



The end of privacy?

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As many countries roll out track-and-trace apps to help contain covid-19, there are those who lament the plans as the end of privacy.

Certainly, there are very serious questions to be asked about how governments and companies will use and protect the data. Those who grew up under regimes that used authoritative surveillance techniques will have particular concerns.

Yet, while our privacy appears on track to be permanently eroded with mass tracking systems, it is wrong to see them as the end of privacy, freedom, or a 'net negative' on life. Rather, the experience over the last century is that free societies view privacy as a currency. And, at the risk of sounding like a character from an Ayn Rand novel, they happily spend that currency to acquire things of value: security, prosperity and, now, health.

Perhaps the best example of this trade-off concerns what are probably the world's greatest tools for the invasion of privacy – the internet, email, and smartphones. People are well aware that these technologies have eroded their privacy, yet there is (so far) overwhelming net value in its benefits.

There are also other examples of the privacy exchange that most people today would not even regard as a trade-off. Take, for example, passports. It was not until the first world war that passports became a widespread requirement and some people saw this as an invasion of privacy. Call it the beginning of location-based tracking. Few would argue that today. The benefits (perceived or real) of security and territorial sovereignty in the age of mass travel far outweigh the loss of privacy. Most people today would not say, "I hold a passport despite the loss of privacy". They would simply say, "I hold a passport."

Furthermore, as society develops, we naturally develop more privacy (and its associated currency) in different ways. For example, before non-landed folk could vote, there was little

value to politicians in understanding what they thought about issues. Now there is. Similarly, before data analytics had developed to the point that our computer cookies could be examined, there was little value in knowing the stores at which someone had shopped. Today, many companies have vast 'big data' sets that they do not yet have the capacity to analyse. From one point of view they are value-less until artificial intelligence becomes more developed. And as AI does become more developed, other things that today seem innocuous about our private lives will suddenly become valuable information.

Many would argue this is a dystopian view of the future. Those who grew up under authoritarian regimes will rightly attest that the erosion of privacy can lead to the erosion of freedom.

But under the right social and political system, this could, in fact, be the opposite. Privacy could be traded off for more freedom. That is because most people forget there are two elements to freedom. They define freedom as merely the absence of barriers, and the erosion of privacy is, of course, the erection of a barrier. But freedom has a second part, namely, enablement. For example, it is easy to tell someone they are free to play the piano because there is no rule against it. However, if they have no means or opportunity to play the piano, then they are certainly not free to do so.

Similarly, the internet, email, and smartphones have enabled billions of people. People are well aware that these technologies have eroded their privacy. Yet, in spite of the increase in this mass surveillance (both actual and potential) people feel freer than ever. Indeed, one poll showed that four in five people globally feel they have more freedom now than at any time since at least 2006, before smartphones were released.

People feel freer, despite the loss of privacy, for many reasons. A big reason is that so many have been pulled out of poverty. Others have simply used the online tools to take up a new hobby that

was previously inaccessible. In both cases, the trade-off of privacy for freedom and progress was a net benefit to many people's lives.

In exactly the same way, if track-and-trace apps become a normal part of life, many will see them as a way for them to trade some privacy for the greater benefit of the freedom to live a longer, better quality life.

Finally, a word of caution. While the privacy/development trade-off is usually seen as a net benefit, and is usually entered into voluntarily, there is a big difference in the trade-off today that is a very recent development. Namely, the online storage of data. Barely a day goes by without a company somewhere being hacked, and the perpetrators can physically sit anywhere in the world.

The global scale of potential access to data raises concerns society has not had to grapple with in the past. Indeed, they are concerns we are still unequipped to fully deal with. If data is ubiquitous then, will the track-and-trace apps accidentally create second-class citizens? And if those with antibodies in their blood are given privileges that others are not, will that create the perverse incentive for people to risk self-infection? This is not a novel concept. When smallpox was prevalent, there are stories of people deliberately infecting themselves and their children (and assuming the small risk of death) in order to hopefully acquire some level of immunity before a larger wave of the disease hit their community.

As tracking apps are increasingly used to ensure public health, the risks rise. What happens in the event of a disease outbreak more deadly than covid-19? Or a disease that remains permanently in a person's body, such as HIV? Could future tracking systems be used to discriminate against these people in ways which are currently unintended? Already during the covid-19 outbreak there have been sad incidents of people suspected of having the disease being violently attacked. Should hackers release a database (either real or fake) with names of people during a future outbreak, there could be tragic consequences. And that is before considering how irresponsible governments may manipulate such a system to punish political opponents.

Rightly or wrongly, it seems inevitable that most

people in society will see the benefits of giving up some privacy as outweighing the costs. That applies particularly to the families of those who have sadly died of covid-19. It also applies to the many people in low-risk groups who currently face economic hardship as the result of the global lockdowns. Many will happily support a tracking system that allows police to ask people why they were not obeying rules governing movement or isolation if it means future lockdowns can be avoided. Many people will also support the use of the same system in crime prevention and investigation.

That then raises questions about where the burden of proof will fall. If smartphone tracking becomes mandatory, then telecom or technology firms will become critical in ensuring public health. Will they then be regulated in ways that mirror the regulation of banks? Will they be required to document extensive 'know your client' information whenever a new user signs up for a phone plan? And will phone companies be on the hook if they allow a criminal to buy a phone that is then used in connection with a crime in a similar way to how banks are (rightly) on the hook if criminals use their systems to transfer money?

Although some will lament the fact that post covid-19 technologies will impinge on their privacy, it seems most people will accept the trade-off. Indeed, just one generation from now, it is possible that people will look back on the debate today and wonder why it occurred at all. The benefits will be obvious and societal norms will have evolved, even if sometimes the technology is exploited in nefarious ways. The real challenge, though, will come in the future when a privacy-based crisis affects the lives of a large population. At that point, the trade-off between privacy and security (health and economic) may be more hotly debated. For now, most people appear to see the health benefits as outweighing the costs to privacy.

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