Privacy as an ability or a state: An argument for a relational view

Irina Shklovski
IT University of Copenhagen
irsh@itu.dk

Introduction
The amount of data collected about individuals is steadily increasing as devices become smart and connect, amplifying opportunities to harvest sensitive information to unprecedented levels. Researchers, data transparency and privacy activists have not been idle. There are many efforts to combat this problem through privacy and security enhancing technologies as well through informing and educating end-users [3,7,12]. Yet few of these technologies are widely used and education efforts, while useful do not result in substantial changes in behavior [5,11]. Users ignore end user license agreements and even those who download privacy enhancing technologies tend to be inconsistent in their use [5,7].

Part of the problem is the fact that concepts of privacy and data leakage themselves are too abstract to have enough relevance in daily practice. After all, what are the practical consequences of having your location or your phone ID leaked to a third party advertiser? How can users be expected to care about data disclosure if it is difficult to know whether handing location data to a company is something to really worry about in concrete terms. Users might feel “creeped out” but this does not help them to clearly identify what to do [11].
Addressing this problem is difficult [8]. There are effective tools to help control and minimize leakage of personal information but these do not address the issue of how to convince users of their relevance [5,12]. There are efforts to engage behavior change through creative notification [3] or nudges towards desired outcomes [13] but these tend to have limited success. There are efforts to develop hardware and software that will include a kind of “privacy butler” where user preferences can be discerned over time from their behavior so that privacy preferences and policies can be set automatically or at least in a way that can assist the user in decision-making [16]. This is an example of a kind of “people-centric” approach that acknowledges the importance of attending to diversity in preferences in needs. The notion of individual differences here, however, does not presume infinite diversity but a set of measures that can consistently predict individual differences in myriad privacy settings for various technologies and services.

Considerations of differences in needs and desires are, of course, important and the human-centered push in technology design is central to HCI research. In this paper though, I consider whether the language of individual differences fits the problem of privacy at all.

**Popular definitions of privacy**

There are, of course, many definitions and a proliferation of theoretical treatments of the concept itself as well as accounts of “folk definitions” collected through various means [1,4,5,10,15]. In this digital life, however, it seems reasonable to use Google as the arbiter of popular truths or at least conjectures. Typing in “define:privacy” into Google returns a set of options presumably drawn from a dictionary popular with Google users perhaps similar to myself (see Figure 1).

![Google privacy definition](Figure 1. Google privacy definition)

The first definition is “a state in which one is not observed or disturbed by other people.” The second reads “the state of being free from public attention.” These two are very close in spirit to the commonly referenced “right to be left alone” originally proposed by Warren and Brandeis in their judgment about the limits of newsworthy photography [14]. These definitions are interesting because they offer a relational view on what the concept of privacy might mean, defining it as a condition of social isolation. These definitions do not make statements about
whether this is a desired state, but propose only that this state ought to be achievable or available. No statement is made about how this state might be achieved, but the very existence of these definitions points to such a state being potentially desirable. There are fundamental values and rights at stake here, a demand for a society to afford its members dignity at least in this form [9].

Wikipedia is another common arbiter of conjecture in the digital world. The privacy definition on Wikipedia\(^1\) is produced collectively and thus potentially representing a collective set of opinions of a broader range of Internet users or, at least, Wikipedians. Wikipedia furnishes a somewhat different definition, shifting from a passive "state" to a more active and internalized "ability": "Privacy is the ability of an individual or group to seclude themselves, or information about themselves, and thereby express themselves selectively. The boundaries and content of what is considered private differ among cultures and individuals, but share common themes. When something is private to a person, it usually means that something is inherently special or sensitive to them." Wikipedia’s definition is much more agentive, sketching the practices necessary to achieve a desired state through “seclusion” and “selective expression”. Privacy here is not a state but the ability to control access to some thing that might be “private” and that “inherently” has particular definable characteristics of "special" or "sensitive". Wikipedia then notes the individual differences originating whether from internal characteristics or cultural concerns.

Implications of definitions
The two definitions are similar, but the differences here are crucial. If privacy is a state then it ought to be recognized and respected as relational, socially orchestrated set of expectations. If privacy as a state of being unobserved or undisturbed is to be respected then any observation or disturbance must be first signaled. The responsibility for the breach lies with the one disturbing. If privacy is an ability, however, then the responsibility for exercising that ability lies with the individual wishing to do so. Having ability is an individual characteristic and only through active exercise of such ability can it be recognized and respected. Individuals, of course, have different abilities and, thus, the language of individual differences fits better with this latter definition. Design considerations for privacy research, system design and policy must be different depending on the point of view, because the two definitions are clearly at odds.

The Wikipedia definition asks how must the individual act to control access to the things they characterize as “special” or “sensitive”. The technical infrastructures of our digital lives have settled on the latter definition rather than the former often working to suggest, support, nudge or enable individuals to exercise privacy as ability [5]. The privacy as ability view encourages thinking about how to enable this ability to flourish, perhaps through better information, education or tools. While these may get us some part of the way, they seem to inevitably fall short of the goals. If it is the internal characteristics or inherent differences that are responsible for the concerns and problems, then perhaps the solution is really to account for the differences, tweaking perceptions. After all, research suggests that the illusion of control can ensure higher

\(^1\) https://en.wikipedia.org/wiki/Privacy
levels of comfort with disclosure [2] while an illusory loss of control can lead to panic [6]. Thinking of privacy as an ability removes the need to really understand the origins of concerns. Instead, this definition enables a mechanistic expectation that addressing differences will make more people comfortable with the same technologies. Yet the problems persist and their very persistence suggests that maybe differences between individuals is not the issue, but it is the relationships that define our data and technology interactions that might need some attention.

The privacy as a state definition asks how must the society and its denizens act to respect someone’s state of privacy. This requires a discussion of what are the premises on which the expectations of privacy are built and what are the rights and responsibilities of the actors involved? How might we design to afford dignity? This definition demands a relational approach to thinking about privacy because, as Crabtree et al. have recently argued [4], on closer inspection the concept dissolves into everyday concerns with relationship management whether among people or between people and the organizations/institutions they live with. Here the idea of empowerment and control is moot. Rather this point of view might allow us to acknowledge that people take refuge in the notion of control, despite the fact that they realize such control is illusory [5]. Empowering the user to take control of their data merely shifts untenable amounts of responsibility on them for decisions about data disclosure without actually changing the nature of the relationship they have with the providers of their digital services. Instead of defining which differences correspond to “privacy concerns” the relational conception of privacy requires us to unpack the why of these concerns.

Acknowledgements
Thanks for letting me submit a day late!

References
6. Christopher M. Hoadley, Heng Xu, Joey J. Lee, and Mary Beth Rosson. 2010. Privacy as information access and illusory control: The case of the Facebook News Feed privacy outcry. Electronic