

Informatics Ethics and Law

Prof. Dr. Eşref ADALI

Privacy

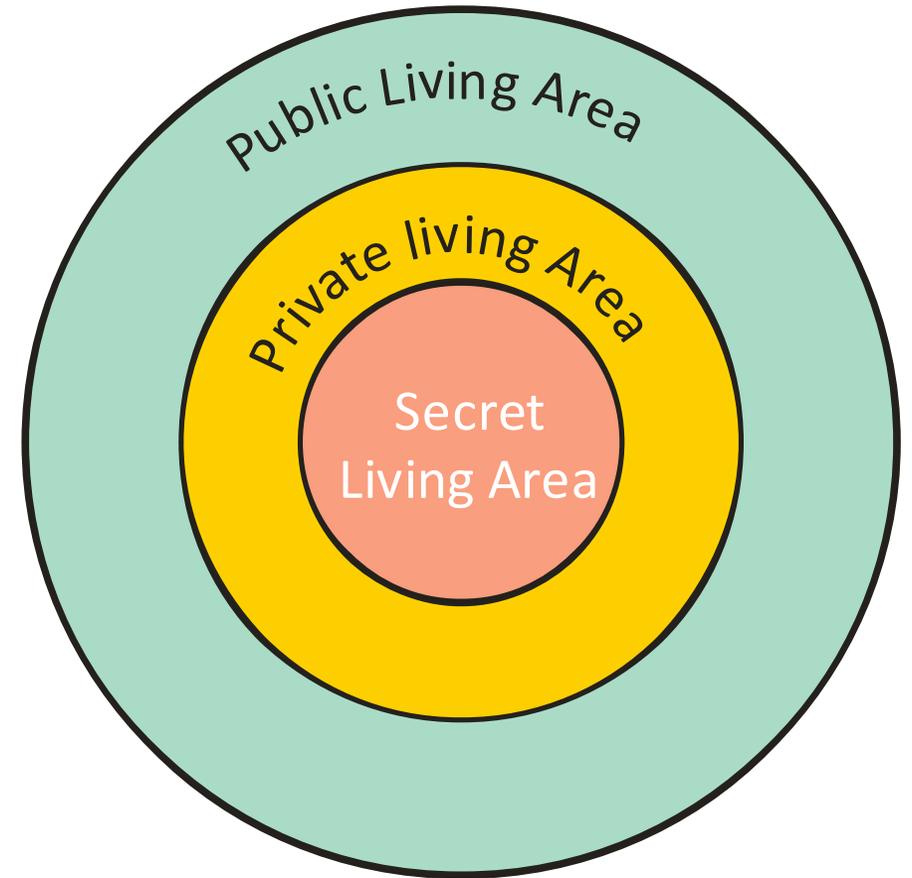
4

Personel Data

Public Area: It is a public living area that contains information that the individual can share with everyone.

Private Area: It is the area containing the information that the individual can share with certain people to a certain extent.

Secret Area: It is the area that contains information that only the individual knows, does not want to share with others and keeps as a secret.



Defination

Personal Data: Information about the individual's general life, private life and secret living area is accepted as personal information.

Privacy of the Individual: We define the information that remains within the private and secret living space of the individual as the private of the individual. Some of the information in this area can be shared with the required people and organizations when necessary. The owner of the information can make the decision to share.

Key Information: It is the information that will have a significant impact on the individual or organization if it is known, changed or deleted. Suggested in English as the equivalent of the word **sensitive data**.

Surveillance: The act of trying to learn all the information related to an individual or an organization is called surveillance. During the surveillance process, private and secret information of the individual and the organization are tried to be learned. Surveillance is done to control curiosity, commercial interest and order.

The Importance of Individual Information

Today, a detective is not required to collect information about a person, because the person gives such information unconsciously.

ID Information: The identity information of the individual is not general living space information.

Health Information: It is the information that should be kept in a private living space or even a secret living space.

Biological Information: Since it is a very strong evidence to identify people, it is an individual secret and should be kept at a high level.

Financial Information: Especially financial information of organizations is a secret.

Technical Information: It is extremely important for competing companies to learn the R&D studies of technology developing organizations.

Trifling Information : Information that seems insignificant can lead to more important results.

Surveillance

- It is called as surveillance to monitor individuals and organizations and to collect information about them with very innocent reasons such as knowing the society and ensuring the order of the society.
- Such monitoring is carried out continuously and regularly by public institutions.
- Surveillance is done in accordance with the law as well as illegally.

Surveillance in order to **get to know the society and ensure the order of society**

Managerial: Information collected about citizens and organizations and necessary for management is called administrative records. Individuals' population records, residence records, financial and campus records of organizations are counted from such records.

Statistical: These are records composed of information collected in order to predict the future of the society. Population censuses, resource researches are examples of such records.

Information-based: These are records composed of information collected by law enforcement agencies for a legal investigation.

Surveillance and Responses

Public request	Individual's reaction
In order to monitor the money laundering, governance should monitor citizens' bank accounts.	Information about the saving of individuals in banks is the private life of the person and the governance has no right to know this.
The governance should know who lives where. This information is necessary to ensure public order.	People have the right to sit everywhere and the public does not need to know.
Knowing the health status of citizens is important for public health.	Health information is the private and even secret living space of the person. The public has no right to know this.
Individuals' communications (telephone, e-mail) should be observed to ensure social order.	Communication rights of individuals are a universal right and cannot be observed, surveilled and read.
Traffic information (telephone, e-mail) related to the communication of individuals should be recorded in order to ensure public order.	Communication rights of individuals are a universal right and cannot be observed. Recording of traffic is to violate this right.
The population records are important for knowing the structure of the society. The records of each citizen must be kept in one center.	Knowing the population records of individuals is wrong in the context of free people.
Cameras must be placed in public areas to monitor bad people.	Watching people with cameras concludes watching private life and is wrong.
Photographs need to be taken to document that vehicles are breaking traffic rules.	The photo taken is wrong because it can cause other problems.
Pregnancy of young and single girls should be monitored by the governance.	The public cannot have such a task.
It is wrong for families to have more than one child in terms of population growth.	The family must decide how many children a family will have; the public cannot have such a right.

Surveillance Today

It is constantly monitored who has a mobile phone, uses a credit card, uses e-mail, and writes on the social network.

- Today's information technologies are used in the surveillance of illegal organizations dealing with drugs. When these organizations are preparing for a smuggling action, the communication traffic between them increases. Such information can be obtained from the communication traffic records.
- Information technologies and data mining methods are used to reveal money laundering transactions. In these actions, which have an international dimension, information is collected around the world and money laundering is traced.

Volunteer Surveillance - I

Browsers and Search Engines

Companies that produce browsers and search engines say that they earn their income from advertisements. This income can be met with understanding. Separating a corner of the browser page for advertising can be considered ethical and commercial behavior. However, some browsers today do more than this and can draw conclusion about: Follows the pages that the individual enters and navigates, Thus, learn about;

- Identifies the subjects that the individual is interested in
- Products you are interested in
- Social and cultural structure
- Political view
- Belief

- No business organization offers any service for free.
- In addition to advertising revenues, they make big money by selling information about users.

Volunteer Surveillance - II

E-mail Services

It has been revealed that those who offer some of the most widely used e-mail services read their letter contents. In fact, it was understood that they did not read the contents of the letter completely, but only examined the content of each e-mail, although they said that they only looked at the individual's interest.

The privacy of individuals' communication is clearly stated in **article 12 of the Universal Declaration of Human Rights**. In order to ensure social security in free countries governed by law, **e-mail traffic** information is required to be kept by Internet Service Providers for a certain period of time. However, it is emphasized that **the content can never be viewed**. Although these principles are known, these principles are somehow deteriorating. Therefore, it is tried to learn who is corresponding with who, what he is interested in, his thoughts, comments, opinions. It is clear that the information in the e-mail content can be private and secret information of the individual.

Volunteer Surveillance - III

Social Networks

In social networks that are widely used today, individuals:

- Explaining his feelings and opinions,
- It says where they are and what they do,
- It states whether they like the opinions and thoughts of others,
- Sharing the opinions of others,
- It forms groups with different purposes and can become a member of existing groups.

There are various organizations that want to buy information about individuals.

Volunteer Surveillance - IV

Messaging Services

Since the first days of Internet, we have witnessed messaging services with different features. All of these are free. "*What could be the purpose of the organizations that prepare and distribute such programs for free? Wonder if people can speak for free?*" To say yes to this question, you have to be very naive. It was later discovered that a widely used messaging program served a country's intelligence agency in 1995-96.

We cannot say that all messaging programs are malicious. However, it should be borne in mind that a messaging program with no advertising revenue is the reason behind selling it for billions of liras.

Individuals using the message services should keep in mind that their messages can be read, who can message them, and that this information can be transferred to someone.

Volunteer Surveillance - V

Navigators

Especially, the navigation systems offered on smart phones provide convenience to people. They show people the way to reach their destination. To benefit from such a service, the individual must allow the knowledge of where he is located. This voluntary information means that the individual is known and monitored where he / she is at any time.

Knowing where a person is at any time can be considered as interference with the individual. It is necessary to learn the position of the individual to guide, but it is not an ethical behavior to keep track of the individual's actions by hiding this information and to transfer this information to others

Volunteer Surveillance - VI

Consultancy Services

There are sites that provide free consultancy services on various topics in Internet. The services provided can be in the area of technical, law and health. There are examples of how those who prepare and run such sites earn from these services. An interesting service site can be given as an interesting example:

- In the sample site, people tried to share health problems with people they do not know and find a cure. Those with a similar problem reported which drugs they used. Physicians also participated in such shares. Based on these definitions, it can be concluded that the site is very useful for humanity. However, it has been determined that those who set up and manage the site direct the writers on this site and transfer the data to the drug manufacturers, thus obtaining monetary income.
- It is seen that similar sites exist in other areas. Those who share information on such sites in good faith should actually know that they provide important data to the site administration and that this data can be used for commercial purposes.

Results of Voluntary Surveillance

It should be the duty of the governance to investigate what the main purpose of such organizations that provide free services to people. The following research is required for these organizations:

What is the nature (general, confidential or secret) of the information requested from individuals?

Is information related to the individual obtained from the knowledge of the individual?

For what purpose is the individual data collected?

Is the individual's consent obtained while asking for personal information?

Is the individual informed of the results to be obtained from the individual information?

What are the results produced from the information collected?

Are the produced results used for commercial purposes?

Are the produced results sold to other companies or organizations?

Commercial firms should be prevented from making money by exploiting the ignorance or goodwill of individuals. The work to be carried out against those pursuing such earnings may be a new task for financial investigators.

Protection of Individual Information

When the information in the informatics environment is evaluated, very detailed information about the individual can be obtained. Such important and sensitive information needs to be protected. It is clear that actions that can harm individuals can be carried out if they are not protected.

People do not think that this information they voluntarily provide will be used for other purposes. Also, they do not think that the information they give to different organizations can be combined and interpreted. They never know the possibility that such information will be seen by unrelated people. On the contrary, they think that this information can only be seen by those concerned and not used outside of its intended purpose.

A free person is considered an honorable person. This person has the right to know where the personal information that he has informed with his own consent is stored, who will be seen and shared. If he does not have this right, he cannot make a free decision. The idea that those holding the information can create material and moral pressure on the individual by using this information may prevent the individual from participating in social life.

Protection of individual information is not an infinite right granted to individuals. In compulsory and necessary situations, individual information can be used and shared by observing the laws.

Privacy of Individual Information and Freedom to Explain Thought

Press freedom ideas, which are within the scope of confidentiality of individual information and freedom of expression, sometimes conflict. Celebrities of the art and sports world want to be known in the community. They expect the press to talk about them frequently and to publish their photos. Especially the magazine tries to publish the lives of celebrities frequently. Some articles and photographs related to celebrities in this type of press are evaluated by celebrities as the publication of private life. The press side advocates that the private lives of people who are costly to society and who want to appear in the press themselves will be known by the society. With this argument, it is also seen that celebrities publish information about secret living spaces.

While publishing personal information about celebrities, it is necessary to protect the personal information and to compare the principles of freedom of the press and balance.

International Studies - I

The principles regarding the protection of individual information have been included in the different human rights declarations in the context of privacy. The United Nations Universal Declaration of Human Rights, the United Nations International Convention on Individual and Political Rights and the European Convention on Human Rights are among the important ones of these declarations.

The first study on the protection of individual information was carried out by OECD and the following principles were proposed:

- Information gathering should be limited.
- The information must be of a certain nature.
- The purpose of collecting information should be clear.
- The usage of the information collected should be limited.
- The information should be secured.
- Clarity is essential in the use of information.
- The owner should have the right to information.
- The organization that collects the information should be able to account.

Human Rights Statement Article 12:

No one will be subjected to arbitrary interference in his private life, family, residence or communication, or attacks on his honor and fame. Everyone has the right to be protected by law against such interference or attacks.

International Studies - II

In 1990, a subject-specific document was created by UN under the name of *Guidelines on Personal Data Files Transmitted to Computer*. These principles are:

- Information should be collected legally and honestly.
- The information must be correct.
- The purpose of collecting information should be clear.
- The person should be able to access the information.
- Discrimination should not be made during information gathering.
- The information should be secured.
- The organization that stores the data must be auditable and enforceable.
- The transfer of information to other countries should be done securely.