

A Conceptual Framework of Privacy (A Psychological Concern)

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Abstract: In today's modern digital world, inconsistencies of behavior and attitudes surrounding privacy have been found that depend upon individuals and surrounding circumstances around them. Such inconsistencies have created a type of paradox surrounding privacy. This study attempts to review the theoretical or hypothetical and conceptual framework of privacy concerning this paradox and how privacy may be categorized into value-based and cognate based-privacy. The study further explains about what value-based privacy refers to and how it evolves from political, cultural, legal and economic perspective. The study also explains about what cognate-based privacy means and how it relates to cognition and perception and an assertion of control rather than to absolute moral value and norms. Finally, the study goes on explaining about what privacy is not and how privacy can be distinguished from anonymity, confidentiality, secrecy, security and ethics and if security and ethics is necessary for privacy.

Key words: Privacy, value-based privacy, cognate-based privacy, anonymity, privacy paradox, conceptual privacy framework

INTRODUCTION

In the absence of incomplete and empirically invalidated definition of "Privacy" and its relationships with other constructs, "privacy" was characterized as either "Value-based" or "Cognate based" (Smith *et al.*, 2011; Taylor *et al.*, 2015). "Value-based privacy" refers privacy as "human right integral to society's moral value system" (Smith *et al.*, 2011) and evolves from economic (Rust *et al.*, 2002) and legal perspective (Taylor *et al.*, 2015). "Cognate-based privacy" refers privacy as "the individual's mind, perceptions and cognition rather than to an absolute moral value or norm" (Smith *et al.*, 2011) or in other words, a condition of mind (Alpert, 2003) or/and "assertion of control" (Milne and Culnan, 2004).

VALUE-BASED PRIVACY

Privacy as a right: There have been numerous debates about "privacy" to be treated as a "human right" and must be protected, if one views "privacy" through the lenses of political and legal framework (Milberg *et al.*, 2000), however, some scholars claim that "privacy" can not be regarded as "absolute" as it may be in conflict with different societal and legal structures depending upon various culture (Posner, 1984). For example, based on British perspective, US constitution did not spell out "privacy" and the court did not mention it in any of the

court verdict as a "protected right" until the 20th century (Richards and Solove, 2007), however, US scholar, Warren and Brandeis (1890) traced the "right to privacy" in US constitution and later, US Supreme Court provided constitutional sanction to it (Breckenridge, 1970 as cited in Smith *et al.*, 2011). Some of the prominent court cases in US history include private fact's exposure, embryos and abortions, seizures and searches, sex tapes, intrusion, psychological or mind-control and psychological testing, celebrity culture and lifestyle monitoring (Alderman and Kennedy, 1997 as cited in Smith *et al.*, 2011).

These court cases made scholars ponder about seeking more specific definition of "Privacy" (Smith *et al.*, 2011) than mere "need to be left alone" (Warren and Brandeis, 1890) and further pondered whether "state" has a responsibility to protect "Privacy as a right". The court, through Younger Committee Report in 2007, came to conclude that the absolute definition of "privacy" couldn't be satisfactorily given. The second issue about state-responsibility provided two opposing perspectives among social and legal scholars (Smith *et al.*, 2011). The "for" perspective recognized the responsibility of the state as a "protector" (Rosen, 2000 as cited in Smith *et al.*, 2011), thus, referring "Privacy as a right" to a social phenomenon pertaining to "policy consideration" whereas the "against" perspective considered "privacy" as a market-based economic commodity (Smith *et al.*, 2011).

Privacy as a commodity: Benneth (1995) coined the term based on “libertarian” view and assigned “privacy” an economic value based on “cost-benefit analysis” and “trade-off” at both the individual and societal level. Under this perspective, Libertarian social scientists claim that privacy is not “absolute” and is based on “self-surveillance” in which individuals voluntarily provide information about themselves in an exchange for foreseeable economic benefits (Campbell and Carlson, 2002). However, it is not very clear that libertarian’s view of “privacy as a commodity” resulted from an “individual shift” or from a scholarly-paradigm-shift. This “commodity-based view of privacy” gave rise to “cognate-based privacy” (Smith *et al.*, 2011).

COGNATE-BASED PRIVACY

Privacy as a state: Westin (1967) coined the term and arguably provided the more arduous definition of “Privacy as a State” as a “voluntary and temporary withdrawal of a person from the general society”. Later “privacy” was compared with solitude, estrangement, banishment and isolation and was valued the most by the society and all the other terms were supposed to be punitive (Weinstein, 1971). Weinstein (1971) further argued that “privacy” should be defined as being at a distance from others. Besides, “privacy” was also argued to be a “situational concept” and was linked to the dimensional aspects of relational, environmental and self-image (Laura and Wolffe, 1977 as cited in Smith *et al.*, 2011). However, Schoeman (1984) argued that “privacy” should be seen as “a state of limited access to a

person”. Furthermore social scientists, technologists and economists restricted this to “state of limited access to information” (Smith *et al.*, 2011).

Privacy as a control: Altman (1975) coined the term “privacy as a control” and based on Altman’s definition, it is “the selective control of access to the self” (Smith *et al.*, 2011). Here, “privacy as a control” refers to the “ability to control” and has been further developed by research scholars who have attributed this to “information privacy” (Smith *et al.*, 2011) and has been used in operationalizing “privacy” in various instruments of measurements (Kelvin, 1973). Later, “privacy” was argued to be shaped by “control” to some extent and a situation might not be perceived as comprised of “privacy” because individuals felt, sensed and exercised control (Laufer and Wolffe, 1977 as cited in Smith *et al.*, 2011). Although, there have been very little theoretical attempts to elaborate the character of “control” in “privacy literature” (Margulis, 2003), the concept of “privacy as a control” is ancillary and is based on the effectiveness of needs-satisfaction (Johnson, 1974). However, Margulis (1977) provided a well-defined control-centered concept of “privacy” and argued, “privacy as a whole or in part, represents the control of transactions between person(s) and other(s), the ultimate aim of which is to enhance autonomy and/or to minimize vulnerability”.

Based on the instances and circumstances surrounding the above characterization of “privacy” (Value-based and cognate-based) surrounding technological innovation and emerging technologies, the concept of “privacy” has been divided into the seven types of privacy (Table 1).

Table 1: Types of privacy and their definitions with examples¹

Types of privacy	Definitions and examples
“Privacy of the person”	Privacy of “body functions” and “body characteristics”. Examples: X-rays, biometrics, brain scanners, body cameras, metal detector, hand searches, DNAs sequencing, EM mind-control and EEG (Brain computer interface), etc
“Privacy of behavior and action”	Privacy of “sexual preferences and habits”, “religious practices” and “political activities” both in private and public space. Examples: CCTV, brain scanners, biometrics, X-rays, metal detectors, RFIDs, UASs, brain computer interface, etc
“Privacy of communication”	Avoiding “interception”, “access” or “recording” of mail, email(s), text message(s), phone-call(s) or wireless communication, use of directional microphones(s) or bug(s). Examples: Brain-computer interface, Malware, Adware, Spyware, etc
“Privacy of data and image”	Providing protection from accessing, disclosing or/and distributing personal data, image(s) or/and video(s) (Information privacy) without consent. Maintains “balance of power” between individual(s) and state. Examples: CCTV, metal detectors, X-rays, RFIDs, UASs, DNAs sequencing, brain computer interface, etc
“Privacy of thoughts and feelings”	Privacy of “mind” psychological freedom. Also maintains “balance of power” between individual(s) and state. Examples: EEG and mind-control (Brain-computer interface), etc
“Privacy of location and space”	Protection from being “tracked”, “identified” or/and “monitored” while moving in semi-public or public space. Right to “privacy” at home, office, car or any other such place. Examples: RFIDs, brain computer interface, UASs, DNAs sequencing, etc
“Privacy of association”	Protection from being monitored as it relates to political outfit(s), religion(s) or/and any other form of association. Examples: UASs, DNAs sequencing, etc

¹ICO (2014), Westin (1967), Klitou (2014), Smith *et al.* (2011) and Binhi (2009)

WHAT PRIVACY IS NOT/MAY NOT BE

Anonymity: Anonymity enables a person to willingly hide his/her identity and is influenced by “privacy enhanced technology”. It is basically a form of “privacy-control” and is mostly used to prevent from information being collected for statistical purposes (Camp, 1999; Smith *et al.*, 2011).

Confidentiality: The derivation of confidentiality on the line of “privacy as a right”, depends upon societal culture. For example, American definition of “privacy” is based on “individualism” whereas British equates “privacy” with “confidentiality” (Richards and Solove, 2007). However, based on well-defined distinction between “privacy” and “confidentiality” in literature, “privacy” refers to controlling the release of personal information whereas “confidentiality” refers to limit the disclosure of “personal information to an information custodian under an agreement that limits the extent and conditions under which that information may be used or released further” (Smith *et al.*, 2011; Camp, 1999).

Secrecy: Secrecy has negative connotation and refers to intentionally concealing information that is considered inaccurate, “manipulative” and disparaging by external stakeholders whereas privacy

has positive connotation and is appreciated by society (Bok, 1989; Warren and Brandeis, 1890 as cited in Smith *et al.*, 2011). Moreover, “privacy need not hide and secrecy hides far more than what is private” (Bok, 1989).

Security: There is a lack of clarity in IS literature about how “security” and “Privacy” are inter-related (Belanger *et al.*, 2002 as cited in Smith *et al.*, 2011). “Security” refers to protecting personal information with three main objectives: “integrity” of information, so as not to be changed during storage and transit, “authentication”, verifying the admissibility and identity of user(s) before accessing the data and “confidentiality”, limiting the data-access to authorized people for the legitimate purpose (Camp, 1999). Hence, “security is necessary for privacy but security is not sufficient to safeguard against subsequent use to minimize the risk of disclosure or to reassure users” (Ackerman, 2004).

Ethics: Although, there are ethical perspectives attached to “privacy” as various IS literature suggests across numerous disciplines (Ashworth and Free, 2006 as cited in Smith *et al.*, 2011), “privacy” must be acknowledged and protected and must not be equated with “ethics” and

one can still go ahead about conducting empirical study of privacy research without considering the ethical construct (Smith *et al.*, 2011).

CONCLUSION

In this information age, privacy has been regarded as one of the most relevant ethical issues, however, as mentioned above, it should not be equated with ethics. The literature shows that, there are increasing levels of concern about privacy among individuals. This has led to a rising level of research on issues related to privacy concerns showing that societal responses to these concerns along with organizational practices and individual’s insight of these practices are interconnected in many ways. This has caused privacy paradox resulting in several interpretations of this paradox arising out of psychology, social theory and behavioral economics. This complex phenomenon of privacy paradox requires a further comprehensive research. Hence, the further research should be done on the basis of extensive theoretical models taking into account the diversity of privacy concerns and personal information which should use the evidence of real behavior instead of the self-reported behavior.

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