

The right to privacy in a big data world

October 27 2014, by Neil Schoenherr

In the digital age in which we live, monitoring, security breaches and hacks of sensitive data are all too common. It has been argued that privacy has no place in this big data environment and anything we put online can, and probably will, be seen by prying eyes.

In a new paper, a noted Washington University in St. Louis privacy law expert makes the case that when properly understood, privacy rules will be an essential and valuable part of our digital future.

"If, as a society, we are going to retain the human values on which our political, social and economic institutions have been built, we must be able to feel secure in our digital lives," said Neil M. Richards, JD, professor of law.

Richards is an internationally recognized authority on privacy and information law.

He is co-author of a new paper "Big Data and the Future for Privacy," with Jonathan H. King, a 2013 graduate of the Washington University Intellectual Property & Technology Law LLM program and an executive at CenturyLink, a global network and cloud services provider.

In the paper, Richards and King makes three basic points about the future of privacy.

"First, we need to think differently about privacy," Richards said.

"Privacy is not merely about keeping secrets, but about the rules we use to regulate information, which is, and always has been, in intermediate states between totally secret and known to all," he said. "Privacy rules are information rules, and in an information society, [information](#) rules are inevitable."

Second, the scholars suggest that privacy protections are a means to safeguard other values. They examine several such values that [privacy rules](#) should protect, including identity, equality, security and trust.

Third, mindful of the complexity of our digital society, Richards and King suggest how meaningful privacy protection can be achieved in a big data future, through a combination of traditional regulation, "soft" regulation and the development of big data ethics.

"Our claim is that the shiny future asserted as inevitable by the pro-innovation, anti-[privacy](#) rhetoric turns out to be both shallow and unappealing on closer analysis," Richards said. "We believe there is an alternative future, where we can have the benefits of data science while at the same time preserving meaningful legal and ethical protections for data subjects."

Provided by Washington University in St. Louis

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