

CSE 291: Privacy & Society

WI24

Lecture 2 - What is privacy?

Announcements



Reading notes due Th 7am
Reflection due Friday 11:59pm
Async class on Oct 8th

Assignments Review

Reading Notes:

- Read the instructions provided and post your thoughts on the reading

Discussion Lead:

- Review the chosen case
- Lead the class in discussing the case
- Submit your slides before the start of class

Reflection:

- Read the instructions provided and journal your thoughts

Discussion Lead

What is privacy?

- Def. of privacy

= the claim of individuals, groups and institutions to determine for themselves, when, how and to what extent information about them is communicated to others

What is privacy?

- 3 dimensions of privacy:

- 1) Personal privacy

- Protecting a person against undue interference (such as physical searches) and information that violates his/her moral sense

- 2) Territorial privacy

- Protecting a physical area surrounding a person that may not be violated without the acquiescence of the person

- Safeguards: laws referring to trespassers search warrants

- 3) Informational privacy

- Deals with the gathering, compilation and selective dissemination of information

Basic privacy principles - FIPP

- Transparency: DHS should be transparent and provide notice to the individual regarding its collection, use, dissemination, and maintenance of personally identifiable information (PII).
- Individual Participation: DHS should involve the individual in the process of using PII and, to the extent practicable, seek individual consent for the collection, use, dissemination, and maintenance of PII. DHS should also provide mechanisms for appropriate access, correction, and redress regarding DHS's use of PII.
- Purpose Specification: DHS should specifically articulate the authority that permits the collection of PII and specifically articulate the purpose or purposes for which the PII is intended to be used.

Basic privacy principles - FIPP

- Data Minimization: DHS should only collect PII that is directly relevant and necessary to accomplish the specified purpose(s) and only retain PII for as long as is necessary to fulfill the specified purpose(s).
- Use Limitation: DHS should use PII solely for the purpose(s) specified in the notice. Sharing PII outside the Department should be for a purpose compatible with the purpose for which the PII was collected.
- Data Quality and Integrity: DHS should, to the extent practicable, ensure that PII is accurate, relevant, timely, and complete.

Basic privacy principles - FIPP

- Security: DHS should protect PII (in all media) through appropriate security safeguards against risks such as loss, unauthorized access or use, destruction, modification, or unintended or inappropriate disclosure.
- Accountability and Auditing: DHS should be accountable for complying with these principles, providing training to all employees and contractors who use PII, and auditing the actual use of PII to demonstrate compliance with these principles and all applicable privacy protection requirements.

The Right to Privacy

Take 5 mins to discuss the reading with a partner. Discuss points that stood out to you.

The Right to Privacy

Warren and Brandeis

https://en.wikipedia.org/wiki/The_Right_to_Privacy_%28article%29

The Right to Privacy

Make the case for why privacy is right

—

The right to be let alone

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Things you should know

- Su



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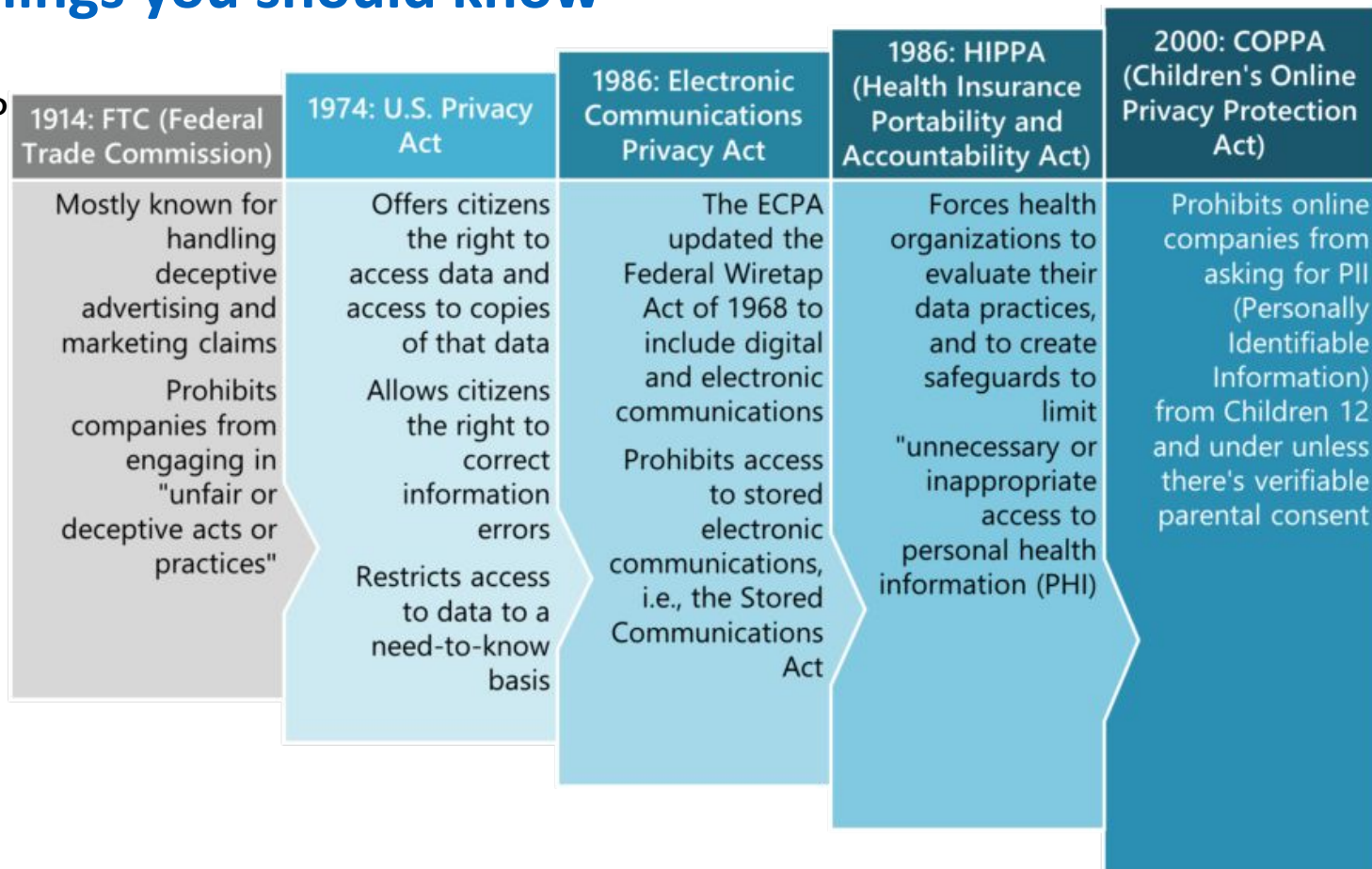
- Suprem



The United States
Supreme Court in 2 Minutes

Things you should know

• P



Things you should know

- Penumbra (shadow of the law)

THE PERIODIC TABLE OF THE AMENDMENTS™

Article V of the U.S. Constitution outlines the amendment process. Amendments can be proposed by either the states or Congress. These 27 amendments were first proposed by Congress and then ratified by the states. Through the amendment process, the Constitution remains firm, but flexible — perhaps keeping it from becoming rigid and obsolete.

The 5 Freedoms:

- » Freedom of religion
- » Freedom of speech
- » Freedom of the press
- » Freedom of assembly
- » Freedom to petition the government

1st
Freedom of expression

1791

2nd
The right to bear arms

1791

3rd
Quartering of soldiers

1791

4th
Unreasonable searches & seizures

1791

5th
Due process of law

1791

6th
The right to a fair trial

1791

7th
Trial by jury in civil cases

1791

8th
Cruel & unusual punishments

1791

9th
Non-enumerated rights

1791

10th
States' rights

1791

★★★ THE BILL OF RIGHTS ★★★

In 1789, James Madison fought to include a bill of rights in the U.S. Constitution. Ten of his twelve proposed amendments were ratified by the states in 1791. Known as the Bill of Rights, these ten amendments protect Americans' individual liberties.



Year of ratification

THE CIVIL WAR AMENDMENTS

11th
Lawsuits against the states

1795

12th
Electing the president & vice president

1804

13th
Ends slavery

1865

14th
Equal protection of the laws

1868

15th
Right to vote not denied by race

1870

16th
Income taxes

1913

17th
Direct election of senators

1913

18th
Prohibition of alcohol

1919

19th
Women's right to vote

1920

During the Progressive Era of the early 1900s many Americans sought social and political reform. Like the Civil War, the Progressive Era left its mark on the Constitution. In less than a decade, four amendments were added.

The Suffrage Amendments

Extending voting rights has been a common theme throughout American history. In early presidential elections, only a minority of the population could vote — mainly white males who owned property.

Voting rights have been broadened to include more of the American population — although state practice did not always follow suit immediately (See 24th Amendment).

Ultimately, the Suffrage Amendments proclaim that American citizens' right to vote shall not be denied based on race (15th), sex (19th), or age (26th).

20th
Lame ducks

1933

21st
Repeal of Prohibition

1933

22nd
Presidential term limit

1951

23rd
Electoral votes for D.C.

1961

24th
Bans the poll tax

1964

25th
Presidential succession & disability

1967

26th
Right to vote at age 18

1971

27th
Limits congressional pay raises

1992

The Prohibition Amendments

In 1919, the temperance movement got its wish when the 18th Amendment banned the manufacture, sale, and transportation of alcoholic beverages. Fourteen years later—in the heart of the Great Depression—the 21st Amendment repealed the 18th.

In the 1796 election John Adams defeated Thomas Jefferson. Under Article II Adams became president, and Jefferson, the runner-up, became vice president.

The two political rivals belonged to opposing parties: Adams the Federalists, and Jefferson the Democratic-Republicans. This created a problem in governing.

The 20th Amendment called for political parties to nominate both a presidential and vice presidential candidate as a team, preventing the VP runner-up problem.

Presidential elections take place in early November. The 20th Amendment moved Inauguration Day from March to January.

January **February** **March**
20 **4**

The Presidential Amendments

Amendments have modified Article II of the Constitution (See 12th, 20th, 22nd, 25th & 26th). Perhaps the Founders didn't anticipate the complications that would arise when electing the president, but knowing that change was inevitable, they allowed for the amendment process.

The FDR Amendment:

By not seeking a third term, George Washington established the precedent of serving only two terms. This was tradition, but not the law of the land. In 1940, President Franklin D. Roosevelt ran for a third term. He not only won that election, but the 1944 election as well.

The 22nd Amendment sets a two-term limit for the president, ensuring that FDR is the only person to win four presidential elections.

3 for D.C.

To give residents a voice in presidential elections, the 23rd Amendment granted electoral votes to D.C. — the same amount as the least populous state.

Presidential Line of Succession:

1. Vice President
2. Speaker of the House
3. President pro tempore of the Senate
4. Secretary of State
5. Secretary of the Treasury...

John Tyler set the precedent for the vice president becoming president when he took over after the death of William Henry Harrison. It wasn't until after the assassination of John F. Kennedy that the 25th Amendment formally outlined the order of presidential succession.

203 years later...

In 1992, the states finally ratified the eleventh of James Madison's original twelve amendments — making it the longest ratification process of all amendments.

What is...?

Due process of law: The government has to follow rules and established procedures in everything it does (5th).

Non-enumerated rights: Individuals have other rights that are not mentioned in the Constitution and the Bill of Rights (9th).

Equal protection of the laws: Laws must be applied equally and cannot discriminate against a group of people (14th).

Prohibition: To not allow something — in this case the manufacture, sale, and transportation of alcohol (18th).

Lame ducks: A president or member of Congress who has not been re-elected but is still in office until the new term begins (20th).

Rigat: To undo — in this case ending Prohibition (21st).

periodicpresidents.com

Things you should know

- Morality laws, obscenity laws (YMCA)
- Connecticut stopped focusing on banning contraception after federal....
- Still on the books, only certain folks had access to it
- There were other cases related to this before (illegal to discuss)
 - Dismissed (no injury, no enforcement)
- Griswold clinic on purpose (to force court)

Decision

- Responsibility
- Privacy – Substantive Due Process
- Liberty

Question 1

What is the relationship between the right to privacy and the ability to get contraceptives?

Question 2

How does this right to privacy relate to the bill of rights?

1, 3,4,5, 9

Question 3

With the overturn of Roe v Wade, how does this impact our privacy now?

Question 4

Considering where we are now in terms of the right to privacy, should the constitution be updated to provide more privacy support?

Question 5

Considering the power of the supreme court, should the supreme court make rulings related to privacy? Why or why not?

Question 6

Is there another amendment or right that could have been used instead of privacy to support Griswold in this case?

Question 7

Under what situations would the right to privacy not be supported?

