

The Technologies Are New; The Privacy Fears Aren't

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The privacy threat of olde.

New technologies are constantly bringing new threats to privacy. This is far from a *new* problem, though. Check out this 1890 editorial from the Hawaiian Gazette commenting on the privacy invasiveness of cameras. (This portion was excerpted in a new book on social networks and the death of privacy that I'm reading for this panel Thursday night):

Have you seen the Kodak fiend? Well, he has seen you. He caught your expression yesterday while you were in recently talking at the Post Office. He has taken you at a

disadvantage and transfixed your uncouth position and passed it on to be laughed at by friend and foe alike. His click is heard on every hand. He is merciless and omnipresent and has as little conscience and respect for proprieties as the verist hoodlum. What with Kodak fiends and phonographs and electric search lights, **modern inventive genius is certainly doing its level best to lay us all bare to the gaze of our fellow men.**

Sounds familiar, eh? But "Kodak" is more often associated with bankruptcy than the paparazzi these days; now we'd call the Kodak fiend a smartphone fiend (epitomized by this dude) or a Facebook fiend. A Facebook engineer recently noted on NPR that the majority of photos that get flagged as "offensive" (a category meant to be applied to scenes of nudity or violence) on the social network are actually simply unflattering snaps of the flagger. People's "fiend" friends have a habit of tagging them in unflattering photos. Facebook won't take those photos down but has created a mechanism by which people can let a photo poster know that they want a photo spiked.

In the book that referenced the editorial, which has a mouthful of a title (*"I Know Who You Are and I Saw What You Did: Social Networks and the Death of Privacy"*), author Lori Andrews argues that we need to update the law for the modern age, including endowing citizens with constitutional rights when it comes to social networks. Her proposals include the right to connect to the Internet and social networks, the right to anonymity online, the right not to have employers look at your Facebook account, and the need for law enforcement to have a warrant or probable cause before they Facestalk you since social networks are "your digital home." The book is full of anecdotes about

people whose social network postings were used against them by employers, schools, and courts of law.

Andrews thinks the “citizens of Facebook Nation” need a “Social Network Constitution.” However, I suspect it’s not so much a matter of new laws as people adapting to the new technologies and the threats they pose. (Caveat: That requires judges and the legal system to catch up with how that technology works; otherwise, they’ll make poor decisions, such as forcing people to hand over their Facebook passwords during lawsuits.)



Lori Andrews

Andrews didn’t include this part of the 1890 editorial in her book, but the anonymous author had some advice for folks of olde to deal with the Kodak fiend:

The moral of it all is: keep cool, stand erect, and wear a kindly face. You will be a better man and live longer, and make others happier thus, whether the Kodak fiend snaps you or passes you by.

Today, that might translate to: be careful who you friend and think before you post.

Kashmir Hill, “The Technologies Are New; The Privacy Fears Aren’t,” Jan. 10, 2012, <http://www.forbes.com/sites/kashmirhill/2012/01/10/the-technologies-are-new-the-privacy-fears-arent/>.