ISOL 633 Legal Regulations, Investigations and Compliance

Chapter 2 - Lecture 2

Privacy Overview

Learning Objectives/Key Concepts

Examine the concept of privacy and its legal protections.

- Basic privacy principles
- Explain the difference between Information Security and Privacy
- Describes threats to privacy

Learning Objectives/Key Concepts Continued

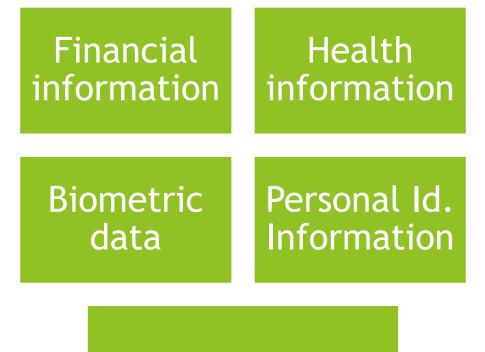
- Explain important issues regarding workplace privacy
- General principles for privacy protection

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What Is Privacy?

- A person has control of his or her personal data
 - Control = a person can specify the collection, use, and sharing of their data
- Government's power to interfere in the privacy of its citizens is limited

Examples of Private Information



Other

Legal Issues in Information Security

Not All Information is private

- We would like to control every aspect of our life in terms of who has access to it.
- Not all information is private
- Public records
 - Minutes of government meetings
 - Sex Offender Registration
 - Criminal records
 - Court Dockets
 - Pleadings

Security and Privacy

- Privacy is an individual's right to control the use and disclosure of his or her own personal information
- Information security is a process used to keep data private.
- Security is the process and privacy is the result of the security process
- Privacy rights are individual rights

Sources of Privacy Law

- Constitutional Law
- Federal Laws
- State Laws
- Common Laws
 - Intrusion into Seclusion
 - Portrayal in a False Light
 - Appropriation of Likeness or Identity
 - Public Disclosure of Private Facts
- Voluntary Agreements

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Federal Privacy Laws

- Census Confidentiality (1952)
- Freedom of Information Act (1966)
- Wiretap Act (1968, amended)
- Mail Privacy Statute (1971)
- Privacy Act (1974)
- Cable Communications Policy Act (1984)
- Electronic Communications Privacy Act (1986)
- ► U.S.A. PATRIOT Act (2001)
- Driver's Privacy Protection Act (1994)
- E-Government Act (2002)

State Privacy Laws

- Ten state constitutions recognize a right to privacy: Alaska, Arizona, California, Florida, Hawaii, Illinois, Louisiana, Montana, South Carolina, and Washington
- State of New York was first state to write a right of privacy into its statutes
- Other states have recognized a right of privacy through case law
- Statutory or codified law and common (case) law



Legal Issues in Information Security

Threats to Personal Data Privacy: People-Based



Legal Issues in Information Security

Workplace Privacy and Monitoring

Telephone and Voice Mail

Video Surveillance

Computer and Internet Use

E-mail

Legal Issues in Information Security

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General Principles for Privacy Protection in Information Systems

Active data collection

GOOD

Passive Data Collection

AVOID

Legal Issues in Information Security

Summary

- People no longer take privacy for granted
- People want control
- Complications caused by electronic communications
- Threats to privacy in the information age
- Organizations must respect a person's individual right to privacy

Thank You for your interest and participation. For questions email Dr. Les Stovall Leslie.stovall@ucumberlands.edu

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