

An Instrumentalist's View of Koops et al.'s Typology of Privacy

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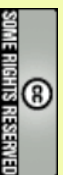
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<http://www.rogerclarke.com/DV/PIyp-1701.html>.pdf

Panel at CPDP'17, Brussels
27 January 2017

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Four Privacy Classification Schemes

Source	Term	Empirical Base	Focus
Clarke (1997)	Dimensions (4, 5)	Informal	Interests

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Privacy 'Dimensions'



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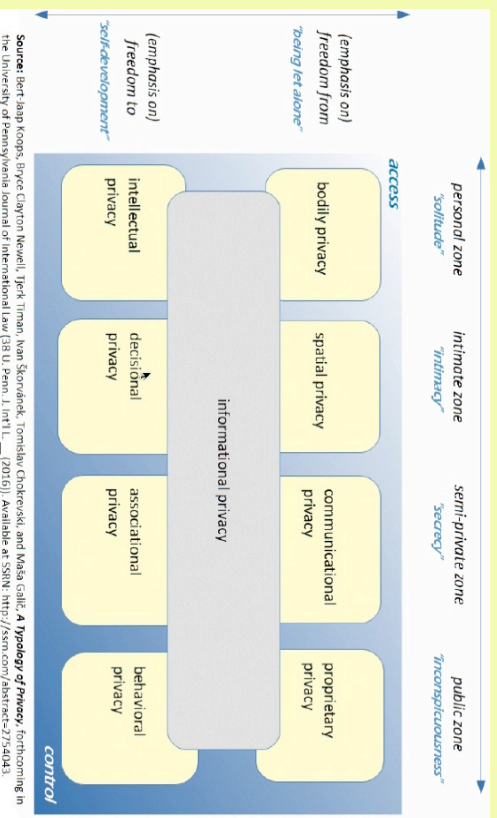
Four Classification Schemes

Source	Term	Empirical Base	Focus
Clarke (1997)	Dimensions (4)	Informal	Interests
Solove (2006)	Activities (4)	Informal	Violations, Harms
Finn et al. (2013)	Types (7)	Stronger	Rights
Koops et al. (2016)	Types (8), Aspect (1)	Strong	Protections

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8 Privacy Types and 1 Aspect

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Koops et al. (2016)

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The Koops et al. Typology Strengths

- Beyond Data Privacy
- An Empirical Base
- Richness of the Empirical Base
- Insight
- Comprehensiveness

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Koops et al.'s 'Freedom To' Types

	Solitude	Intimacy	Secrecy	Inconspicuousness
Freedom To	Intellectual Privacy	Decisional Privacy	Associational Privacy	(Public) Behavioural Privacy

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Koops et al.'s 'Freedom To' Types and Three of Clarke's Dimensions

	Solitude	Intimacy	Secrecy	Inconspicuousness
Freedom To	Intellectual Privacy	Decisional Privacy	Associational Privacy	(Public) Behavioural Privacy
Experience				
Behaviour				
Communications				

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Privacy Needs of a Contrarian

A person who takes up a contrary position, especially one opposed to that of the majority, regardless of how unpopular it may be

This is a vital role for achieving adaptation in many contexts, scientific, economic, cultural, social and political

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Privacy Needs of a Contrarian

		Solitude	Intimacy	Secrecy	Inconspicuousness
		<i>Intellectual Privacy</i>	<i>Decisional Privacy</i>	<i>Associational Privacy</i>	<i>(Public) Behavioural Privacy</i>
Freedom To	Experience	Discover	Fly a Kite	Debate	Receive Critique
	Behaviour	Conceive	Articulate Carefully	Cross-Fertilise Test	Contend
	Communications	-	Expose		Publish

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Privacy Needs of a Contrarian

		Solitude	Intimacy	Secrecy	Inconspicuousness
		<i>Intellectual Privacy</i>	<i>Decisional Privacy</i>	<i>Associational Privacy</i>	<i>(Public) Behavioural Privacy</i>
Freedom To	Experience	Discover	Fly a Kite	Debate	Receive Critique
	Behaviour				
	Communications				

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Privacy Needs of a Contrarian

		Solitude	Intimacy	Secrecy	Inconspicuousness
		<i>Bodily Privacy</i>	<i>Spatial Privacy</i>	<i>Communicational Privacy</i>	<i>Proprietary Privacy</i>
Freedom From	Experience	Censorship	Pressure on Family	Inbound Censorship	Denial of Anonymous Reading, Viewing
	Behaviour	Imprisonment Torture	Pressure on Family	Outbound Censorship	Denial of Secure Storage
	Communications	-	Message Censorship	Message Monitoring	Denial of Secure Messaging

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Categories of 'Persons-at-Risk'

- **Social Contexts**
 - Celebrities and notorieties at risk of extortion, kidnap, burglary
 - Short-term celebrities such as lottery-winners, victims of crime
 - **Victims of domestic violence**
 - Victims of harassment, stalking
 - Individuals subject to significant discriminatory behaviour
 - People seeking to leave a former association, e.g. ex-gang-members
- **Political Contexts**
 - **Whistleblowers**
 - **Disidents**
 - **Human Rights Activists**
- **Organisational Contexts**
 - Corporate executives
 - Government executives
 - **Undercover operatives**
 - Law enforcement and prison staff
 - Mental health care prof'ns, counsellors
- **Legal Contexts**
 - Judges, lawyers and jurors, particularly in highly-charged cases
 - Witnesses, especially **people in protected witness programs**
 - Ex-prisoners re-integrating with society

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<http://www.rogerclarke.com/EC/eHlthRes.html#PAR>
http://geekfeminism.wikia.com/wiki/Who_is_harmed_by_a_%22Real_Name%22_policy%3F

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The Koops et al. Typology Strengths and Weaknesses

- Beyond Data Privacy
- An Empirical Base
- Richness of the Empirical Base
- Insight
- Comprehensiveness
- Law is a result of political compromise
- Law commonly falls short of public need and expectations
- **This could constrain public policy analysis**
- The analysis assumes there are constitutional privacy protections

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Rights under the Australian Constitution

Explicit individual rights:

1. to vote (s. 41)
 2. no property acquisition on unjust terms (s51 (xxxii))
 3. trial by jury (s.80)
 4. freedom of religion (s.116)
 5. no discrimination by State of residency (s.117)
- Implied (High Court decision):
6. to discuss and debate political issues

These 6 fall far, far short of the set in the ICCPR, which Australia has ratified but failed to implement

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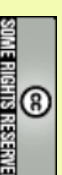
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