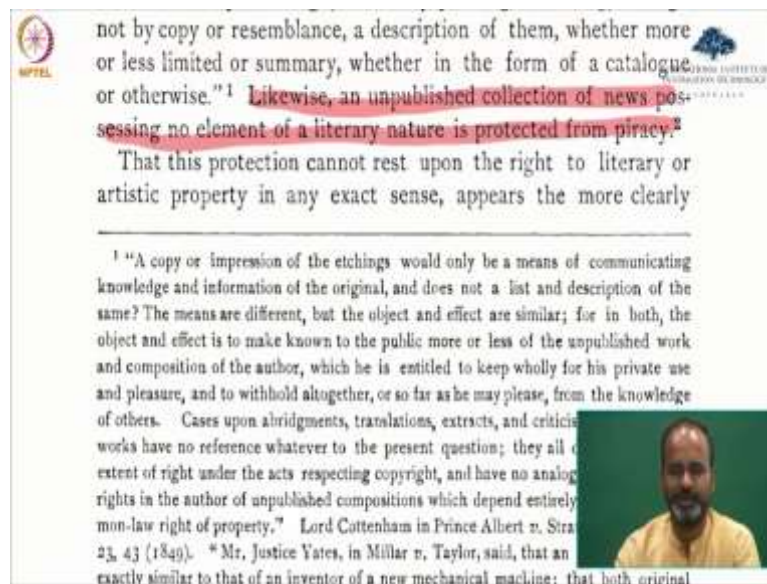


Let us just, meaning I will let you read this, this is again talking about the requirement of privacy a man records in a later, in a letter to his son or his daddy that he did not dine with his wife, on a certain day no one into who, no one into whose hands those papers fall could publish them to the world, again keep the legal background, the document is written in a very legal way, even if positions of the document had been obtained rightfully and the prohibition would not be confined to the publication of a copy of the letter itself or of the diary entry.

So, again, the argument meaning the analogy that you want to keep in mind here, even though it is talked about a man's record of a diary entry, all that, entry and the diary itself, think about it as web access that you have.

You are, you are accessing Netflix and you are basically leaving out saying that trailers of which movies are you watching? Which movies are you rating all of that? Those are, let us take pages and the entries in the diary and your own profile on Netflix itself is the dairy itself. So, I think that is where the argument is which as a user, what control do you have this over this information.

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not by copy or resemblance, a description of them, whether more or less limited or summary, whether in the form of a catalogue or otherwise."<sup>1</sup> Likewise, an unpublished collection of news possessing no element of a literary nature is protected from piracy.<sup>2</sup>

That this protection cannot rest upon the right to literary or artistic property in any exact sense, appears the more clearly

<sup>1</sup> "A copy or impression of the etchings would only be a means of communicating knowledge and information of the original, and does not a list and description of the same? The means are different, but the object and effect are similar; for in both, the object and effect is to make known to the public more or less of the unpublished work and composition of the author, which he is entitled to keep wholly for his private use and pleasure, and to withhold altogether, or so far as he may please, from the knowledge of others. Cases upon abridgments, translations, extracts, and criticisms of literary works have no reference whatever to the present question; they all depend on the extent of right under the acts respecting copyright, and have no analogy to the rights in the author of unpublished compositions which depend entirely on the common-law right of property." Lord Cottenham in *Prince Albert v. Strange*, 11 Cl. & F. 453 (1849). \*Mr. Justice Yates, in *Millar v. Taylor*, said, that an invention is "exactly similar to that of an inventor of a new mechanical machine: that both original

Unpublished collection of news, positions, no element of literally nature is protected from piracy. Again, piracy is by itself a separate topic, where copies of it being used meaning I am sure you understand privacy, piracy of movies, new movies shows up and very quickly, many copies of the movies are online and the creators worth is actually lost when you start doing piracy. So, I let you go through this document, but the idea is that this was one of the documents, which argued the right to privacy is the concept.

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<https://www.cs.cornell.edu/~shmat/courses/cs5436/warren-brandeis.pdf>

PRIVACY AS CONTEXTUAL INTEGRITY

Susan Westin

Abstract: The practice of public surveillance, which entails the monitoring of individuals in public through a variety of means (e.g., video, data, without us seeing the face) has become a central and controversial challenge to privacy in an age of information technology. The legitimate needs of privacy police in the United States reflect not only the sophisticated goals of disease control, terrorism, and other national security, but also the sophisticated needs of modern phenomena such as digital health, educational technology, and biometrics. This Article, which builds on earlier work on the problem of privacy in public, explores why some of the pervasive surveillance practices in public, which have developed over time to meet traditional privacy challenges, still maintain their constitutionally-protected status. It asks a new question, "contextual integrity," as an alternative benchmark for privacy, to explore the nature of challenges posed by information technologies. Contextual integrity, the relative protection for privacy in some of specific contexts, demands that information gathering and dissemination be appropriate to that context and that the governing norms of distribution within it. Building on the idea of "sphere of privacy," developed by political philosopher Walter Dill Scott, this Article argues that public surveillance violates a right to privacy because it violates contextual integrity, as well, by violating broader societal norms.

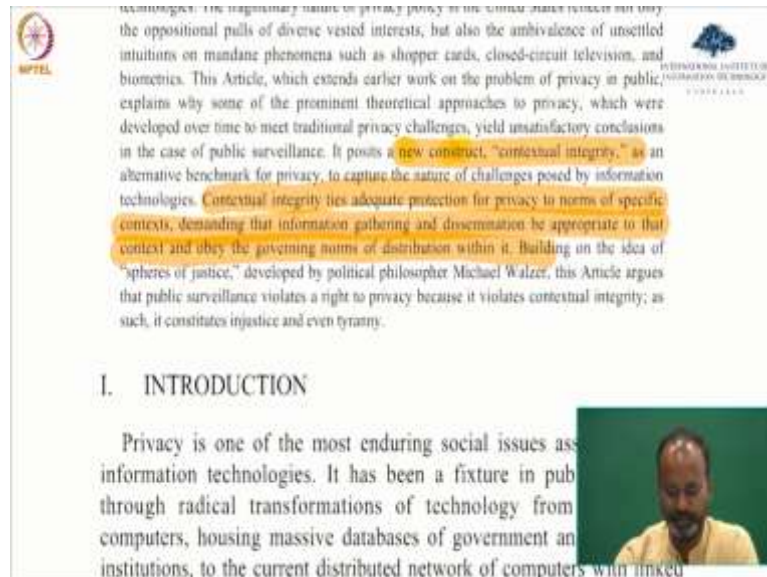
I. INTRODUCTION

Privacy is one of the most enduring social issues associated with

So, here is another idea. So, I think this idea, so what is the context of these content. The first week we saw about definitions of privacy. So, there are meaning broadly if you see there are very high level, Alan Westin's definition, Warren Brand is looked at what privacy is, then

there is this contextual integrity which came, which is what we are going to be talking about right now. Contextual integrity is an idea by which you can think of how privacy can be provided, how privacy can be protected.

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technologies. The fragility of privacy in the current state reflects not only the oppositional pulls of diverse vested interests, but also the ambivalence of unsettled intuitions on mundane phenomena such as shopper cards, closed-circuit television, and biometrics. This Article, which extends earlier work on the problem of privacy in public, explains why some of the prominent theoretical approaches to privacy, which were developed over time to meet traditional privacy challenges, yield unsatisfactory conclusions in the case of public surveillance. It posits a new construct, "contextual integrity," as an alternative benchmark for privacy, to capture the nature of challenges posed by information technologies. Contextual integrity ties adequate protection for privacy to norms of specific contexts, demanding that information gathering and dissemination be appropriate to that context and obey the governing norms of distribution within it. Building on the idea of "spheres of justice," developed by political philosopher Michael Walzer, this Article argues that public surveillance violates a right to privacy because it violates contextual integrity; as such, it constitutes injustice and even tyranny.

### I. INTRODUCTION

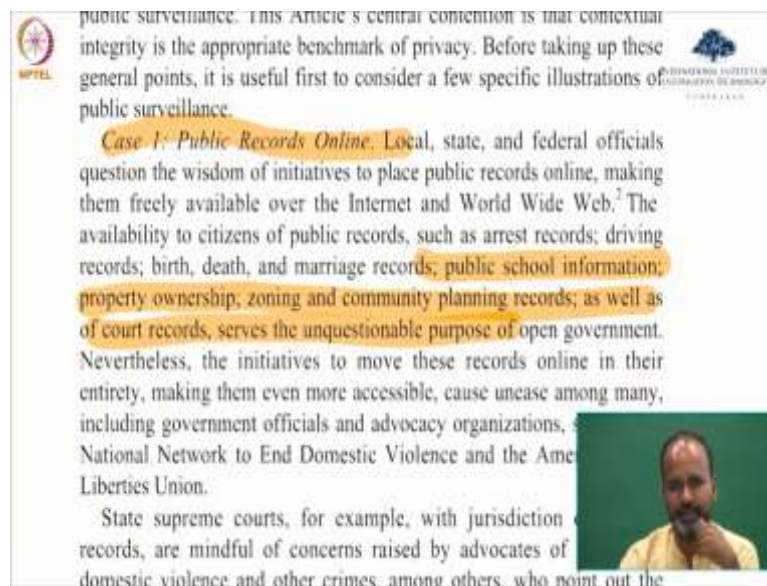
Privacy is one of the most enduring social issues as information technologies. It has been a fixture in public life through radical transformations of technology from mainframe computers, housing massive databases of government and academic institutions, to the current distributed network of computers with linked

So, until now, the way we thought about privacy, we talked about control of information, even just now I mentioned about Netflix, you are browsing and probably you are going to a mall somebody is taking a picture all that, in general if you see we never talked about what context is that picture being taken, what context is that information being used? That is what this article is arguing about Helens work.

So, here is a contextual Integrity buys adequate protection for privacy to norms of specific context, demanding that information gathering and dissemination be appropriate to that context to obey the governing norms of distribution within it. So, the even if you go back and think about the definitions of privacy that we talked about, control of information, but control of information, what context, what context information is collected, what context information is being used, that is the primary argument of this idea called contextual integrity.




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public surveillance. This Article's central contention is that contextual integrity is the appropriate benchmark of privacy. Before taking up these general points, it is useful first to consider a few specific illustrations of public surveillance.

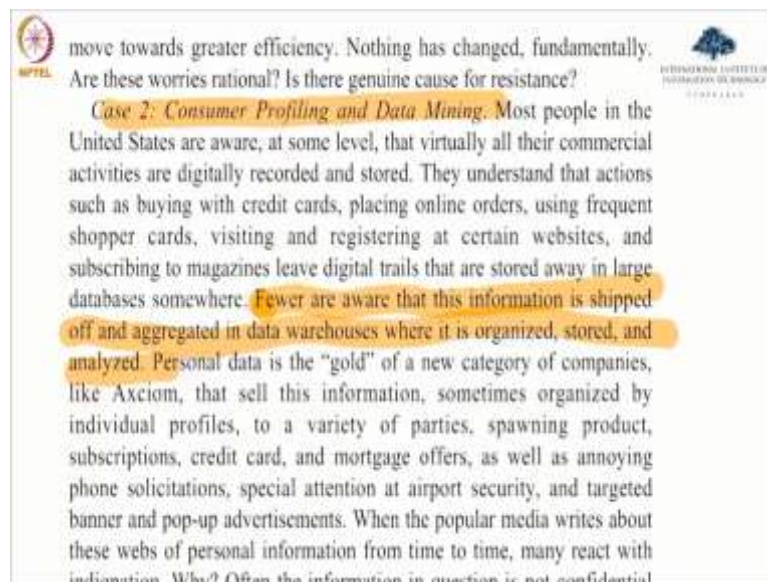
*Case 1: Public Records Online.* Local, state, and federal officials question the wisdom of initiatives to place public records online, making them freely available over the Internet and World Wide Web.<sup>7</sup> The availability to citizens of public records, such as arrest records; driving records; birth, death, and marriage records; public school information; property ownership; zoning and community planning records; as well as court records, serves the unquestionable purpose of open government. Nevertheless, the initiatives to move these records online in their entirety, making them even more accessible, cause unease among many, including government officials and advocacy organizations, such as the National Network to End Domestic Violence and the American Liberties Union.

State supreme courts, for example, with jurisdiction over public records, are mindful of concerns raised by advocates of domestic violence and other crimes, among others, who point out the



So, yes, this actually talks about multiple context as an example. So, public records online. This talks about all the public records like public school information, property ownership, all of this and it talks about what is the need for collecting this information, how this information is to be kept all that.

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move towards greater efficiency. Nothing has changed, fundamentally. Are these worries rational? Is there genuine cause for resistance?

*Case 2: Consumer Profiling and Data Mining.* Most people in the United States are aware, at some level, that virtually all their commercial activities are digitally recorded and stored. They understand that actions such as buying with credit cards, placing online orders, using frequent shopper cards, visiting and registering at certain websites, and subscribing to magazines leave digital trails that are stored away in large databases somewhere. Fewer are aware that this information is shipped off and aggregated in data warehouses where it is organized, stored, and analyzed. Personal data is the "gold" of a new category of companies, like Axiom, that sell this information, sometimes organized by individual profiles, to a variety of parties, spawning product, subscriptions, credit card, and mortgage offers, as well as annoying phone solicitations, special attention at airport security, and targeted banner and pop-up advertisements. When the popular media writes about these webs of personal information from time to time, many react with indignation. Why? Often the information in question is not confidential

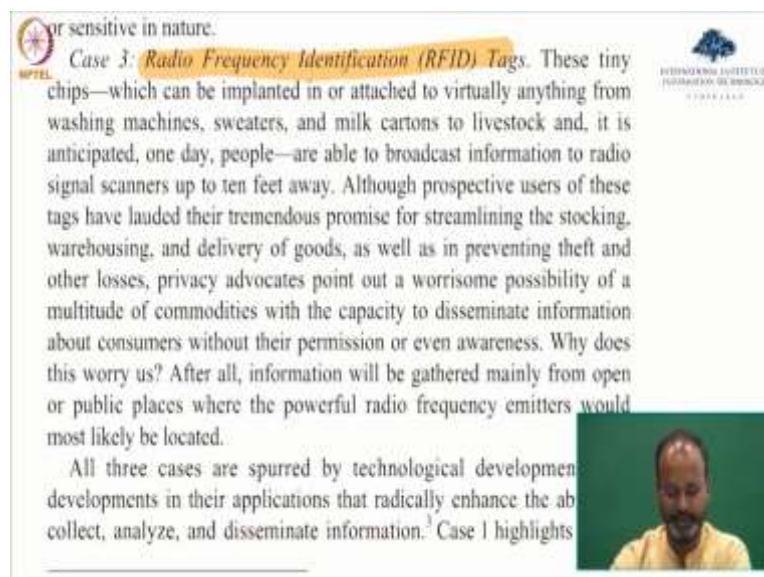
Second, second context is consumer profiling and data mining, which I think all of us agree, all of us understand pretty well profiling, meaning Netflix knowing what your preferences are Amazon, knowing what your preferences are, fewer are aware that this information is shipped off and aggregated in data warehouses, where it is organised, stored and analysed.

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I think, I think at this point, this article was written I think, in 2004. But now, I think we understanding of this data being collected, analysed and stored is probably much more well known.

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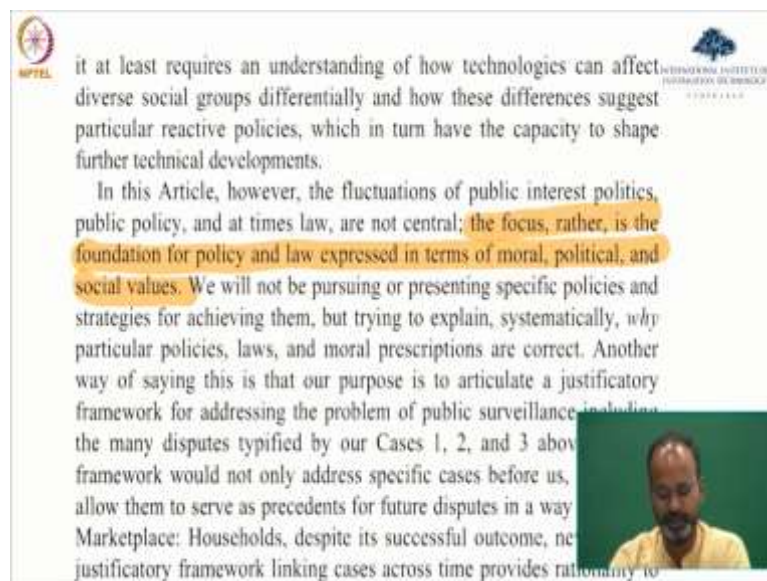


The third context is radio frequency identification shortly called as RFID tags, primarily driven for doing production making knowing, where the products are in the production line and keeping track of stocks in particular store RFID can be very, very useful, my kurta has a RFID tag, which can actually tell when the purchase was made, when from the time of production till the time of sale, you can actually track by having this RFID tag, which is

basically sending out some signals, receivers are collecting the information about where the product is.

So, is it still in the production state, is it still in transit from production to let us take retail is it from the shop, which part of the shop it is kept and how long the product. So, you can also understand about when the product came into the shop and how long is it taking for it to be actually being sold, that is radiofrequency ID, RFID tags.

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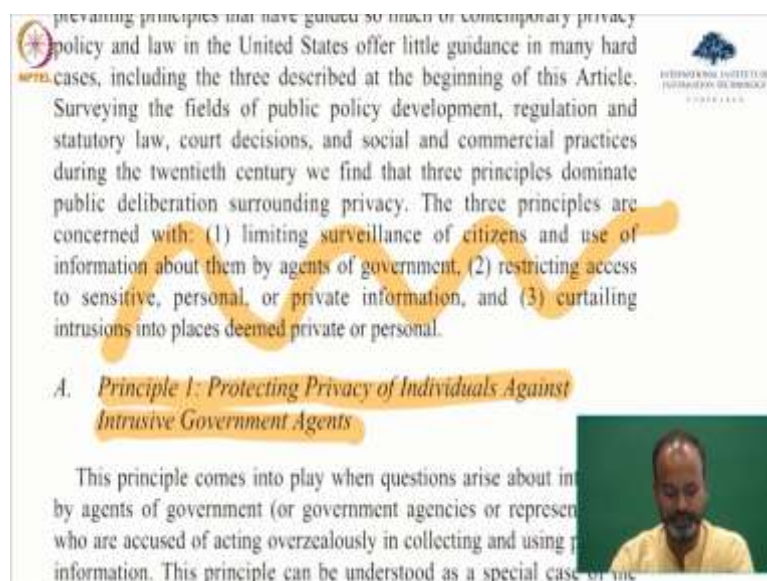
it at least requires an understanding of how technologies can affect diverse social groups differentially and how these differences suggest particular reactive policies, which in turn have the capacity to shape further technical developments.

In this Article, however, the fluctuations of public interest politics, public policy, and at times law, are not central; the focus, rather, is the foundation for policy and law expressed in terms of moral, political, and social values. We will not be pursuing or presenting specific policies and strategies for achieving them, but trying to explain, systematically, why particular policies, laws, and moral prescriptions are correct. Another way of saying this is that our purpose is to articulate a justificatory framework for addressing the problem of public surveillance including the many disputes typified by our Cases 1, 2, and 3 above. This framework would not only address specific cases before us, allow them to serve as precedents for future disputes in a way Marketplace: Households, despite its successful outcome, no justificatory framework linking cases across time provides rationality to

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In this article, our the fluctuations of public interest politics, public policy and at times law are not central. The focus rather is the foundation of for policy and law expressed in terms of moral, political and social values. The main crux of what the argument for the article is.

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prevailing principles that have guided so much of contemporary privacy policy and law in the United States offer little guidance in many hard cases, including the three described at the beginning of this Article. Surveying the fields of public policy development, regulation and statutory law, court decisions, and social and commercial practices during the twentieth century we find that three principles dominate public deliberation surrounding privacy. The three principles are concerned with: (1) limiting surveillance of citizens and use of information about them by agents of government, (2) restricting access to sensitive, personal, or private information, and (3) curtailing intrusions into places deemed private or personal.

A. *Principle 1: Protecting Privacy of Individuals Against Intrusive Government Agents*

This principle comes into play when questions arise about information collected by agents of government (or government agencies or representatives) who are accused of acting overzealously in collecting and using personal information. This principle can be understood as a special case of the

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Some of the three principles concerned in limiting surveillance of citizens and use of information about them by agents of government, restricting access to sensitive personal or private information and curtailing instructions into places deemed private or personal.

So, these are the principles that are concerned with in terms of the principles that the article is talking about protecting privacy of individuals against intrusive government agents. I think we talked, I think first we talked briefly mentioned about government having access to information all that.

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Washington Law Review Vol. 79:xxx, 2004

In the United States, the Constitution and Bill of Rights<sup>20</sup> provide what is probably the most significant source of principles defining limits to the powers of federal government in relation to the liberty and autonomy of individuals and individual states. They also serve as a powerful reference point for privacy protection. Although, as commonly noted, the U.S. Constitution does not explicitly use the term "privacy," many legal experts agree that various aspects of privacy are, in fact, defended against government action through several of the amendments, including the First (speech, religion, and association), Third (quartering soldiers), Fourth (search and seizure), Fifth (self-incrimination), Ninth (general liberties), and even the Fourteenth (personal liberty action) Amendments. The U.S. Constitution, as we know other tracts, including English common law and works of political philosophers that have contributed fundamentally the powers and limits of governments in democratic societies not only in the United States, but in the laws and political institutions of

Constitution and Bill of Rights provide what is probably the most significant source of principles defining limits, by which the information about the citizen can be collected, can be used. Examples of the production that the citizens get is First Amendment, first, third, fourth, fifth, ninth, and fourteenth amendment with the examples that is given which is speech. Soldiers search and seizure self-incrimination and personal liberty versus state action amendments. So, that is the amendments that are available for protection of privacy for US citizens.

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The slide features the MITEL logo in the top left and the title 'Privacy as Contextual Integrity' in the top right, accompanied by a small tree icon and the text 'INTERNATIONAL INSTITUTE FOR INFORMATION QUALITY'. A handwritten 'RBAC' in red is written across the top. The main text discusses a 1965 proposal for a Federal Data Center and the Privacy Act of 1974. A yellow highlight is under the sentence: 'which placed significant limits on the uses to which agencies of federal government could put the databases of personal information.' A small video inset in the bottom right shows a man speaking.

proposal in 1965 by the Social Science Research Council to create a Federal Data Center to coordinate centrally the use of government statistical information.<sup>23</sup> This culminated in the Privacy Act of 1974,<sup>24</sup> which placed significant limits on the uses to which agencies of federal government could put the databases of personal information.<sup>25</sup> Many other statutes followed that placed specific restrictions on government agents in their collection and use of personal information.<sup>26</sup>

For purposes of our discussion, more relevant than the specific details about legal restrictions on government agents is the general source of momentum behind these restrictions, in particular, a political commitment to limited government powers in the name of individual autonomy and liberty. To the extent that protecting privacy from government intrusion can be portrayed as an insurance policy against the emergence of totalitarianism, the rhetoric of limiting government power can be parlayed into protection of privacy. During the 1950s until the

Privacy Act of 1974. I think these are, so probably later in the course. We will talk about just the legal aspects different laws across different worlds. But for now Privacy Act of 1974, significant limits of use of wench agencies, the federal government could put databases of personal information, which is it gives protection of who can get a, it gives protection for how much of information can be collected? Who gets access to what information, at what level should we be getting.

Federal agencies mean, does everybody in the federal agency get access to all the information of every citizen in the country or is there some kind of grades, is there some kind of restriction on the role, which also talks about, which also can be connected to role based access control of information, who gets access to what information depending on the roles that apply?

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Seminal 1973 report on the impacts of computerized record-keeping on individuals, organizations, and society as a whole.<sup>29</sup> The report emphasized this concern for balancing power, and for limiting the power of state and large institutions over individuals by warning that “the net effect of computerization is that it is becoming much easier for record-keeping systems to affect people than for people to affect record-keeping systems.”<sup>30</sup> Further, “[a]lthough there is nothing inherently unfair in trading some measure of privacy for a benefit, both parties to the exchange should participate in setting the terms.” The lasting legacy of the report and its Code of Fair Information Practices is the need to protect privacy, at least in part, as one powerful mechanism for leveling the playing field in a game where participants have unequal starting positions.

**B. Principle 2: Restricting Access to Intimate, Sensitive, or Confidential Information**

This principle does not focus on who the agent of intrusion is but on

*How to measure?*

Another line here is further although there is nothing inherently unfair in trading some measure of privacy for a benefit, both parties to exchange should participate in setting the terms, since again, both parties here talking about the government and user or the Amazon and the customer. All of that.

One thing to keep in mind is that, one thing to keep in mind and one thing is even hard is actually how to measure the benefit, benefit of information being collected, benefit of using that information and benefit of what is that the I mean as a consumer I really, do not know what benefit that Amazon is getting because of collecting the information about my recommendations.

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the report and its Code of Fair Information Practices is the need to protect privacy, at least in part, as one powerful mechanism for leveling the playing field in a game where participants have unequal starting positions.


**B. Principle 2: Restricting Access to Intimate, Sensitive, or Confidential Information**

This principle does not focus on who the agent of intrusion is but on the nature of information collected or disseminated—protecting privacy when information in question meets societal standards of intimacy, sensitivity, or confidentiality. Capturing the notion that people are entitled to their secrets, this principle finds robust support in scholarship developed from a variety of disciplinary perspectives, is well entrenched in practical arenas of policy and law, and is frequently raised in privacy deliberations in public or popular arenas. Several prominent philosophical and other theoretical works on privacy hold the degree of sensitivity of information to be the key factor in determining whether a privacy violation has occurred or not. These works seek to refine the

Restricting access to intimate, sensitive or confidential information. In some of these are self-explanatory, this is basically talking about who gets access to what information but particularly looking at sensitive and confidential information.

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individual.””

C. **Principle 3: Curtailing Intrusions into Spaces or Spheres Deemed Private or Personal**

Behind this principle is the simple and ages-old idea of the sanctity of certain spaces or, more abstractly, places.<sup>33</sup> For example, “a man’s home

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<sup>32</sup> See, e.g., RAYMOND WACKS, *PERSONAL INFORMATION: PRIVACY AND THE LAW* (1989) (devoted almost entirely to establishing the foundational definition of “sensitive information”); Charles Fried, *Privacy*, 77 *YALE L.J.* 475 (1968) (arguing for protection of a socially determined kernel of sensitive information); Tom Gerety, *Reshaping Privacy*, 12 *HARV. C.R.-C.L. L. REV.* 233 (1977) (limiting privacy rights to information that is sensitive); William Parent, *Privacy, Morality, and the Law*, 12 *PHIL. & PUB. AFF.* 269 (1983).

<sup>33</sup> 20 U.S.C. § 1232(g) (2000).

<sup>34</sup> 12 U.S.C. §§ 3401–3422.

<sup>35</sup> 18 U.S.C. § 2710.

<sup>36</sup> 42 U.S.C. §§ 1320a–1320a-8.

<sup>37</sup> William L. Prosser, *Privacy*, 48 *CAL. L. REV.* 383, 389 (1960).



<sup>38</sup> Warren & Brandeis, *same note 4*, at 716.



Curtailing intrusions into spaces or spheres deem private or personal. Again, this is also self-explanatory who should get access to what space, so the arguments that the article is continuing to make is that look, privacy cannot be defined the principles that we saw, OECD principles, FTC principles all of that. And generally the definition of privacy itself cannot be universal, has to be kept in particular context.

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constitute a violation and not merely a practice that some people dislike will remain unconvinced.


III. CONTEXTUAL INTEGRITY

Highlighting two features of the three-principle framework helps to convey what lies behind the idea of contextual integrity. One is that it is posed as a universal account of what does and does not warrant restrictive, privacy-motivated measures. That is, as a conceptual framework, it is not conditioned on dimensions of time, location, and so forth.<sup>65</sup> Another is that it expresses a right to privacy in terms of

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<sup>65</sup> Peter Slevin, *Police Video Cameras Taped Football Fans*, *WASH. POST*, Feb. 1, 2014, at A1.

<sup>66</sup> It might still admit of variability in that the categories of sensitive and non-sensitive information, for example, could vary across, say, cultures, historical periods, and places.



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One is that it is posed as an universal, exactly universal account of what does and what does not warrant restrictive privacy motivated measures that is, as a conceptual framework, it is not conditioned on dimensions of time, location and so forth. That is the definition of privacy that has been looked at.

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The slide is titled "Privacy as Contextual Integrity" and features the logos of NPTEL and PESU. The text on the slide discusses dichotomies such as sensitive and non-sensitive, private and public, and discusses the concept of contextual integrity. A video inset in the bottom right corner shows a man in a yellow shirt speaking.

Another is that it expresses a right to privacy in terms of dichotomies sensitive and non-sensitive. So, if you just look at it until now, also, we have been talking about just the definition of privacy, just being binary, sensitive or non-sensitive, private or public, government and private. So, that is, that is probably not the best way of describing what the privacy is.

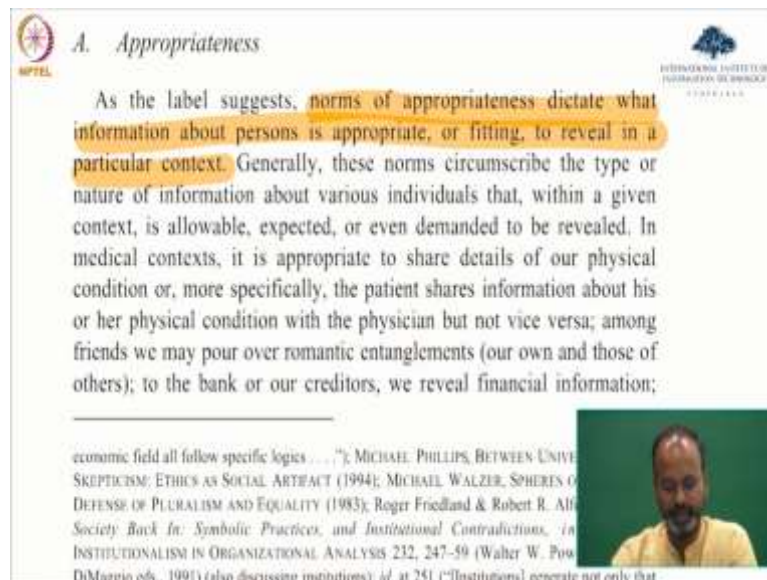
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The slide contains text explaining that norms determine and govern key aspects such as roles, expectations, behaviors, and limits. It lists sources of contextual norms like history, culture, law, and convention. It then posits two types of informational norms: norms of appropriateness and norms of flow or distribution. It states that contextual integrity is maintained when both types of norms are upheld and violated when either is violated. The central thesis is that the benchmark of privacy is contextual integrity. A video inset in the bottom right corner shows the same man in a yellow shirt speaking.



Two norms are proposed in this article, which are norms of appropriateness and norms of flow of distribution. I will just show you what it means briefly. But these are two expectations of contextual integrity definition. Contextual integrity is maintained when both types of norms are upheld, which is followed and it is violated when either of the norms is violated.

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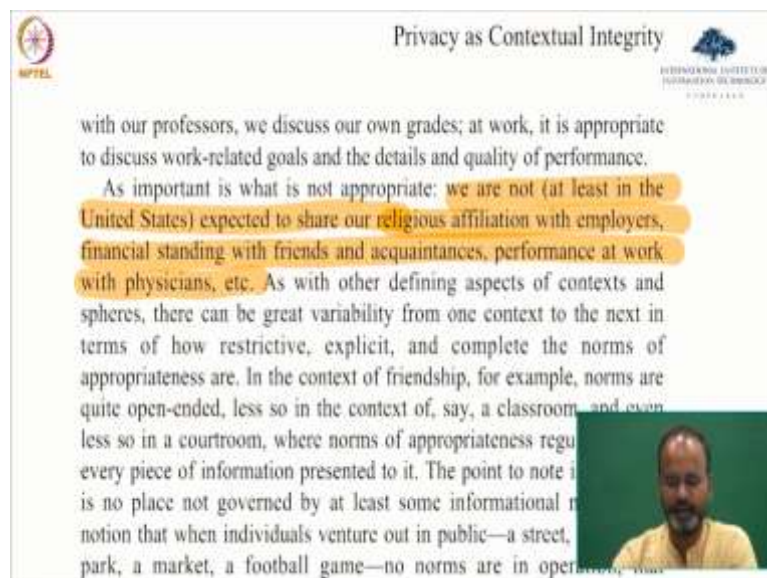
**A. Appropriateness**

As the label suggests, norms of appropriateness dictate what information about persons is appropriate, or fitting, to reveal in a particular context. Generally, these norms circumscribe the type or nature of information about various individuals that, within a given context, is allowable, expected, or even demanded to be revealed. In medical contexts, it is appropriate to share details of our physical condition or, more specifically, the patient shares information about his or her physical condition with the physician but not vice versa; among friends we may pour over romantic entanglements (our own and those of others); to the bank or our creditors, we reveal financial information;

economic field all follow specific logics ..."; MICHAEL PHILLIPS, BETWEEN UNIVERSE AND SKEPTICISM: ETHICS AS SOCIAL ARTEFACT (1994); MICHAEL WALZER, SPHERES OF JUSTICE: A DEFENSE OF PLURALISM AND EQUALITY (1983); Roger Friedland & Robert R. Alford, *Society Back In: Symbolic Practices, and Institutional Contradictions*, in *INSTITUTIONALISM IN ORGANIZATIONAL ANALYSIS* 232, 247-59 (Walter W. Powell & DiMaggio eds., 1991) (also discussing institutions), *id.* at 251 ("[Institutions] generate not only that

Appropriateness, norms of appropriateness dictate that information about person is appropriate or fitting to reveal in the particular context. So, appropriate information that is provided in a given context again.

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**Privacy as Contextual Integrity**

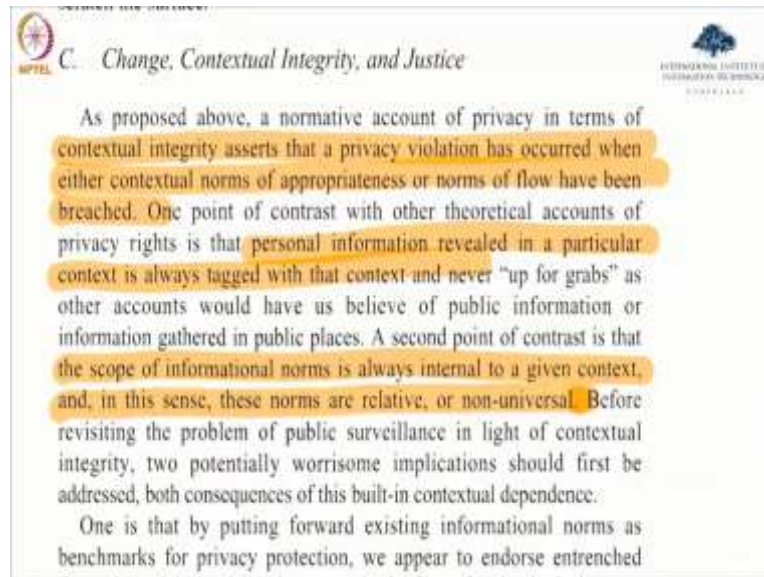
with our professors, we discuss our own grades; at work, it is appropriate to discuss work-related goals and the details and quality of performance.

As important is what is not appropriate: we are not (at least in the United States) expected to share our religious affiliation with employers, financial standing with friends and acquaintances, performance at work with physicians, etc. As with other defining aspects of contexts and spheres, there can be great variability from one context to the next in terms of how restrictive, explicit, and complete the norms of appropriateness are. In the context of friendship, for example, norms are quite open-ended, less so in the context of, say, a classroom, and even less so in a courtroom, where norms of appropriateness regulate every piece of information presented to it. The point to note is that there is no place not governed by at least some informational norms. The notion that when individuals venture out in public—a street, a park, a market, a football game—no norms are in operation is

As important is what is not appropriate, we are not expected to share our religious affiliations with employers, financial standing with friends and acquaintances, financial standing with

friends and acquaintances, performance at work with physicians, etc. So, this is expectations or appropriateness that is defined here. Generally, you are not expected to share all this information is what mentioned here.

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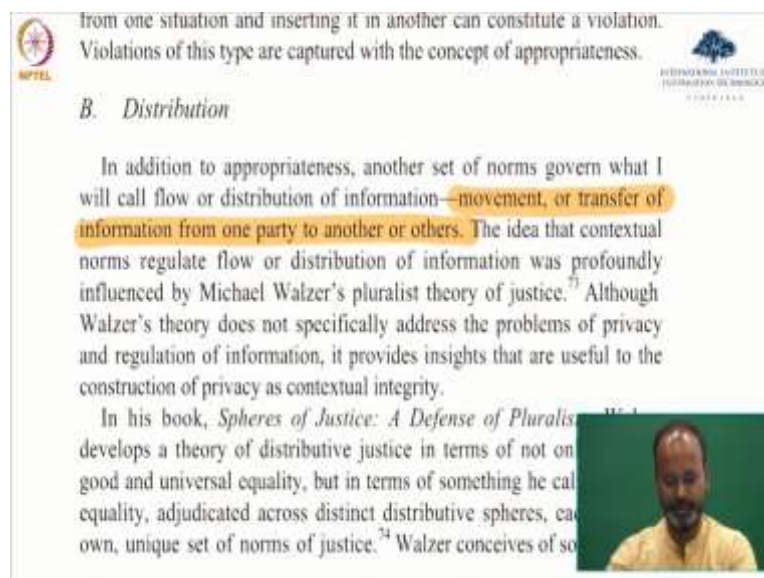
**C. Change, Contextual Integrity, and Justice**

As proposed above, a normative account of privacy in terms of contextual integrity asserts that a privacy violation has occurred when either contextual norms of appropriateness or norms of flow have been breached. One point of contrast with other theoretical accounts of privacy rights is that personal information revealed in a particular context is always tagged with that context and never “up for grabs” as other accounts would have us believe of public information or information gathered in public places. A second point of contrast is that the scope of informational norms is always internal to a given context, and, in this sense, these norms are relative, or non-universal. Before revisiting the problem of public surveillance in light of contextual integrity, two potentially worrisome implications should first be addressed, both consequences of this built-in contextual dependence:

One is that by putting forward existing informational norms as benchmarks for privacy protection, we appear to endorse entrenched

So, this next one is, so this is about contextual integrity and justice. This is later part of the article which is talking about contextual integrity assert set of privacy violation has occurred when either contextual norms of appropriateness or norms of flow are being breached. So, we should look at actually the flow part also.

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from one situation and inserting it in another can constitute a violation. Violations of this type are captured with the concept of appropriateness.

**B. Distribution**

In addition to appropriateness, another set of norms govern what I will call flow or distribution of information—movement, or transfer of information from one party to another or others. The idea that contextual norms regulate flow or distribution of information was profoundly influenced by Michael Walzer’s pluralist theory of justice.<sup>73</sup> Although Walzer’s theory does not specifically address the problems of privacy and regulation of information, it provides insights that are useful to the construction of privacy as contextual integrity.

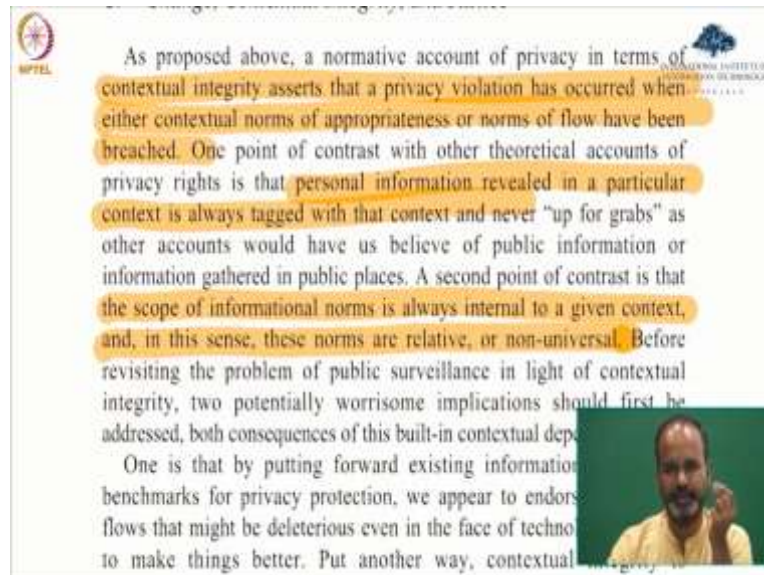
In his book, *Spheres of Justice: A Defense of Pluralism*, Walzer develops a theory of distributive justice in terms of not one good and universal equality, but in terms of something he calls equality, adjudicated across distinct distributive spheres, each with its own, unique set of norms of justice.<sup>74</sup> Walzer conceives of so



So, the flow part is here it is mentioned as distribution, movement or transfer of information from one party to other is the flow. So, the definition again it says, appropriateness and flow,

if both are maintained contextual integrity is provided, if any one of them is not upheld or followed, contextual integrity is broken.

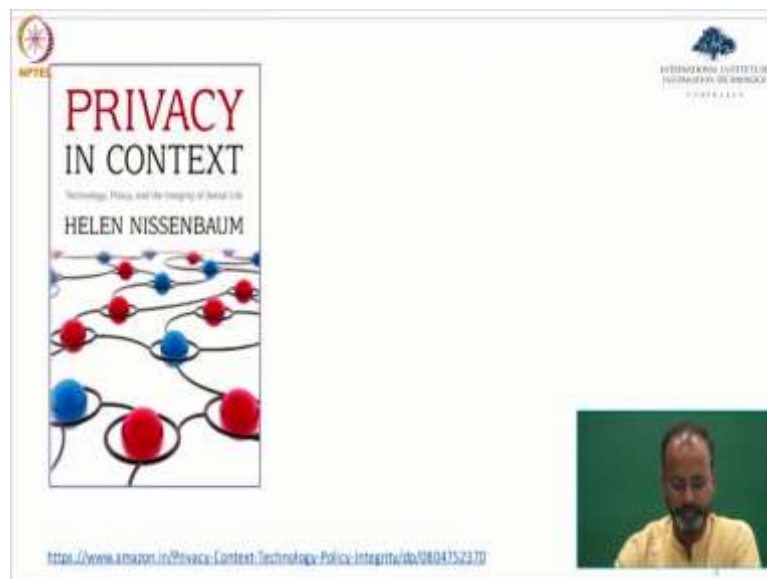
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One point of contrast with other theoretical accounts of privacy rights is that personal information revealed in a particular context is always tagged with that context and never up for grabs. So, which is information that is collected in a particular context stays in that context, it cannot be given away, the context cannot be removed and the information can be used for in other context also, a picture being taken in a mall, information that is collected for you for giving you some service in a mall cannot be used for some other context, the conditions has to be maintained in that particular context.

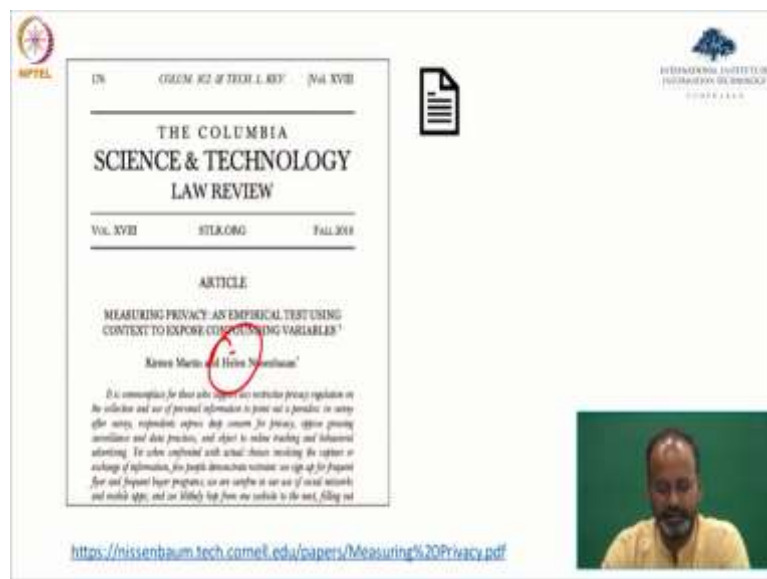
So, that is the article again, the article is pretty long, which is a 39 pages, I will let you take a look at it at your leisure, feel free to actually ask questions. If you are reading the article, we can actually go through I can discuss it, if you have any particular specific questions from the article separately also. But the idea for me to show this is to give you a sense of another definition of what privacy is.

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This is also a book privacy in context linked to the book is here, again, feel free to take a look at it.

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So, until now we actually saw about meaning last week one we saw about definitions of privacy, particularly also looking at Allen Weston's (22:21) all that. This article is, meaning I will let you go again, take a look at the article but this article argues that why that measurements are not actually appropriate. Such measurements may not be appropriate, because the questions do not have enough context and it again, same author for the contextual integrity.

So, talking about how the measurements done through Allen Weston's and few studies, all of that is very restrictive is the argument this article makes, quickly here is the article, but I will go through it quickly on this again.

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People care about and value privacy—privacy defined as respecting the appropriate norms of information flow for a given context. When respondents are given a chance to offer more fine-grained judgments about specific information-sharing situations, their judgments are quite nuanced. This is problematic since public policy relies on survey measurements of privacy concern—such as Alan Weston's measurement of individuals as privacy "pragmatists" or "unconcerned"—to drive privacy regulations. Specifically, Weston's categories give credence to the regulation of privacy based by Fair Information Practice Principles (FIPPs), which relies heavily on covering individuals' values and choices.

We examine two historically influential measurements of privacy that have shaped discussion about public issues and universities as well as health regulations, and policies (1) survey of individuals' views on sensitive information and (2) Alan Weston's privacy categorization of individuals as pragmatists, unconcerned, and concerned.

In order to isolating key components in these two survey systems, we used contextual elements to identify important contextual elements driving privacy expectations. A sample of 569 respondents rated how a series of vignettes, in which contextual elements of data recipient and data use had been systematically varied, met their privacy expectations.

We find that how well sensitive information meets privacy expectations is highly dependent on these contextual elements. Second, Weston's privacy categories proved relatively unimportant in relation to contextual elements driving privacy judgments. Even privacy "unconcerned" respondents rated the vignettes as not meeting privacy expectations on average, and respondents across categories a common reason of what constituted a privacy violation.

This study has important implications for public policy and research. For

The main argument about this article is that, surveys that are been done by Alan Weston and few studies are restrictive and it is not I mean the results may not be when useful in many different contexts is the articles are given defining the different context, sensitive information collected, so, this is.

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Table 1: Sensitive Information See also Olan

Public Policy	Scholarship	Practice
<ul style="list-style-type: none"> <li>Health: Health Insurance Portability and Accountability Act,</li> <li>Financial: Gramm Leach-Bliley Act,</li> <li>Video rentals: Video Privacy Protection Act,</li> <li>Individual's photograph, SSN, medical/disability info: Driver's Privacy Protection Act,</li> <li>Cable subscriptions: Cable</li> </ul>	<ul style="list-style-type: none"> <li>Malhotra et al<sup>20</sup> include medical and financial (sensitive) versus lifestyle characteristics and shopping/purchasing habits,</li> <li>For John et al<sup>21</sup> food preferences are inherently less sensitive than information about sexual preferences which allows the authors to compare the disclosure of "sensitive" versus</li> </ul>	<ul style="list-style-type: none"> <li>NAI defines it as "information about past, present, or potential future health or medical conditions or treatments, including genetic, genomic, and family medical history"</li> <li>DAA defines it as "pharmaceutical prescriptions, or medical records about a specific individual".</li> <li>Facebook is not allowed to target ads based on "disability or medical condition (including</li> </ul>

So, this article also shows that the privacy has been studied and even others have actually argued that why the context for collecting this information by Alan Weston is actually very

important. So, this is researchers work we are just looking at different parts of privacy, how privacy has been studied in different contexts.

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<ul style="list-style-type: none"> <li>• 'Personal' info about children (name, address, phone number, SSN): Children's Online Privacy Protection Act.</li> </ul>	Acquisti and Gross <sup>21</sup> , Norberg et al <sup>22</sup> .	
<ul style="list-style-type: none"> <li>• Education Records: Family Educational Rights and Privacy Act.</li> </ul>		

*B. Westin's Categories: Privacy Paparazzi*

Alan Westin's vast contribution to privacy in research and public policy cannot be overstated, including many of his accounts of privacy in terms of human freedom and autonomy.<sup>23</sup> In addition

So, here is a, here is another one that will come up which is children Online Privacy Protection Act, which is called COPPA and another Act which this helps actually children, protects children. This one is about educational records. This protects the family from getting access to let us take your grades, unless you give consent to your family for them to get access to your grades in simple terms.

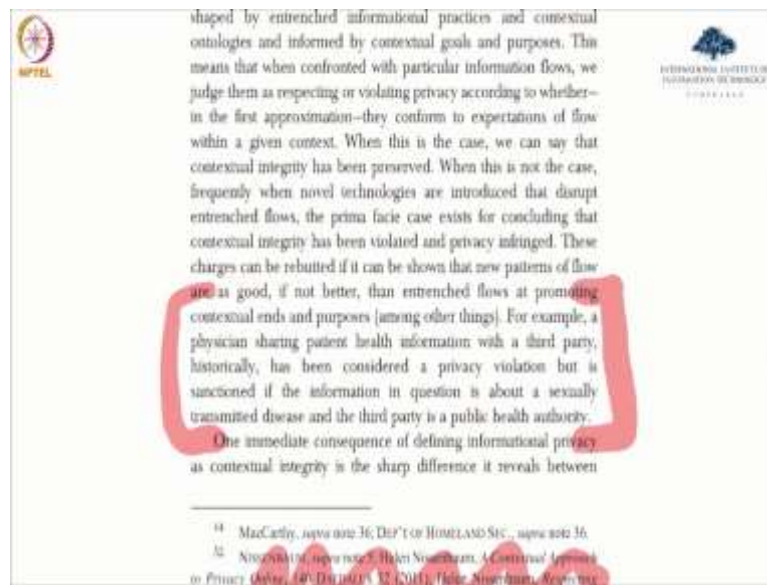
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Public Policy	Scholarship	Practice
<ul style="list-style-type: none"> <li>• Health: Health Insurance Portability and Accountability Act, Financial: Gramm-Leach-Bliley Act, Video rentals: Video Privacy Protection Act, Individual's photograph, SSN, medical/disability info: Driver's Privacy Protection Act, Cable subscriptions: Cable Communications</li> </ul>	<ul style="list-style-type: none"> <li>• Malhotra et al<sup>25</sup> include medical and financial (sensitive) versus lifestyle characteristics and shopping/purchasing habits.</li> <li>• For John et al<sup>27</sup> food preferences are inherently less sensitive than information about sexual preferences which allows the authors to compare the disclosure of 'sensitive' versus 'benign' information</li> </ul>	<ul style="list-style-type: none"> <li>• NAI defines it as "information about past, present, or potential future health or medical conditions or treatments, including genetic, genomic, and family medical history"</li> <li>• DAA defines it as "pharmaceutical prescriptions, or medical records about a specific individual"</li> <li>• Facebook target advertising "disability condition physical or mental"</li> </ul>

This is also another important one which is HIPAA, HIPAA, health insurance and portability and accountability Act. Again later in the semester, we will look at how the details of each

one of them, but quickly this Act allows gives protection for the citizens saying let us take if we were to share the information about you to hospital or a secondary physician, how long will they get access to, should they get access to, they will get access to it only when you give consent. I mentioned this in the week one also in a different context. So, I would like you to go take a look at this article.

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But the argument is be sceptical when you look at the results from studies like Alan Weston, which is good, I think as part of the class. First we saw how these kinds of data can be collected and how the policy decisions can be made with these kinds of data and then there is also this thought of be sceptical, be a little bit sceptical and take it with a pinch of salt that it cannot be, it may not be useful for all context in all situations. That is the first part of this week, which is to look at right to privacy. What is contextual integrity and how we want to be a little bit sceptical about survey data.