IST 597.003

The Future of Privacy

Fall 2019

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Class hours: Mondays 9:05am-12:05pm
Classroom: E213 Westgate Building
Office hours: By appointment

COURSE OBJECTIVES

The incorporation of data-driven technologies into nearly all aspects of our lives continues to raise questions about the value of privacy in and for the contemporary world. In this seminar, we will attempt to understand what privacy is exactly, why it matters, and what it would take—socially, politically, and technically—to build a privacy-preserving future. Like its subject matter this course will be deeply interdisciplinary, drawing from philosophy, computer science, law and policy, sociology, and elsewhere. The first part of the semester will be devoted to establishing a firm and shared foundation in the history and theory of privacy, by looking primarily at texts and techniques from the past. In the second part of the semester we will shift our focus forward, and the class will become student-led. You will be asked to identify privacy-related problems that your discipline offers tools for solving, and to lead the group in knowledge- and skill-building in that area. In the end, the goal is for everyone to leave the class with a deeper understanding of the obstacles—both technical and social—that stand in the way of privacy today, as well as promising paths through them.

REQUIRED TEXTS

All required texts for the course are available in the "Files" section of our course Canvas site (in the folder called "Readings").

For background, I recommend buying *The Handbook of Privacy Studies: An Interdisciplinary Introduction*, edited by Bart van der Sloot and Aviva de Groot (available in the bookstore). You are not *required* to get the book, but I've indicated in the reading schedule which chapters provide relevant context for each week's discussion.

PREREQUISITES

Graduate standing or prior approval from the instructor.

ASSIGNMENTS AND GRADING

There are three graded assessments in this course, weighted as follows:

1. Critical précis: 40% (11 précis total)
2. Presentation: 20%
3. Final paper/project: 40%

Critical Précis

Each week, you will write a short critical précis (summary) about one of our assigned readings. (NOTE: You must choose one of the week's *starred readings.) It should be exactly one single-spaced page, 1" margins, 12pt font. In the first half of the précis, you will describe the paper's central thesis and briefly recapitulate the argument. In the second half, you will critically reflect on the paper by (1) describing something you learned from the paper, something that surprised you, or some way it changed your thinking, and (2) listing 3-5 questions it left you with. The questions can challenge the paper's argument, clarify it, interrogate its assumptions, connect it to other readings or class discussions, etc.

You will submit your précis to me by email, in either PDF or Microsoft Word format. **They are due each week, no later than 10pm Sunday (the evening before our class meets).** I will accept late précis up to 24 hours after our class meetings (i.e., until Mondays at 10pm) for half credit. If you are absent, you must email me your précis by the regular deadline to receive credit. As you'll notice, we have 12 content days and only 11 précis due—you get one free pass; use it wisely!

Presentation

During the final third of the semester, each student will be responsible for planning and leading half of one seminar session. Having together developed a shared understanding of the privacy problem space during the first part of the semester, it is your job in the second part to help the class identify potential paths forward. You will research tools, methods, and/or ideas in your own fields, that will deepen, clarify, or complicate the group's thinking about privacy. You will select texts or other materials for the class to read or review, and you will lead the group discussion about them. You are required to assign readings related to your presentation **at least one week before you are scheduled to present.**

Importantly, this is not something you have to undertake alone—I'm here to help point you in the right direction, to discuss ideas, and to strategize about how to present. I *highly encourage* you to meet with me to discuss your plans well in advance of your presentation.

Final Paper/Project

The purpose of your final assessment is twofold: (1) to demonstrate mastery over central concepts and problems from the course, and (2) to put it to use, either by incorporating course themes into existing projects or by initiating a new project that will benefit you beyond this course. I am exceedingly open-minded about what that might look like. You are required to meet with me **no later than Friday, November 15th** to discuss your plans.

POLICIES

Academic Integrity

Graduate school is stressful. Sometimes we take on too much or otherwise get in over our heads. If you feel overwhelmed or think you might not be able to meet my expectations in this course, please come discuss it with me—I'm 100% sure we can sort it out. If, however, you choose to go the other route, and I discover that you have cheated, plagiarized, or engaged in any other form of academic dishonesty, I will report it to the university immediately and recommend that you fail the course. If you aren't sure whether something counts as plagiarism, please ask!

Accommodating Disabilities

I am committed to all students succeeding in this course, and I will do whatever I can (within reason) to ensure that you do. If you have any kind of disability, visible or invisible, learning, emotional, physical, or cognitive, and you need accommodations or alternatives to lectures or other assignments, please contact me—preferably during the first week of class. (Though if something comes up later that you didn't anticipate, you can of course get in touch with me then.) For a variety of reasons it is also wise to formally document your disability with Student Disability Resources in the Office of the Vice Provost for Educational Equity. More information at http://equity.psu.edu/student-disability-resources/

Counseling and Psychological Services

It is very common for students to face personal challenges or have psychological needs that interfere with their academic progress or general well-being. Please do not try to overcome those challenges on your own! The university offers a variety of confidential services to help you through difficult times, including individual and group counseling, crisis intervention, consultations, online chats, and mental health screenings. These services are provided by staff who welcome all students and embrace a philosophy respectful of clients' cultural and religious backgrounds, and sensitive to differences in race, ability, gender identity and sexual orientation. You can reach University Park CAPS by phone at (814) 863-0395 or online at http://studentaffairs.psu.edu/counseling/

Penn State also has a 24/7 Crisis Phone Line, which you can reach at (877) 229-6400, and a Crisis Text Line, which you can reach by texting LIONS to 741741.

Reporting Bias

I take bias and discrimination very seriously, as does the university. If you believe you have experienced or observed a hate crime, an act of intolerance, discrimination, or harassment, I encourage you to come speak with me immediately and/or to report it to the university. More information at http://equity.psu.edu/reportbias/

COURSE SCHEDULE

The following is a *tentative* schedule, which we'll adjust as we see how slowly or quickly we move through the material, and—in the second part of the semester—as you all choose the texts we take up. It is your responsibility to attend class and to read the emails I send out in order to keep up with any changes.

Part 1

August 26

Introductions, Overview, Expectations

  No reading

September 2

Labor Day

  No class

September 9

Legal-Philosophical Approaches to Privacy, I: Spaces, Decisions, Information

0. HPS: Beate Roessler. "Three Dimensions of Privacy."
1. * Samuel Warren and Louis Brandeis. "The Right to Privacy." *Harvard Law Review* 4, 1890.
2. * Alan Westin. "Part 1: The Functions of Privacy and Surveillance in Society, Chapters 1 and 2." In *Privacy and Freedom.* New York: Ig Publishing, 1967. (Read pp. 7-51)
3. * Daniel Solove. "A Taxonomy of Privacy." *University of Pennsylvania Law Review* 154(3), 2006. (Skim)
4. Jill Lepore. "The Prism: Privacy in an Age of Publicity." *The New Yorker,* 2013. https://www.newyorker.com/magazine/2013/06/24/the-prism
5. David Brin. "The Transparent Society." *Wired,* 1996. https://www.wired.com/1996/12/fftransparent/
6. Bruce Schneier. "The Myth of the 'Transparent Society'." *Wired,* 2008. https://www.wired.com/2008/03/securitymatters-0306/

September 16

Legal-Philosophical Approaches to Privacy, II: Values

0. HPS: Marijn Sax. "Privacy from an Ethical Perspective."
1. * Michel Foucault. "Panopticism." Excerpt from *Discipline and Punish: The Birth of the Prison.* New York: Pantheon Books, 1975.
2. * Jeffrey Reiman. "Privacy, Intimacy, and Personhood." *Philosophy & Public Affairs* 6(1), 1976.
3. * Bernard Harcourt. "The Expository Society." In *Exposed: Desire and Disobedience in the Digital Age.* Cambridge, MA: Harvard University Press, 2015. (Esp. pp. 15-25)
4. * Anita Allen. "Privacies Not Wanted." In *Unpopular Privacy: What Must We Hide?* New York: Oxford University Press, 2011.

September 23

Legal-Philosophical Approaches to Privacy, III: Policy Frameworks

0. HPS: Bart van der Sloot. "Privacy from a Legal Perspective."
1. Robert Gellman. "Fair Information Practices: A Basic History." https://bobgellman.com/rg-docs/rg-FIPshistory.pdf (Skim)
2. * Daniel Solove. "Privacy Self-Management and the Consent Dilemma." *Harvard Law Review* 126, 2013.
3. * Helen Nissenbaum. "Privacy as Contextual Integrity." *Washington Law Review* 79, 2004.
4. * Chris Hoofnagle, Bart van der Sloot, and Frederik Zuiderveen Borgesius. "The European Union General Data Protection Regulation: What it is and What it Means." *Information & Communications Technology Law* 28(1), 2019. (Read pp. 65-72, 76-82, and 88-92.)

September 30

STS Approaches to Privacy: Consider the Code

0. HPS: Jo Pierson and Ine Van Zeeland. "Privacy from a Media Studies Perspective."
1. Bryan Pfaffenberger. "Social Anthropology of Technology." *Annual Review of Anthropology* 21, 1992. (Optional: read if unfamiliar with STS approaches to technology or with the notion of "sociotechnical systems.")
2. * Phil Agre. "Surveillance and Capture: Two Models of Privacy." *The Information Society* 10, 1994.
3. * Lawrence Lessig. Excerpt from *Code and Other Laws of Cyberspace.* New York: Basic Books, 1999.
4. * Julie Cohen. "Introduction: Imagining the Networked Information Society." In *Configuring the Networked Self: Law, Code, and the Play of Everyday Practice.* New Haven: Yale University Press, 2012.

5. * Oscar Gandy. "Coming to Terms with the Panoptic Sort." In *Computers, Surveillance, and Society,* edited by David Lyons and Elia Zureik. Minneapolis: University of Minnesota Press, 1996.

October 7

Engineering Approaches to Privacy, I: Privacy-Enhancing Technologies

0. HPS: Koot and de Laat. "Privacy from an Informatics Perspective."
1. Seda Gürses. "Can You Engineer Privacy? The Challenges and Potential Approaches to Applying Privacy Research to Engineering Practice." *Communications of the ACM* 57(8), 2014.
2. * Sarah Spiekermann and Lorrie Faith Cranor. "Engineering Privacy." *IEEE Transactions on Software Engineering* 35(1), 2009.
3. Office of the Privacy Commissioner of Canada. "Privacy Enhancing Technologies — A Review of Tools and Techniques," 2017. https://www.priv.gc.ca/en/opc-actions-and-decisions/research/explore-privacy-research/2017/pet_201711/
4. * Seda Gürses and Joris van Hoboken. "Privacy After the Agile Turn." In *Cambridge Handbook of Consumer Privacy,* edited by Jules Polonetsky, Omer Tene, and Evan Selinger. Cambridge: Cambridge University Press, 2017.

October 14

Engineering Approaches to Privacy, II: The Promise and Peril of Anonymity
Guest lecture: Anna Squicciarini

1. Arvind Narayanan and Vitaly Shmatikov. "Myths and Fallacies of 'Personally Identifiable Information.'" *Communications of the ACM* 53(6), 2010.
2. * Paul Ohm. "Broken Promises of Privacy: Responding to the Surprising Failure of Anonymization." *UCLA Law Review* 57, 2010. (Read parts I and IV; skim parts II and III.)
3. * Alexandra Wood, et al. "Differential Privacy: A Primer for a Non-Technical Audience." *Vanderbilt Journal of Entertainment and Technology Law* 21, 2018.

October 21

Engineering Approaches to Privacy, III: Privacy by Design

1. Ann Cavoukian. "Privacy by Design: The 7 Foundational Principles."
2. Sarah Spiekermann. "The Challenges of Privacy by Design." *Communications of the ACM* 55(7), 2012.
3. * Woodrow Hartzog. "A Tool Kit for Privacy Design." In *Privacy's Blueprint: The Battle to Control the Design of New Technologies.* Cambridge, MA: Harvard University Press, 2018. (Skim)

4. * Ira Rubinstein and Nathaniel Good. "Privacy by Design: A Counterfactual Analysis of Google and Facebook Privacy Incidents." *Berkeley Technology Law Journal* 28, 2013. (Skim pp. 1333-1376; read pp. 1377-1413)
5. * Richmond Wong and Deirdre Mulligan. "Bringing Design to the Privacy Table: Broadening 'Design' in 'Privacy by Design' Through the Lens of HCI." *CHI Conference on Human Factors in Computing Systems Proceedings, 2019.*

October 28

Social Science Approaches to Privacy: Privacy for Whom?

1. * Khiara Bridges. "Informational Privacy." In *The Poverty of Privacy Rights.* Stanford: Stanford University Press, 2017.
2. * Virginia Eubanks. "High-Tech Homelessness in the City of Angels." In *Automating Inequality.* New York: St. Martin's Press, 2017.
3. Alvaro Bedoya, "Big Data and the Underground Railroad." *Slate,* 2014. https://slate.com/technology/2014/11/big-data-underground-railroad-history-says-unfettered-collection-of-data-is-a-bad-idea.html
4. * Jonas Lerman. "Big Data and Its Exclusions." *Stanford Law Review Online* 66, 2013.

Part 2

November 4
Student-directed

Readings TBD

November 11
Student-directed

Readings TBD

November 18
Student-directed

Readings TBD

November 25
Thanksgiving

No class

December 2

Student-directed

Readings TBD

December 9

Workshop

No reading