

Weakening Video Privacy Protection Act a dangerous attack on intellectual privacy

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Most people would rather not have their video viewing habits easily available to the public — no need for co-workers to know about your love of reality TV.

The Video [Privacy Protection](#) Act of 1988 (VPPA) protects these records, but the House of Representatives — at the urging of Netflix and Facebook — recently voted to amend the VPPA, allowing companies to share movie watching habits much more easily.

“What’s at stake is intellectual privacy — the idea that records of our reading habits, movie watching habits and private conversations deserve special protection from other kinds of personal information,” says Neil Richards, JD, professor of law at Washington University in St. Louis.

“The films we watch, the books we read and the websites we visit are essential to the ways we make sense of the world and make up our minds about political and non-political issues,” Richards says.

“Intellectual privacy protects our ability to think for ourselves, without worrying that other people might judge us based on what we read. It allows us to explore ideas that other people might not approve of, and to figure out our politics, sexuality, and personal values, among other things.”

Richards notes that for generations, librarians have understood this idea.

“Libraries were the Internet before computers — they presented the world of reading to us, and let us as patrons read and watch freely for ourselves,” he says.

“But librarians understood that intellectual privacy matters. A good library lets us read freely, but keeps our records confidential in order to safeguard our intellectual privacy.”

Netflix, Facebook and other companies argue that sharing is the way of the future.

“Sharing can be good, and sharing of what we watch and read is very important, but the way we share is essential,” Richards says.

“Telling our friends ‘hey, read this, it’s important’ or ‘watch this movie — it’s really moving’ is one of the great things that the Internet has made easier. But sharing has to be done on our terms, not on those that are most profitable for business.

“Industry groups are fond of saying that good privacy practices require consumer notice and consumer choice,” Richards says. “The current Video Privacy Protection Act is one of the few laws that does give consumers meaningful choice about protecting their sensitive personal information.

“Now is not the time to cut back on the VPPA’s protections. Now is the time to extend its protections to the whole range of intellectual records — the books we buy, our Internet search histories and ISP logs of what we read on the Internet.”

More information: Read Richards’ comments on the VPPA amendment on the Concurring Opinions blog: concurringopinions.com/archives/2012/01/neil-richards-on-why-video-privacy-matters.html

Provided by Washington University in St. Louis

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