

Good right to privacy essay example

[Technology](#), [Internet](#)



Privacy: Perspectives, Public Information, and U. S. Legislation:

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Abstract:

The paper provides a brief and argumentative overview of the various ethical issues ranging from information privacy, public information, Code of Fair Information Practices as well as recent legislation regarding new technologies and Internet usage. Issues covered include the usage of personal information by private entities and whether the Fair Information Practice Principles (FIPPs) should include coverage for private databases for a self-policing role. The other issues discussed is the right to privacy with questions on the right to privacy and the extent of legal coverage provided for information posted by people on social media. Finally, the paper discusses recent legislation regarding Employer Access to Social Media Passwords and evaluates the benefits and limitations of the new law.

The Fair Information Practices Act contains principles and practices regarding information privacy. These principles were developed and have been recognized by government agencies in Europe, Canada and the United States since 1973 when the US Department of Health released the “ Records, Computers, and the Rights of Citizens” seminal report on privacy protection in the data collection age (Federal Trade Commission, 2000).

In the course of time, these principles have been adopted by several foreign nations and international organizations. Several private and non-profit organizations have also incorporated the Fair Information Practice Principles (FIPPs) into their privacy policies. FIPPs provide a framework for defining the principles used to evaluate and consider systems, programs and processes

affecting individual privacy especially those involving online transactions. The Federal Trade Commission (FTC) has been conducting studies on online privacy issues since 1995. The main focus of these studies has been to examine the current status of online privacy and the effectiveness of industry, as well as industry self-policing and self-regulation. The report identifies the widely accepted practices of Notice, Choice, Access and Security. A new practice known as Enforcement was identified. The enforcement policy involves the use of reliable mechanisms to provide non-compliance sanctions as vital components for both governmental and self-regulatory programs about online privacy protection (Federal Trade Commission, 2000).

According to the FTC Privacy survey conducted in the year 2000, the private sector had limited success in implementing FIPPs online especially about self-policing and consumer concerns regarding Internet privacy. In fact, most of the online companies did not display privacy seals or give notice to consumers regarding the use of information collected. The report also discusses the use of ambiguous language by private companies, the use third-party cookies without notice to users as well as policy changes without informing consumers.

The Privacy Act has been quite effective in regulating government use of information and protecting data compared to the private sector. In fact, according to Quinn (2013), the Privacy Act has been ineffective in ensuring FIPPs in the private sector since most of the codes apply to information sharing in government databases. Based on the limitations of the Privacy Act and the results of the FTC survey, it is evident that the private sector

exploits various loopholes in the Privacy Act to use consumer information for profit making purposes. In this case, it is necessary that the Privacy Act and Code of Fair Information Practices be extended to apply to private databases to ensure that private companies do not disclose private information to other entities such as advertisement agencies and governments (Federal Trade Commission, 2000).

Consumers have increasingly take on to social media to post information on various aspects their personal lives. However, the challenge is to enjoy the convenience of an online presence while still ensuring your right to privacy. Proponents of the right to information privacy disagree on whether the right to privacy is natural or not. However, most advocates agree that the right to privacy is prudential. In this case, some rights to privacy could be recognized by rational agents since granting these rights benefits society in general (Quinn, 2013).

While information sharing helps create networks and communities, it also destroys personal privacy. An innocent bikini photo that is perfectly appropriate for a Hawaiian beach may undermine the respect bestowed upon an employee by their superiors, peers or subordinates who may view the photos on social media. The same applies for party photos and innocent jokes gone wrong. Criminals are also on the prowl gathering information on peoples' locations, vacations and other vulnerabilities that could aid them in their criminal activities (Claypoole, 2014).

In fact, even Internet Service Providers (ISPs) who provide mechanisms for accessing the Internet cannot exclusively guarantee a right to privacy. When a computer connects to the internet, it is assigned a unique Internet Protocol

(IP) address for identification when establishing connections. While the IP address does not provide personally identifiable information, it remains a weak link when it comes to privacy protection. When a person visits a website, the site can identify the IP address and even pinpoint the user's geographical location. The accuracy level of geographical information collected from the IP address is, therefore, heavily dependent on how the ISP assigns the IP addresses. In this case, it is true to say that the ISP one chooses affects their level of privacy (Privacyrights. org, 2014).

The issue on privacy rights regarding information posted on social media has been a contentious one with companies like Facebook maintaining that the user retains ownership of all information posted. However, there exist certain loopholes in the terms of service policies where companies can still violate your right to privacy. Legally, privacy rights are highly dependent on laws of the country where the social media site is , and whether the Privacy Act covers the social media site. For example, if one lives in Australia and uses a social site such as Facebook based in the USA, then he/she may not be covered by the privacy rights based on Australian law. The point of concern is that the Privacy Act does not provide coverage for individuals acting on a personal capacity. This means that the Privacy Act does not cover individuals who post personal information on social media, but there are others laws that might provide coverage for their actions (Oaic. gov. au, 2014).

Recent technology legislation: Employer Access to Social Media Passwords Legislation:

With over one billion people active on social media, it does not come as a surprise that employees have begun to use social networks as vetting tools

on job applicants and also checking on current employees. In recent times, employers have asked employees to share the details of their personal social media accounts including usernames and passwords. The employers argue that they need access to personal accounts to ensure that confidential information such as trade secrets and proprietary information. However, the public in general considers access to personal accounts as a violation of employee privacy (Ncsl. org, 2014).

In 2012, state lawmakers in the US began enacting legislation to prevent employees from requesting login credentials to personal Internet accounts in order to secure or maintain a job. In fact, some states have even gone forward to protect students in public institutions of higher learning from having to grant access to their personal Internet accounts and emails (Ncsl. org, 2014).

The benefits accrued from enacting the legislation include prevention of employee privacy violation, harassment, victimization, and demotivation. The disadvantages are on ethical issues regarding company information privacy and intellectual rights and properties. However, even if an employee uses their personal account to share company secrets, there exist various copyright and intellectual property laws to prosecute other than requiring social media access to personal accounts. In this case, the speed at which the legislation has been enacted in the various states and the obvious public displeasure indicates that it is not in the best interest for employers to request login details for personal accounts since they risk losing employees and creating distrust (Carr, 2014).

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