

## 2. USE OF PERSONAL INFORMATION

# Privacy And The Commercial Use Of Personal Information

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## **Privacy And The Commercial Use Of Personal Information:**

**Privacy and the Commercial Use of Personal Information** Paul H. Rubin, Thomas M. Lenard, 2012-12-06 Hon Orrin G Hatch United States Senate Electronic commerce will be pivotal to the United States economy in the 21st Century. With the advent of electronic commerce, some consumers have become concerned about the disclosure, transfer, and sale of information which businesses have collected about them. These concerns purportedly are slowing the rate of expansion of electronic commerce, thereby putting at risk the future growth of the New Economy. To reduce this risk, a variety of schemes have been proposed under which the government would regulate online privacy. Congress currently is in the midst of a vigorous debate as to whether the government should regulate online privacy standards and if so, what form such regulation should take. This succinct yet powerful book by Paul Rubin and Thomas Lenard goes to the heart of these issues. It explains that there is no evidence of actual consumer harm or market failure that could justify burdensome government regulation of online privacy. It describes the tremendous advantages consumers currently receive from the free flow of information collected online—advantages which could be eliminated if the government unnecessarily regulates and stops this flow of information. It argues that the free market provides businesses with compelling incentives to adopt their own measures, such as seal programs and novel technologies, to assuage consumer privacy concerns. This book presents compelling evidence to support these and many other points central to the continuing debate in the halls of Congress and elsewhere concerning online privacy.

**Privacy and the Commercial Use of Personal Information**, This would be the only outcome possible if the regulations prohibit the use of information for purposes other than that for which it was originally collected, which sometimes is the case and appears to be the case in the House bill. As with other privacy measures, they do this not by prohibiting outright the sharing of the data or the use for specific purposes, but rather by requiring the company to obtain the consumer's explicit consent for the use of his or her data.

**Benefits of Outsourcing Economies of Scale** A major source of the efficiencies associated with outside contracting is the potential for economies of scale in some activity so that the optimal, i.e., cost-minimizing level of the activity is larger than the amount of the output that is used by any one firm. It is important to remember that shifting the locus of the activity from outside to inside does not necessarily change the scope of the activity, so the FCC's claim that it is axiomatic that the more companies have access to CPNI, the greater the risk of unauthorized disclosure through disclosure by insiders or computer intrusion is in fact not axiomatic. If the internal subsidiaries of the two legacy companies tried to legally merge to eliminate the differences, they might find that the less-regulated subsidiaries would now be subject to the increased regulation associated with the more-regulated divisions.

Privacy in the Commercial World United States. Congress. House. Committee on Energy and Commerce. Subcommittee on Commerce, Trade, and Consumer Protection, 2001

Privacy and the Commercial Use of Personal Information Thomas M. Lenard, 2014 Recent efforts to regulate the use of Customer Proprietary Network Information (CPNI) attempt to address consumer concerns regarding privacy and possible

fraudulent use of information. However, the FCC rulemaking issued earlier this year would do little to curtail illegal uses of CPNI. The FCC itself acknowledges that there is no evidence of unauthorized disclosures by the very entities it is regulating. Also, there is no evidence that the proposed security provisions improve on methods the telecom companies themselves already are using to prevent customer data from being illegitimately obtained. Regulations restricting the sharing of CPNI with outside contractors or partners would impose substantial compliance costs. Businesses could be forced to in-source some functions such as marketing, which could be more cheaply and effectively performed by a specialized firm. Some businesses may also choose to restructure or reorganize their companies in order to comply with the restrictions. The significant costs of restructuring would vary from company to company and could be unfairly influenced by existing discrepancies in regulation. This extra cost would ultimately be passed onto the consumer. Significant costs would also be incurred if businesses chose to make do with less information. Businesses would find it difficult to accurately tailor product marketing to consumers. Also, less information would be available for the successful development of new products to fit the needs of consumers. Consumers would lose out on these potential new services and would not be as informed about products already available. We conclude that the inefficiency created in the market by lack of free flowing information would therefore harm businesses and consumers alike.

**Privacy and the Digital State** Alan Charles Raul, 2002. The terrorist attacks against the United States on September 11, 2001, have greatly affected our lives, our livelihoods, and perhaps our way of living. Our Constitution and Bill of Rights were designed to inhibit excessively powerful government. But now we are counting on it to prevent Americans from being killed with impunity and to insure domestic tranquility. In these times, the government must concentrate more on protecting concrete lives than protecting intangible privacy. The subject of this book, privacy, is where the conflict among our competing interests after September 11 is likely to be sharpest. The right to be let alone pales next to the right not to be blown up. So privacy will inevitably need to accommodate security and safety to a greater extent than before September 11. But for America to continue being America, our constitutional mandates must still be genuinely respected. Privacy and the Digital State argues that privacy is inherently relative and is always balanced alongside of various social exigencies such as other compelling rights guaranteed by the Constitution, the interest of the public in broad disclosure of and access to government records, and the desire to foster an efficient, productive economy. This book examines the recurring dialectic between open government and privacy of personal information and hopes to provide its readers with some additional perspective on striking that balance. While open access to government records promotes greater accountability, it must be balanced against the government's obligation to prevent unwarranted invasions of privacy where acutely personal information is involved. Two recent U.S. Supreme Court decisions, *Bartnicki v. Vopper* and *Kyllo v. U.S.*, reflect the tensions and complexities in our attitudes and rules about privacy. In the case of an illegally intercepted cellular telephone call broadcast over the radio, a divided Court concluded that free speech trumped privacy. But where the government used new sense

enhancing technology to search the outside of a house for heat coming from marijuana grow lamps the Court said it violated the Fourth Amendment These cases demonstrate that the relationship between privacy and technology is increasingly uneasy Privacy and the Digital State addresses the issue of government held information in the digital age and argues that open access to public information and sensitivity to personal privacy can be effectively balanced at all levels of government

**Student Data Privacy** Linnette Attai,2020-08-01 How do education institutions protect student data privacy while working with technology providers Often times the work is clouded by a good deal of fear and uncertainty In Student Data Privacy Managing Vendor Relationships Linnette Attai leverages her decades of experience working with technology providers and education institutions to provide the guidance education technology providers can use to manage their privacy responsibilities from a position of strength Understand how defining your own data privacy and security requirements is the best pathway to creating actionable requirements for technology companies Learn how to build collaborative partnerships with technology companies without compromising on data privacy Leverage company knowledge to improve your own data protection program and sharpen your negotiating skills so you can move ahead with the privacy requirements you need solidly in place In doing so you ll be on the right path to identifying the technology provider practices that are the right fit for your organization and for the students and parents you serve ECIC2009-2nd European Conference on Intellectual Capital

Susana Rodrigues,2010 *The SAGE Guide to Key Issues in Mass Media Ethics and Law* William A. Babcock,William H. Freivogel,2015-03-23 The SAGE Guide to Key Issues in Mass Media Ethics and Law is an authoritative and rigorous two volume issues based reference set that surveys varied views on many of the most contentious issues involving mass media ethics and the law Divided into six thematic sections covering information from contrasting ethical responsibly and legal rights for both speech and press newsgathering and access and privacy to libelous reporting business considerations and changing rules with social media and the Internet the information in this guide is extremely relevant to a variety of audiences This guide specifically focuses on matters that are likely to be regular front page headlines concerning topics such as technological threats to privacy sensationalism in media coverage of high profile trials cameras in the courtroom use of confidential sources national security concerns and the press digital duplication and deception rights of celebrities plagiarism and more Collectively this guide assesses key contentious issues and legal precedents noting current ethical and legal trends and likely future directions Features Six thematic sections consist of approximately a dozen chapters each written by eminent scholars and practitioners active in the field Sections open with a general Introduction by the volume editors and conclude with a wrap up Outlook section to highlight likely future trends Chapters follow a common organizational outline of a brief overview of the issue at hand historical background and precedent and presentation of various perspectives pro con mixed to the issue See also cross references guide readers to related chapters and references and further readings guide users to more in depth resources for follow up This reference guide is an excellent source for the

general public students and researchers who are interested in expanding their knowledge in mass media and the ethics and law surrounding it

**Global Survey on Internet Privacy and Freedom of Expression** Toby Mendel, Andrew Puddephatt, Ben Wagner, Dixie Hawtin, Natalia Torres, 2012-01-01 This publication seeks to identify the relationship between freedom of expression and Internet privacy assessing where they support or compete with each other in different circumstances The book maps out the issues in the current regulatory landscape of Internet privacy from the viewpoint of freedom of expression It provides an overview of legal protection self regulatory guidelines normative challenges and case studies relating to the topic With this publication UNESCO aims to provide its Member States and other stakeholders national and international with a useful reference tool containing up to date and sharp information on emerging issues relevant to both developed and developing countries Multiple stakeholders preferably in dialogue can use it in their own spheres of operation adapting where appropriate from the range of experiences as recorded in these pages The publication also supplies additional sources of reference for interested readers to use to further investigate each of the subjects highlighted The publication explores a range of issues such as

- 1 threats to privacy that have developed through the Internet
- 2 international legal standards on privacy and responses to these emerging issues
- 3 complex intersections between the rights to privacy and freedom of expression
- 4 UNESCO recommendations to states and corporations for better practice
- 5 overview of literature background material and tools on international and national policy and practice on privacy and freedom of expression on the Internet

In the coming years UNESCO will specifically seek to disseminate information about good practices and international collaboration concerning the points of intersection between freedom of expression and privacy Research on safeguarding the principle of freedom of expression in Internet policy across a range of issues will continue to be part of UNESCO's normative mandate and technical advice to stakeholders

**Privacy** Leslie Francis, John G. Francis, 2017 Privacy is one of our most essential values but popular understanding of it lags far behind the heat the concept generates It's easy to understand why The concept itself has shifted in U S law from autonomy to property to confidentiality Further with a host of cultural differences as to how privacy is understood globally and in different religions and with nonstop technological advancements its significance is continually evolving Leslie P and John G Francis draw upon their extensive expertise in law philosophy political science regulatory policy and bioethics to parse privacy's meaning in the modern age This book will inform appease and alert readers to what is at stake when privacy is breached

**American Privacy** Frederick S. Lane, 2009-11-01 As America reacts to Edward Snowden's leaks about NSA surveillance American Privacy offers a timely look at our national experience with the right to privacy The history of America is the history of the right to privacy writes Frederick S Lane in this vivid and penetrating exploration of our most hotly debated constitutional right From Governor William Bradford opening colonists' mail bound for England to President George W Bush's expansive domestic wiretapping the motivations behind government surveillance have changed little despite rapid advances in

communications technology Yet all too often American citizens have been their own worst enemies when it comes to protecting privacy compliantly forgoing civil liberties in extreme times of war as well as for everyday consumer conveniences Each of us now contributes to an ever evolving electronic dossier of online shopping sprees photo albums health records and political contributions accessible to almost anyone who cares to look In a digitized world where data lives forever Lane urges us to consider whether privacy is even a possibility How did we arrive at this breaking point American Privacy traces the lineage of cultural norms and legal mandates that have swirled around the Fourth Amendment since its adoption In 1873 the introduction of postcards split American opinion of public propriety Over a century later Twitter takes its place on the spectrum of human connection Between these two nodes Anthony Comstock waged a moral crusade against obscene literature George Orwell penned 1984 Joseph McCarthy hunted Communists and perverts President Richard Nixon surveilled himself right out of office and the Supreme Court of the United States issued its most influential legal opinions concerning the right to privacy to date Captured here these historic snapshots add up to a lively narration of privacy s champions and challengers Legally technologically and historically grounded American Privacy concludes with a call for Congress to recognize how innovation and infringement go hand in hand and a challenge to citizens to protect privacy before it is lost completely

H.R. 4585--The Medical Financial Privacy Protection Act United States. Congress. House. Committee on Banking and Financial Services,2000 *Privacy* Jon L Mills,2008-09-30 The disturbing reality of contemporary life is that technology has laid bare the private facts of most people s lives Email cell phone calls and individual purchasing habits are no longer secret Individuals may be discussed on a blog victimized by an inaccurate credit report or have their email read by an employer or government agency without their knowledge Government policy mass media and modern technology pose new challenges to privacy rights while the law struggles to keep up with the rapid changes Privacy The Lost Right evaluates the status of citizens right to privacy in today s intrusive world Mills reviews the history of privacy protections the general loss of privacy and the inadequacy of current legal remedies especially with respect to more recent privacy concerns such as identity theft government surveillance tabloid journalism and video surveillance in public places Mills concludes that existing regulations do not adequately protect individual privacy and he presents options for improving privacy protections

Encyclopedia of Privacy Alexander J. Myers,2006-11-30 Writing in their famous Harvard Law Review article of 1890 Louis Brandeis and Samuel Warren asserted what many have considered one of the most cherished American values the right to be let alone Yet in this post 9 11 world personal privacy is more threatened than ever This book provides students and general readers a comprehensive overview of privacy in contemporary America Included are some 225 alphabetically arranged entries written by more than 100 expert contributors Entries cover such topics as the USA PATRIOT act abortion rights wiretapping telemarketing identity theft DNA databases Internet and email privacy and numerous other concerns Entries cite works for further reading and the Encyclopedia closes with a bibliography of books websites organizations and films New

threats to privacy have arisen in the face of competing social political and economic demands rapid technological change and an intrusive and voyeuristic mass media Citizens are barraged on a daily basis with stories of corporate data mining government surveillance programs identity theft and computer hacking of personal information As a result citizens are becoming increasingly concerned about their personal privacy as well as their privacy rights This encyclopedia the first of its kind comprehensively overviews various aspects of privacy throughout U S history including significant legal cases events laws organizations individuals technology and terms With some 225 alphabetically arranged entries written by more than 100 leading scholars and experts in the field this inclusive and authoritative work will appeal to those interested in both historical and contemporary notions of privacy in the United States Readers will learn of the significance of technology in today s society its helpful and harmful effects on citizens privacy and what to expect in the future Entries cite print and electronic resources and the Encyclopedia closes with a listing of books organizations websites films and other sources of information

**Data Science for Public Policy** Jeffrey C. Chen,Edward A. Rubin,Gary J. Cornwall,2021-09-01 This textbook presents the essential tools and core concepts of data science to public officials policy analysts and economists among others in order to further their application in the public sector An expansion of the quantitative economics frameworks presented in policy and business schools this book emphasizes the process of asking relevant questions to inform public policy Its techniques and approaches emphasize data driven practices beginning with the basic programming paradigms that occupy the majority of an analyst s time and advancing to the practical applications of statistical learning and machine learning The text considers two divergent competing perspectives to support its applications incorporating techniques from both causal inference and prediction Additionally the book includes open sourced data as well as live code written in R and presented in notebook form which readers can use and modify to practice working with data *Report on the Activity of the Committee on Energy and Commerce for the ... Congress* United States. Congress. House. Committee on Energy and Commerce,2011 Privacy, Big Data, and the Public Good Julia Lane,Victoria Stodden,Stefan Bender,Helen Nissenbaum,2014-06-09 Data access is essential for serving the public good This book provides new frameworks to address the resultant privacy issues *Information Privacy in the Evolving Healthcare Environment, 2nd Edition* Linda Koontz,2017-03-16 Advances in health information technology health IT have the potential to improve the quality of healthcare to increase the availability of health information for treatment and to implement safeguards that cannot be applied easily or cost effectively to paper based health records However the digitization of health information is also raising new privacy risks and concerns Sensitive health information in digital form is more easily aggregated used and shared In addition the rising cost of healthcare and the search for efficiency may create incentives to use the information in new ways Research has consistently shown that while the public sees the potential value of health information exchange and technological advancements it remains gravely concerned about the privacy of their sensitive health information As a result it is becoming increasingly clear that ensuring public trust will be



critical to the successful implementation of nationwide health information exchange The purpose of this second edition is two fold 1 to educate readers about privacy concepts and 2 highlight key privacy issues facing the nation and the healthcare community as it moves towards electronic health records and health information exchange The first three chapters are descriptive in nature defining privacy and distinguishing it from security defining the complex legal landscape for health information privacy and setting the stage for the following chapters by describing the current landscape of the evolving healthcare environment The following chapters discuss specific privacy issues and challenges in detail The book concludes with a chapter providing a view to the future of healthcare and the association privacy implications This is an updated version of one of HIMSS best selling books on information privacy *Law of the Internet* F. Lawrence Street,2009

Protecting Privacy and Preventing the Misuse of Social Security Numbers United States. Congress. House. Committee on Ways and Means. Subcommittee on Social Security,2001

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