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INFO 450  
Professor Moore  
May 8, 2010

## Privacy

This paper conducts a critical examination of the privacy issue raised in the article “Privacy, Intellectual Property, and Hacking: Evaluating Free Access Arguments,” where the author argues against free access to personal information. The first part of this essay presents the position and arguments of the author against the idea that “information wants to be free.” My criticism of the author’s argument follows, including mistakes or fallacies in the subject explained from my point of view. The next part of this paper consists of how the author would respond to my critique in defense of his position. Finally, this essay will expose my views on the privacy and intellectual property subject.

### Part I

During this time of ubiquitous information where data flows constantly, two sides argue about the right to keep the information private or let it be accessible to the public. According to the article “Privacy, Intellectual Property, and Hacking: Evaluating Free Access Arguments” by Adam D. Moore, privacy and intellectual property consist of rights protecting creators such as inventors and authors to ensure their intellectual works are not duplicated, altered, or stolen. Also, Moore states that human beings have the right to keep personal information enclosed, where the act of infringing those rights constitutes a violation of personal privacy.

Moore’s first argument that supports the individual’s right to keep information personal states that privacy constitutes a necessary value for human beings. As an example, the author explains that hostility or stress can emerge when lack of privacy affects overpopulated communities. He argues that individuals need time and space from others in order to survive.

Moore uses an ecological example to support this theory. The lemming marches in a suicidal mission to control their overpopulation. As a result, Moore concludes that the necessity of privacy represents an important value to some societies to flourish and to live in order.<sup>1</sup>

Moore states his second argument with the following: “Controlling who has access to ourselves is an essential part of being a happy and free person.” As an example, Moore explains that the lack of freedom of expression allows for totalitarian regimes. As a consequence, privacy rights serve as a weapon to limit oppressive governmental forces. The assumption is that people are happier and freer when not under totalitarian rule.

Another issue that Moore discusses consists of the right to control our personal information. Moore demands to keep private personal information inaccessible to third parties. For instance, after any buying that involves filling out a form with personal information, this information must be kept private, without other companies being able to access it. As result, the author claims that informal contracts are created, representing “binding agreements about controlling information,” which restrain the access to certain type of information from mining companies, government agencies, or other parties.<sup>1</sup> The information trail that we leave behind does not justify the utilization of this data by others.

## Part II

In writing the article, “Privacy, Intellectual Property, and Hacking: Evaluating Free Access Arguments” Moore expresses his worries and doubts about the consequences of “free-access” information. First, I agree with the author of this article about all the benefits of privacy and freedom. I assent that human beings need some level of privacy in order to live, although I think that relying on ecological studies and examples of lemmings provide weak evidence in support of this premise. Also, I agree that privacy rights are essential for maintaining a happy

populous for societies where oppressive or totalitarian governments mandate. My main argument, therefore, against Moore's theory of privacy relates to his assertion that people have the right to keep personal information away from institutions such as the government. The latest terrorist incident occurred in Time Square, New York, make me think that agencies such as FBI or CIA have the right to inquire deeper into our personal data for the overall safety and security of the masses. However, such information must be kept private only for the government agencies and should not be shared with third parties. Thereby, if government should be restricted to access personal information of the citizens, how can they keep us safe against any threat?

For example, searching into personal information for someone who spends large sums of money on armaments or suspicious material such as dynamite should be allowed. As a result of screening personal information, it might be possible to stop some types of terrorist acts or massacres in a school or mall. In my opinion, I would rather let the government access my personal information than be killed by a fanatic.

Jon Stuart Mill argues that "of the actions available, you ought to do that act which maximizes overall net flourishing or well being for everyone affected."<sup>4</sup> Therefore, based on this utilitarian principle if the act of allowing the government to access our personal information guaranteed security for everybody, we as society will follow Mill's statement to achieve a flourishing humanity and sacrifice some of our rights to personal privacy. This utilitarian theory provides that one should pursue the acts that maximize the overall net value for the greatest number. One could argue that the safety of all is a more important value than the privacy of a few that threaten with terrorism.

### Part III

However, the author of the paper might argue with my above criticisms. For instance, Moore may say that it is almost impossible to keep third-parties from accessing government information. The author might refer me to the multiple breaches where the government's data has been compromised. For example, according to the article "Government Scrambles To Secure Data After Breaches," an employee's laptop disappeared containing personal information from the VA Hospital in Maryland.<sup>3</sup> Thus, the best bidder might have access to all that personal information including Social Security Numbers which can be used for unlawful activities.

Also, Moore could argue that it is difficult to trust the government to not share, sell or misuse our personal information. Many people would demand explanations about how to make sure that the information it is not shared which might be impossible to demonstrate. If the wrong type of government were to come into power, there is no stopping this government from misusing the personal data and even becoming totalitarian in nature. Furthermore, not all people will trust the same government at any one time, making the definition of a trustworthy government impossible.

Consequently, allowing only the government access to our personal information might be even more dangerous than letting other companies access our data. Due to the potential "monopoly of data" by the government, hackers would focus their intents to breach official sites due to the lack of selection. The repercussion would likely consist of constant attacks on federal sites. As result, private information might not be kept private even by the government, and the increase in hacker attempts on federal sites might compromise other aspects of national security besides individual personal data. Therefore, Moore might argue that the better solution consists of having the right to control our personal information rather than allow governmental access.

Furthermore, the author would argue people should have the right to keep their personal information, including their internet activities, private from the government. For example, if government agencies record our searching habits to look for suspicious activities, internet users who look for adult content online might feel uncomfortable knowing that their searching habits could be stored in the government databases, and may harbor an ever-present doubt of how or where else this information may be used against them. Spying and judging users based on their internet searches, even when motivated by security, embodies a violation of privacy.

#### Part IV

Although I second the idea that the government should have the right to crawl into our personal data, I also demand that the access to our personal information would be directly based on security suspicions and not otherwise misused. As I mentioned before, I would rather be watched than killed. However, I do not agree to the total control by the government to our personal information. As a son born during the dictatorship rule of Franco in Spain, I do understand how important the right of privacy can be in a society. I heard from my parents how challenging it was just to have a conversation between a group of friends without the fear of being watched by the political police. It was prohibited to meet with more than ten persons in a place outside the home because the government might suspect that the reunion consisted of an illegal reunion against the ruling regime. I do agree, and I am sure that my parents do too, with the author when he states that “privacy rights stand as a bulwark against governmental oppression and totalitarian regimes.” For example, the right of my family to discuss any political matter in our home was a right that the fascism regime could not take from the citizens. This right of privacy was the only tool for many members of the Spanish society to express themselves without being incarcerated. However, the right of the government to investigate

personal data during the Franco regime helped to stop some fanatics to commit terror attacks. One criminal terrorist group called E.T.A. was acting against the regime using violence, and due to the government right to investigate personal data, many bombing attempts were frustrated due to the investigation of suspicious activities from members of this criminal group.

I agree with the authors's statement which states "individuals have moral claims to control access to specific places and things and also to certain kinds of information".<sup>1</sup> For example the act of inquiring personal information through data mining companies as we saw in the documentary from ABC: "Big Brother, Big Business" in class, should be not allowed. These data gathering companies' main purpose consists of making profit by selling our personal information rather than trying to protect us against any threat. However, as I mentioned before, I agree that the government could access to my personal information as long as the data is for federal agencies eyes only and for security uses only and not to share with information-gathering companies.

### Conclusion

In conclusion, I do agree with the author when he states that privacy consists of a right necessary for all human beings for a stable living society. Also, laws against privacy should act in our benefit. For example, I do feel that my privacy has been violated when data mining companies traffic my personal information or credit cards companies learn about my personal habits by looking to my bank statements. However, I do think that only those who can protect us should have the right to our personal information, such as our buying habits, if keeping us safe consists in the trade off.

## Works Cited

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