

Privacy vs. security – a given trade-off?

Joint conference on SurPRISE, PRISMS and PACT: Citizens' Perspectives on Surveillance, Security and Privacy: Controversies, Alternatives and Solutions. Vienna, 13-14 November 2014

surprise

"Surveillance, Privacy and Security: A large scale participatory assessment of criteria and factors determining acceptability and acceptance of security technologies in Europe"



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Privacy and security – a trade-off?

In the fundamental rights liberty is the defining value: „democracy, the rule of law and fundamental rights are designed to protect the liberty of the individual within the society.”

Thus, security is neither analogous nor opposed to liberty. (cf. Guild et al 2008)

Privacy=state free from interference,
a form of liberty

Intrusion is the exception not the norm

Trade-Off reflects a constructed “neither-nor”
situation without considering complementarity
(cf. Solvove 2006, 2011)



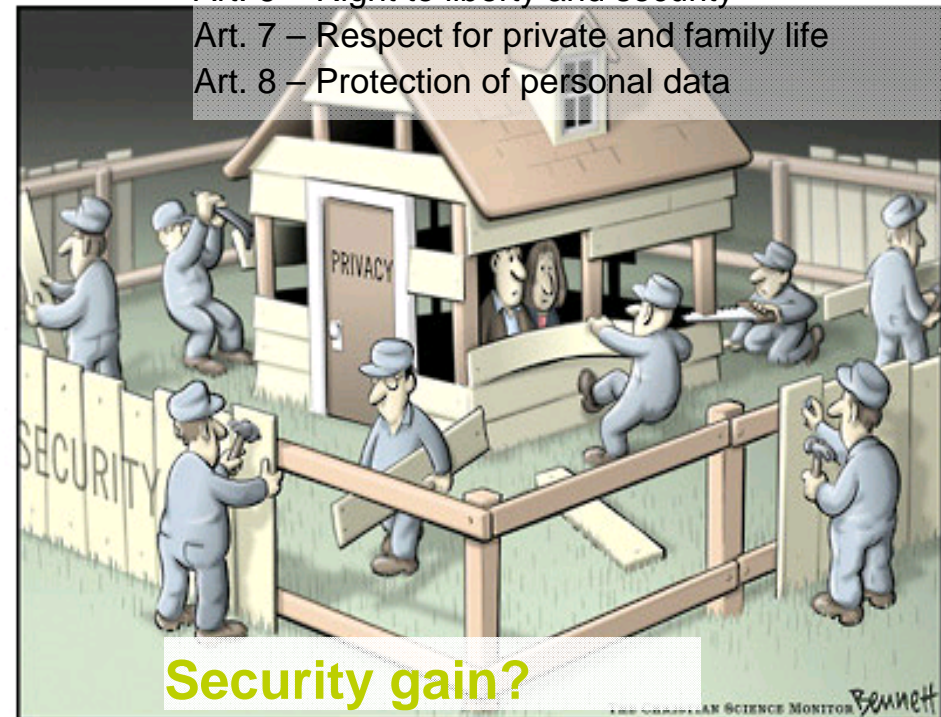
Trade-off not inherent, results from
surveillance as security practice
reinforced by technology

EU Fundamental Rights Charter:

Art. 6 – Right to liberty and security

Art. 7 – Respect for private and family life

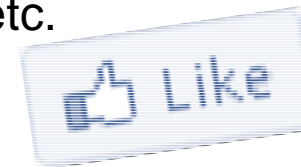
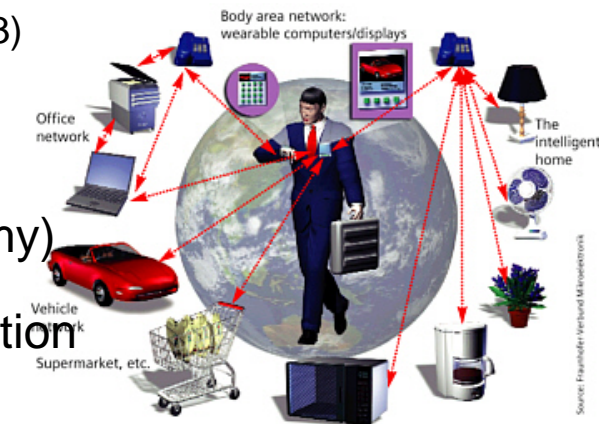
Art. 8 – Protection of personal data



Security gain?

How the tradeoff occurs

- Technological – „disclosure by default“ (Strauß/Nentwich 2013)
 - diminishing boundaries between personal and non-personal information
- Economic – security as business model (security economy)
- **Political** – securitization and increasing pre-emption/vention
- **Societal** – decreasing privacy awareness and increasing self-exposure via social media etc.



MASTERING THE INTERNET (MTI)

Securitization – Security as continuing process

Securitization: “the very political act of defining what counts as a threat ... through the label ‘security’ **problems are turned into existential threats** that require exceptional, emergency measures, which may include breaking otherwise binding rules or governing by decrees rather than by democratic decisions.” (Trombetta 2009)

“... sustained strategic **practice aimed at convincing a target audience** to accept ... the claim that a specific development is threatening enough to deserve an immediate policy to alleviate it” (Balzacq 2005)

“... conceptualizes **security not as an objective condition** but rather as a process marked by the intersubjective establishment of an existential threat with sufficient saliency to have political effects” (Watson 2011)

Security becomes a quasi-central virtue
and vehicle for political priorities and actions



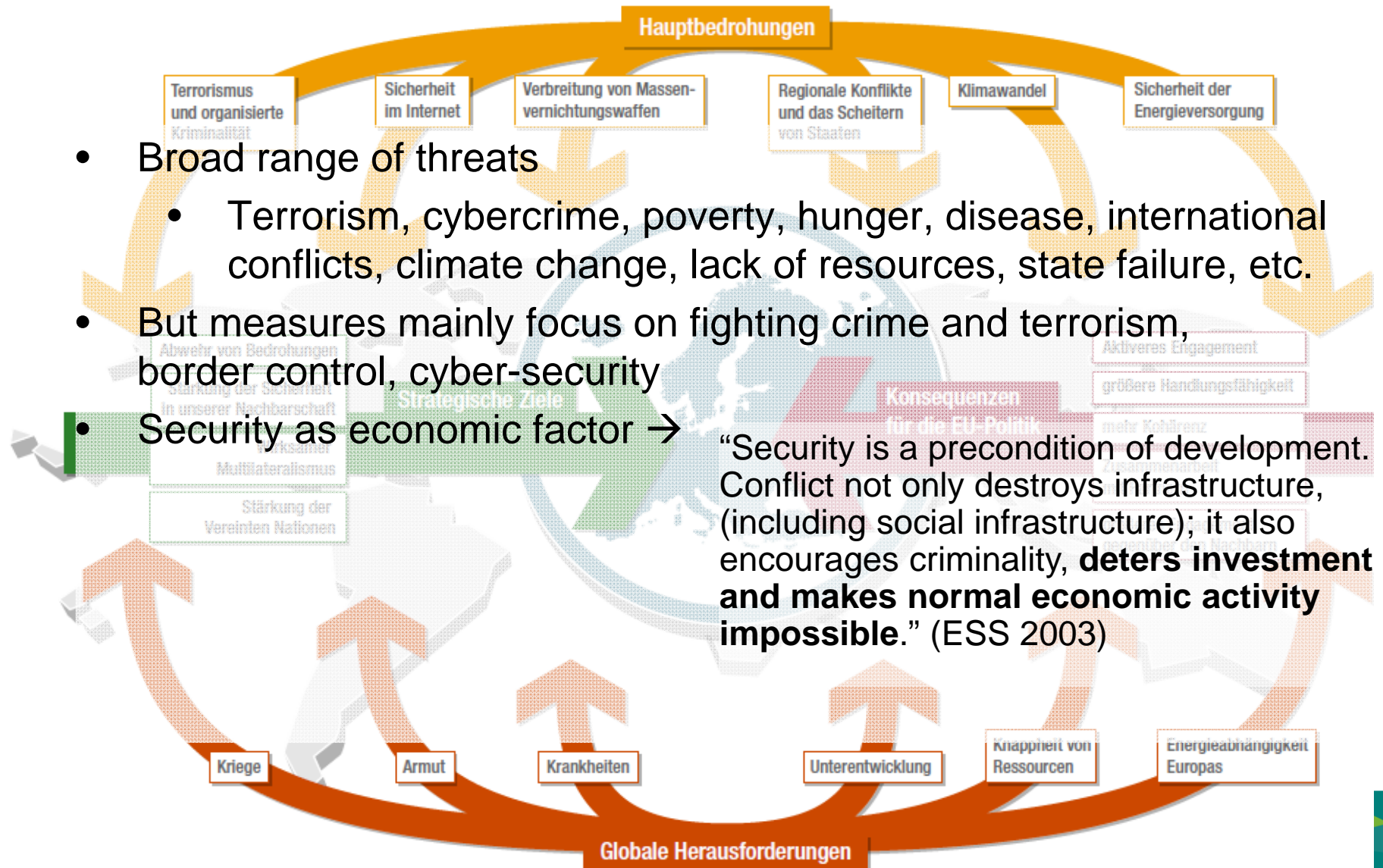
Transformation from traditional to human-centered security

Table 1. Traditional and human security

Type of security	Referent object	Responsibility to protect	Possible threats
Traditional security	The state	The integrity of the state	Interstate war Nuclear proliferation Revolution
Human security	The individual	The integrity of the individual	Disease Poverty Natural disaster Violence Landmines Human rights abuses

Owen (2004)

Die Sicherheitsstrategie von 2003 und ihre Fortschreibung 2008

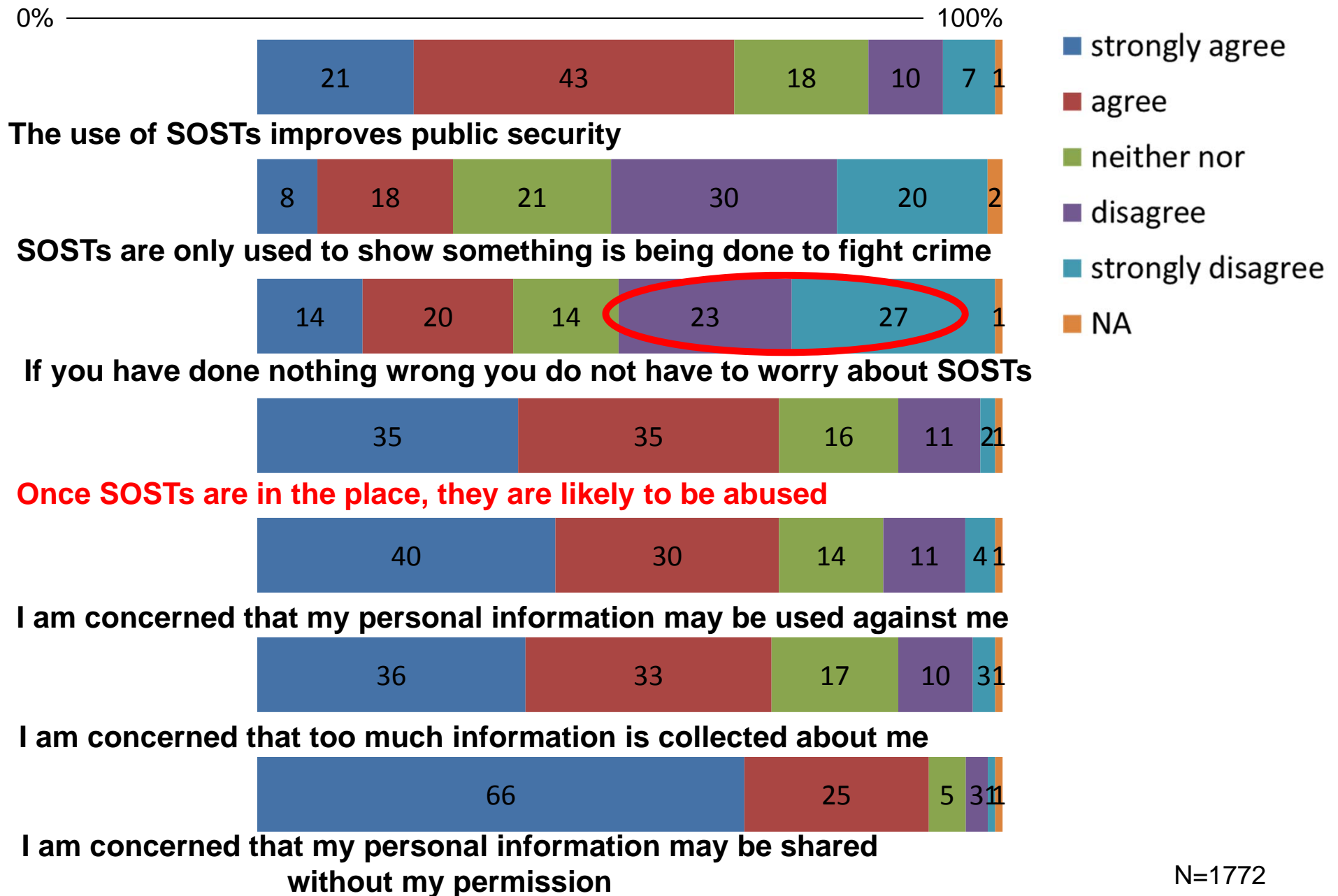


- Broad range of threats
 - Terrorism, cybercrime, poverty, hunger, disease, international conflicts, climate change, lack of resources, state failure, etc.
- But measures mainly focus on fighting crime and terrorism, border control, cyber-security
- Security as economic factor → “Security is a precondition of development. Conflict not only destroys infrastructure, (including social infrastructure); it also encourages criminality, **deters investment and makes normal economic activity impossible.**” (ESS 2003)

Paradigm shifts in security policy

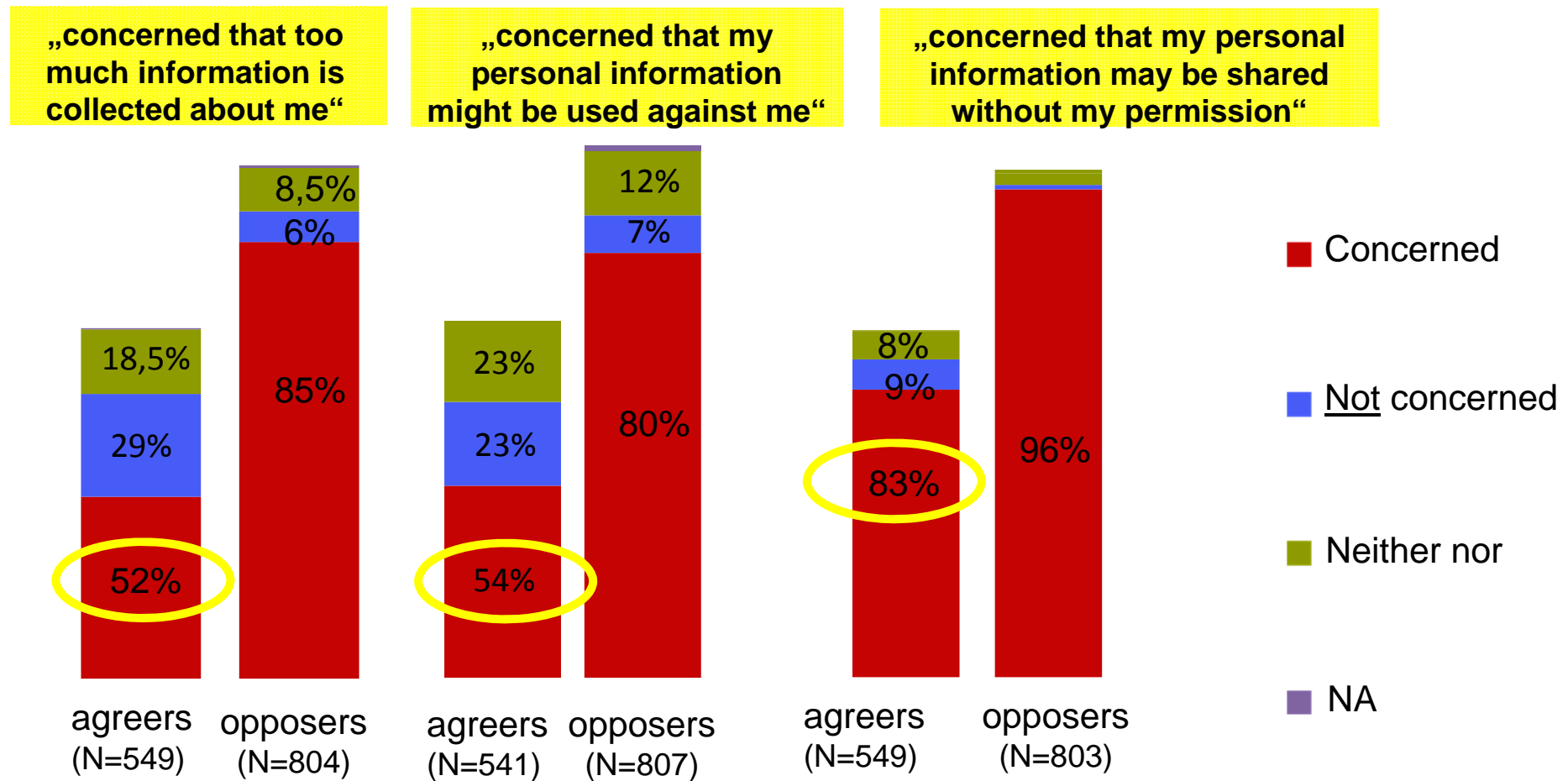
- Extended security framing and calls for holistic approach
- Security as economic driver – “Security economy” (OECD 2004)
- **Changing relation between security and liberty** in the EU
 - The Hague Programme, continued with Stockholm Programme (2010-14)
- Overlap between internal and external security (civilian, police and military activities)
- Blurring boundaries between “normal”/rule-based and exceptional states
- **Inherent logic of prevention and pre-emptive security measures**
 - Gaps between security threats and measures
 - Individual partially becomes suspicious and turns from protected object into the threat
- **Increasing surveillance tendencies in law enforcement**
 - + information exchange and connectivity (DR, PNR, Eurodac, Eurosur, Schengen IS, etc.), predictive policing,...

Citizens' perceptions – General attitudes and concerns

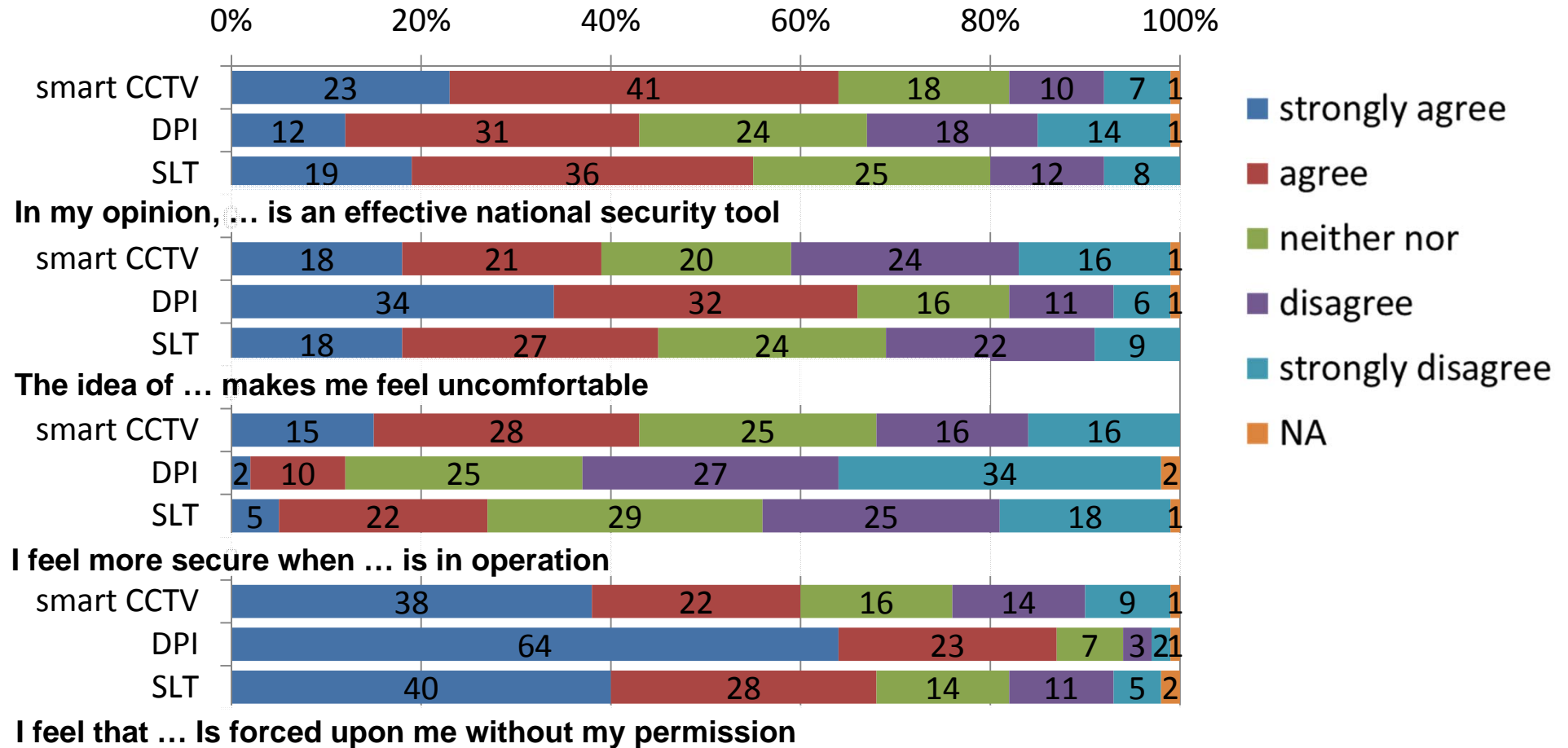


Citizens' perceptions – tradeoff

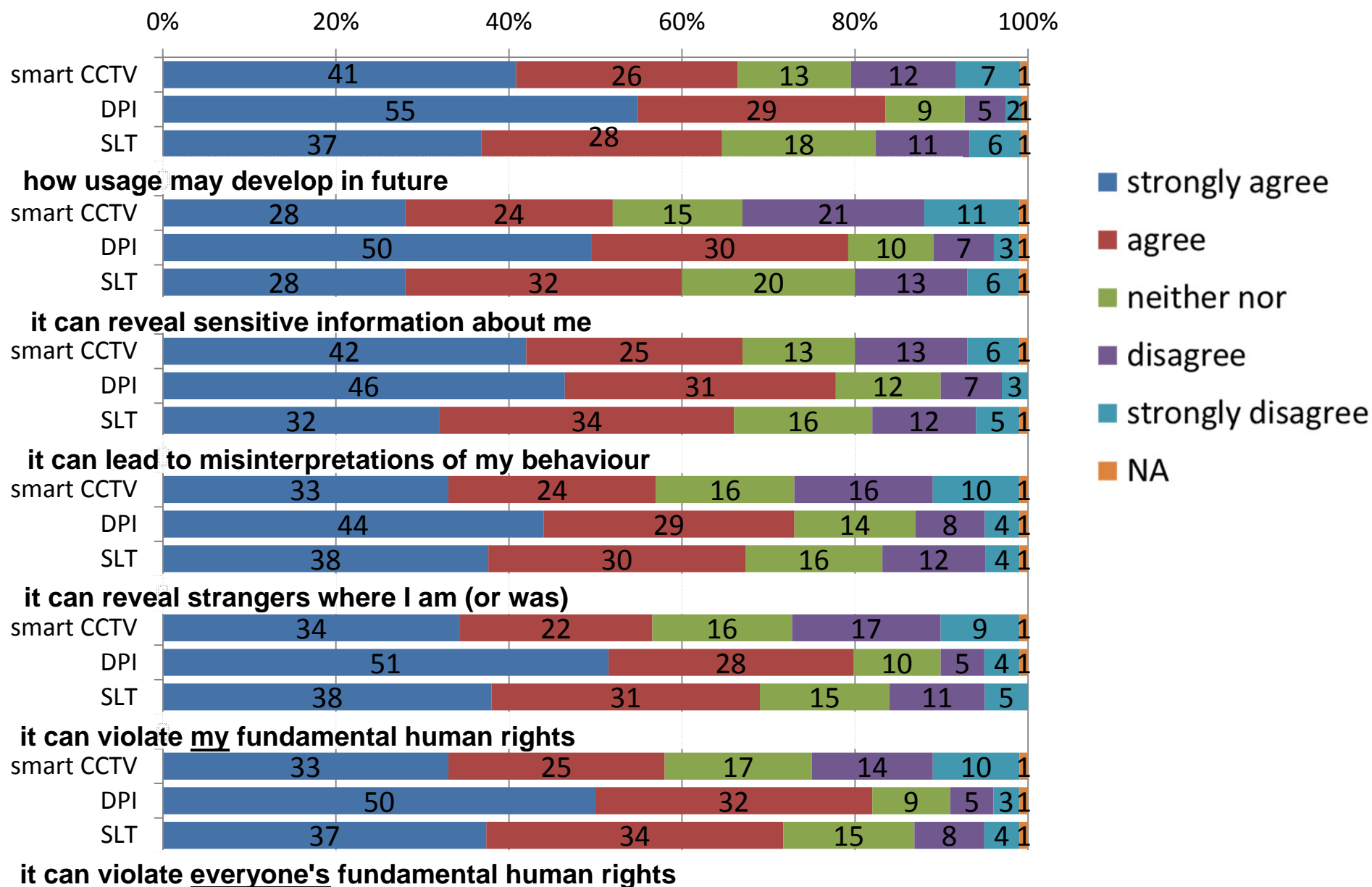
Contradictions in opinions of nothing to hide agreeers:
Nothing to hide but ...



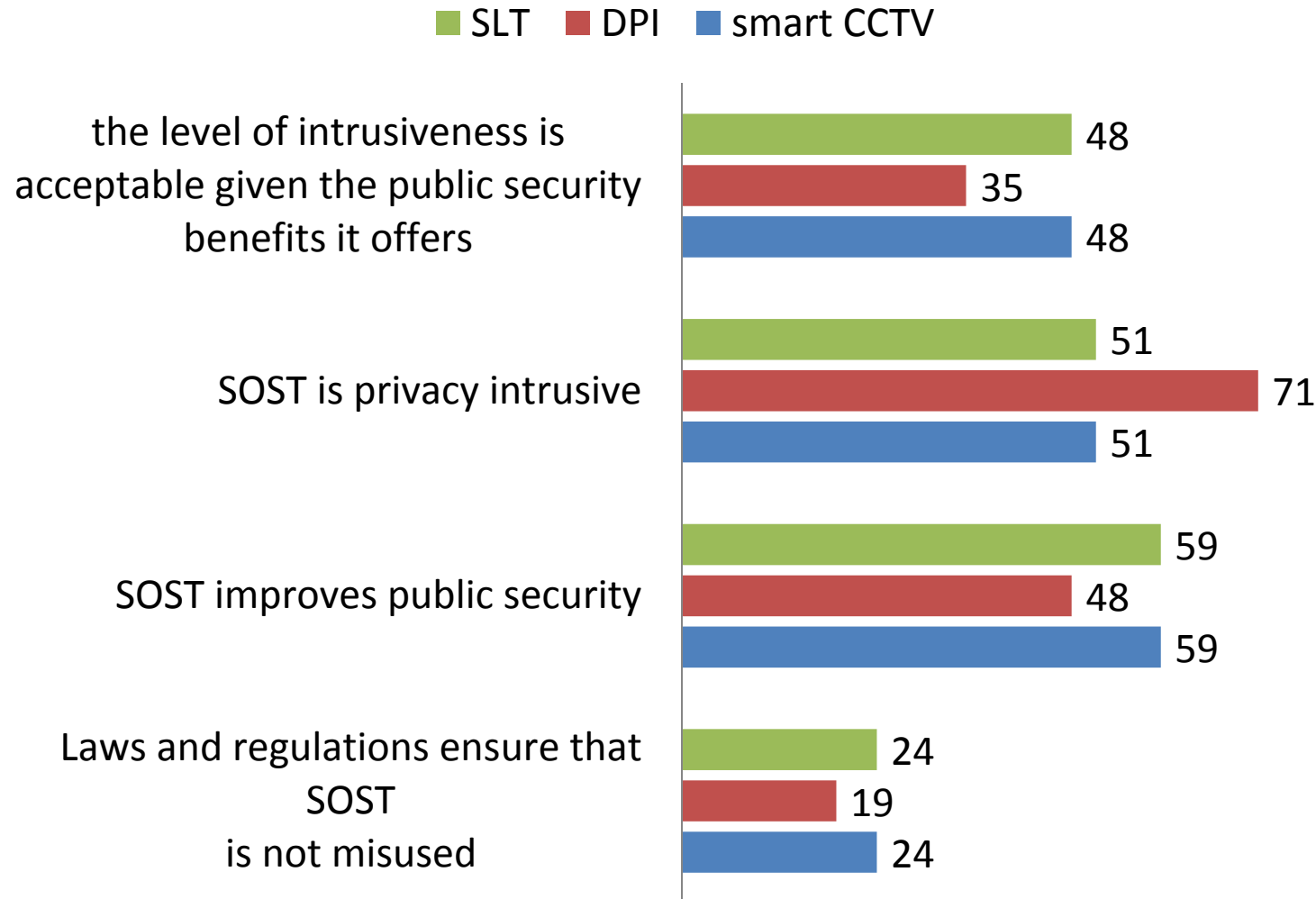
Effectiveness vs. intrusiveness



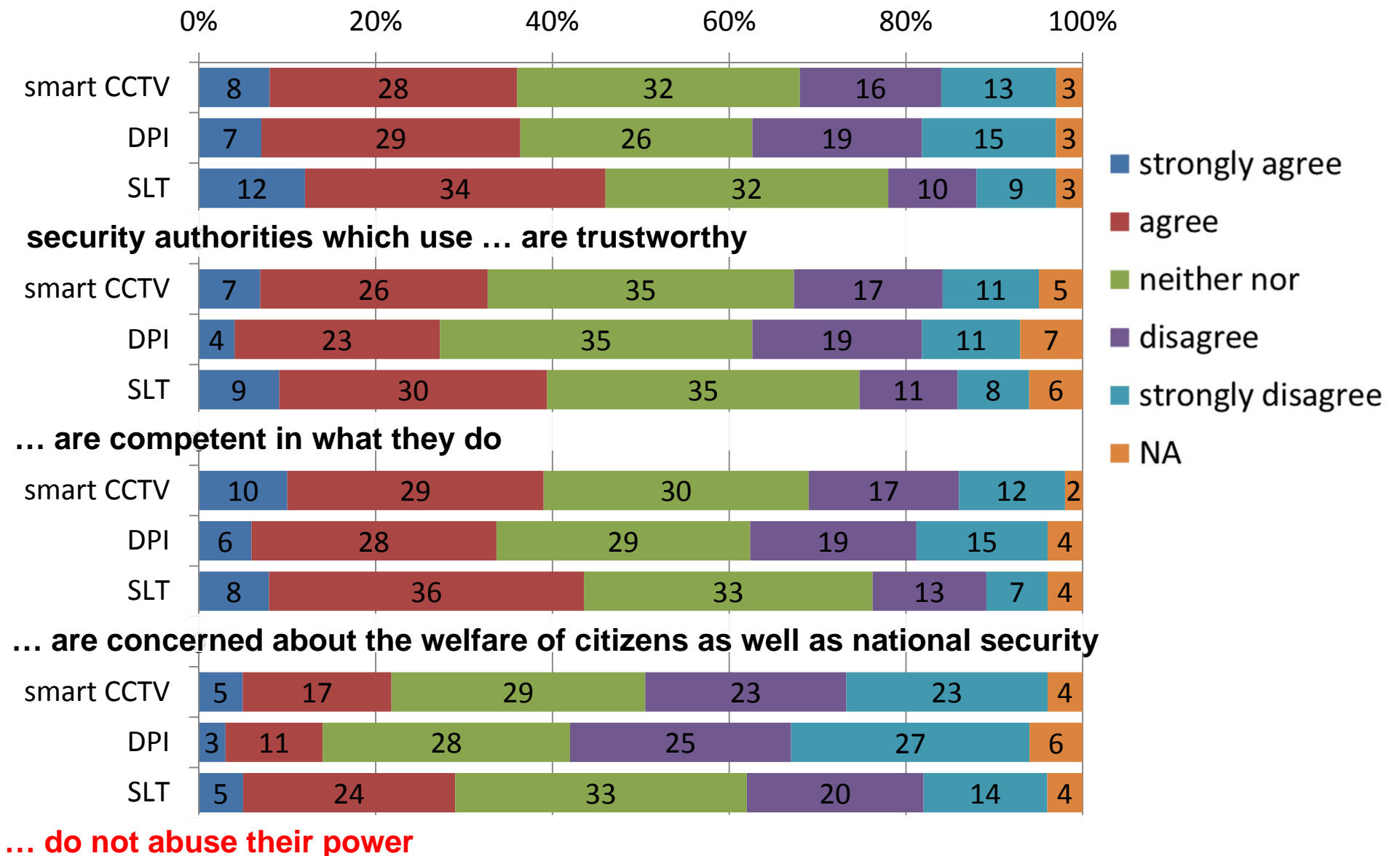
Major concerns about SOST usage



Intrusiveness and acceptability



Trust in security authorities



- **Securitization vs. „Privatization“ of privacy** and loss of its public value
 - Extended security concept partially plausible due to complex global challenges
 - Vague effectiveness with gaps between measures and threats
 - Pre-emption and mass surveillance create new insecurities and reinforce the (alleged) security/privacy tradeoff and vice versa
→ How far can/should pre-emption and prevention go?
 - Increasing dynamic of security while privacy remained relatively static
- Overcoming the tradeoff fallacy by asking the right questions:
not whether but how privacy should be protected (cf. Solove 2011)
- Reconsidering **privacy as a form of autonomy** and liberty with multiple dimensions towards more systematic privacy impact assessments and effective privacy by design
- **Enhancing transparency, accountability and oversight** of SOSTs+practices to **revitalize the public value of privacy**

Thank you for your interest!

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