The Ethics of Surveillance

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SURVEILLE FP7 PROJECT

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Questions

• What powers of surveillance ought states to have over their citizens?
• What powers of surveillance ought citizens to have over each other?
• What powers of surveillance ought private companies to have over clients?
• Implications for public policy/law reform
Questions (continued)

• When should agents of the state/individuals make use of surveillance powers?
• What ethical issues need to be weighed?
Questions (continued)

• What surveillance technologies ought to be developed?
• What technical safeguards are needed?
• Which technologies should and shouldn’t be used?
• How should technologies be used, and by whom?
• What principles should govern export?
The Ethical Risks of Surveillance Technology

1. Intrusion
2. Error and discrimination
3. Damage to trust
1. Intrusion

• Many interests in the privacy of our home
  – Space where the public face may be discarded
  – Relaxation
  – Intimacy and romantic life
  – Family life
  – Associational life
  – Independent thought
Intrusion in Public Spaces

• All of these ‘private interests’ may be pursued in ‘public’ space.
  – Association
  – Family life

• ‘Semi public spaces’
  – Restaurants
  – Bars
Further Complications

• Locational privacy
  • Arguably a new concept – question only made possible by new technology like GPS
  • When are we entitled to locational privacy? How much?

• Virtual spaces
  • A different kind of social ‘space’ in which associational activity may take place.
  • Open source vs closed source
  • Mistaken expectations of privacy
2. Error

• False positives
  – Biometrics
  – Datamining programmes
  – Databases of suspicion

• Often a trade off between techniques that are more intrusive and those that are more error prone
Discrimination

• A kind of error, but involves a further distinct wrong
• In its worst forms, associates things about people that are highly visible and they cannot change with criminality or suspicion
• Worst because stigmatising, humiliating and leads to social exclusion, disadvantage bad feeling etc.
When does discrimination in surveillance occur?

• when people are singled out for scrutiny on the basis of factors other than what makes them suspect.

• more commonly, when surveilling authorities place too much weight on factors only weakly or indirectly related to people’s suspiciousness (eg. Charles de Gaulle airport)
How might we reduce risks of discrimination in surveillance?

• Surveille *everyone* (no one singled out) - at a cost to general privacy

• Make threshold of evidence needed for surveillance very high (e.g. targeting very few individuals) – at a high cost to privacy of that individual

• Avoid giving surveilling authorities too much discretion to decide what makes people suspicious (e.g. UK stop and search)
3. Surveillance and trust

- How does surveillance affect trust?
- Damage to trust in the authorities (bad for democracy, security, also chill)
- Spread mistrust between citizens or between citizens and groups singled out for suspicion
- Violating a right to be trusted?
How can we protect trust?

• Transparency and openness in surveilling authorities
• Channels of recourse to appeal/redress (no-fly)
• Clarifying when surveillance does not imply mistrust (e.g. airports; infrastructure sites; children)
• Recalibrating expectations: a right against being mistrusted ≠ right to be trusted
Thank You

Contact us

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