INFO 4250 / LAW 6882
SURVEILLANCE AND PRIVACY

Fall 2016
Tues / Thurs 2:55-4:10
Phillips Hall 219

Prof. Karen Levy
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Office hours: Wednesdays 2:30-4:30, or by appointment

TA: Lauren Kilgour
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Office hours: Fridays 2:00-4:00, or by appointment

Prerequisites: INFO 1200, graduate standing, or instructor permission

Course website: http://www.karen-levy.net/teaching/
                      readings available on Blackboard

OVERVIEW and GOALS

This course explores the social, legal, and ethical facets of surveillance and privacy.

New information technologies collect and analyze data across all sorts of life contexts, and at multiple scales. Data collection is a primary mechanism through which states govern their citizens, corporations make money from their customers, and individuals manage their everyday relationships. Privacy concerns are fundamental to the design and deployment of sociotechnical systems, and all forms of data collection entail choices (often very difficult choices) about how information is gathered, stored, combined, and used.

In this class, we explore the history and theory of surveillance from multiple perspectives, and investigate how privacy is conceptualized and deployed in response to surveillant systems. We'll discuss how surveillance and privacy are situated in law and culture; the emergence of surveillance in law enforcement, workplaces, institutions, and families; and the relationships among surveillance, power, and marginalization of vulnerable groups. We consider avenues through which surveillance is resisted, including technological and policy-based design strategies to mitigate the effects of data collection.

By the end of this course, you should be able to:

- Articulate precise analyses, critiques, and proposals related to contemporary privacy and surveillance debates.

- Analyze the interactions among legal, technical, social, cultural, and economic aspects of surveillance and privacy.

- Evaluate the relationship between surveillance and social inequality.

COURSE MATERIALS

Course readings can be read online or downloaded on Blackboard. The readings for this course are interdisciplinary—we'll be reading legal cases, law review articles, social scientific analyses, popular media accounts, and primary source materials. You might find some of these forms of reading challenging; part of the goal of the course is to familiarize you with different types of work in this area.

Sometimes, we'll discuss the readings in detail in class. Other times, we'll use the readings as background for in-class discussion. You should feel free to ask me, the course TA, or your colleagues if you have questions about the readings (or bring them up in class).

GRADING and ASSIGNMENTS

The breakdown for grading in this course is as follows:

Class attendance and participation	15%
3-page issue response papers (3 x 15% each)	45%
Final research project (10% proposal; 30% final product)	40%

Class attendance and participation

You are required to attend class prepared. This means that you will have thoughtfully completed the day's readings, and will be ready to participate in class conversation.

A NOTE ON DISSENT:
We'll be discussing many issues that are controversial and politically sensitive. If you're thinking carefully about the topics in this class, you're likely to disagree at some point with me, with the readings, and/or with your colleagues. These points of tension and disagreement can be the most intellectually productive component of the course! I

strongly encourage you to voice your opinions in ways that are (1) respectful of others' opinions and (2) well-considered/supported by evidence or experience. We'll devote some class time to discussing how to formulate arguments thoughtfully.

A NOTE ON TECHNOLOGY:
You are permitted to use a laptop, tablet, or other digital device during class time *if* it is in the service of the course (taking notes, referencing readings, etc.). However, *please refrain from using these devices for any other purpose during class time.*

Issue response papers

You will be required to write three short issue response papers during the course of the semester. The prompts for these papers will be announced as the course progresses, but each will involve applying course readings and discussions to new contexts or questions. None should involve significant external research. Deadlines are indicated in the weekly schedule below.

Papers should be no shorter than 3 pages, double-spaced, in 12-point standard font (roughly 750 words) and submitted via Blackboard. Papers are due *before class begins* on the due date; no late papers will be accepted.

Research project

There is no final exam for the course. Instead, you will be expected to complete an independent research project that draws on course themes. I intend for the final project to be a way to bring course topics into dialogue with your own interests, experiences, and skills, and to require external research. More information about the final project will be discussed as the semester proceeds.

The anticipated format of the final research project will be a 12-15 page double-spaced paper, including a bibliography. However, I am open to other formats (e.g., building a prototype or a website) upon specific advance approval. I am also open to students working together in teams of two to complete the final project, though the final product must reflect twice the work (e.g., the paper would need to be twice as long). I especially encourage teams to find ways to bring different skillsets and disciplinary backgrounds to bear on the project.

Final project topics and formats will be developed in consultation with me and your course TA as the semester progresses, and will include a 1-page research proposal, worth 10% of your course grade.

ACADEMIC INTEGRITY

You are expected to observe Cornell's Code of Academic Integrity in all aspects of this course. The code states that:

> Absolute integrity is expected of every Cornell student in all academic undertakings. ... Academic integrity is expected not only in formal coursework situations, but in all University relationships and interactions connected to the educational process, including the use of University resources. ... A Cornell student's submission of work for academic credit indicates that the work is the student's own. All outside assistance should be acknowledged, and the student's academic position truthfully reported at all times. In addition, Cornell students have a right to expect academic integrity from each of their peers.

Among other duties, academic integrity requires that you *properly cite any idea or work product that is not your own*, including the work of your classmates or of any written source. If in any doubt at all, cite! If you have any questions about this policy, please ask me or the course TA.

WEEKLY SCHEDULE
(subject to change)

1   WELCOME

Tues 8/23   [no readings]

2   THE EYE

Thu 8/25   Bentham, Jeremy. *Panopticon: Or, the Inspection-House.* Dublin: Thomas Byrne, 1791. Letters I, II, V, VI.

Foucault, Michel. *Discipline and Punish: The Birth of the Prison.* New York: Vintage, 1975. pp. 195-228.

Chiel, Ethan. "New York City Has Been Shining Surveillance Lights on its Black Population for the Last 300 Years," *Fusion* (May 19, 2016).

3   CONTROL

Tues 8/30   Deleuze, Gilles. "Postscript on the Societies of Control." *October* 59 (1992): 3-7.

Gandy Jr., Oscar H. "Coming to Terms with the Panoptic Sort." In *Computers, Surveillance, and Privacy* (1996), edited by David Lyon and Elia Zureik, pp. 132-155.

4   THE RIGHT TO PRIVACY

Thu 9/1   Warren, Samuel D., and Louis D. Brandeis. "The Right to Privacy." *Harvard Law Review* 4, no. 5 (1890): 193-220.

Solove, Daniel J. "Why Privacy Matters Even if You Have 'Nothing to Hide.'" *The Chronicle* (May 15, 2011).

5   CONTEXT

Tues 9/6   Nissenbaum, Helen. "A Contextual Approach to Privacy Online." *Daedalus* 140, no. 4 (2011): 32-48.

Hartzog, Woodrow. "There is No Such Thing as 'Public' Data." *Slate* (May 19, 2016).

Bedoya, Alvaro. "Big Data and the Underground Railroad." *Slate* (Nov 7, 2014).

6   THE STATE

Thu 9/8   Andrusewicz, Marie. "Apple Opposes Judge's Order to Unlock San Bernardino Shooter's Phone," (Feb 17, 2016).

Gasser, Urs et. al. "Don't Panic: Making Progress on the 'Going Dark' Debate." Report, Berkman Center for Internet & Society (Feb 1, 2016).

Bedoya, Alvaro. "The Color of Surveillance." *Slate* (Jan 18, 2016).

Cyril, Malkia. "Black Americans and Encryption: The Stakes are Higher than Apple v. FBI." *The Guardian* (Mar 21, 2016).

Waddell, Kaveh. "Encryption is a Luxury." *The Atlantic* (Mar 28, 2016).

7   THE POLICE

Tues 9/13   *United States v. Jones*, 132 S.Ct. 945 (2012).

Bankston, Kevin S. and Ashkan Soltani. "Tiny Constables and the Cost of Surveillance: Making Cents Out of *United States v. Jones*," *Yale Law Journal Online* 123 (2014): 335-357.

Bachner, Jennifer and Jennifer Lynch. "Is Predictive Policing the Law-Enforcement Tactic of the Future?" *Wall Street Journal* (Apr 24, 2016).

8   THE CAMERA

Thu 9/15   ***** Assignment #1 due before class begins *****

Siegel, Josh. "Why Police Say Body Cameras Can Help Heal Divide With Public." *Daily Signal* (Jul 18, 2016).

Joh, Elizabeth E. "Beyond Surveillance: Data Control and Body Cameras." *Surveillance & Society* 14, no. 1 (2016): 133-137.

Do the interactive activity: Williams, Timothy, et al. "Police Body Cameras: What Do You See?" *New York Times* (Apr 1, 2016).

Skim: "Police Worn Body Cameras: A Policy Scorecard." Report, The Leadership Conference on Civil and Human Rights (Aug, 2016).

9   THE CORPORATION

Tue 9/20   Haggerty, Kevin D. and Richard V. Ericson. 2000. "The Surveillant Assemblage." *British Journal of Sociology* 51(4): 605-622.

Duhigg, Charles. "How Companies Learn Your Secrets." *New York Times Magazine*, (Feb 16, 2012),

Anthes, Gary. "Data Brokers are Watching You." *Communications of the ACM* 58.1 (2015): 28-30.

10   MARGINALIZATION

Thu 9/22   Eubanks, Virginia. "Want to Predict the Future of Surveillance? Ask Poor Communities." *The American Prospect* 15 (Jan 15, 2014).

Brayne, Sarah. "Surveillance and System Avoidance: Criminal Justice Contact and Institutional Attachment." *American Sociological Review* 79, no. 3 (2014): 367-391.

Goffman, Alice. "On the Run: Wanted Men in a Philadelphia Ghetto." *American Sociological Review* 74 (2009): 339-357.

11   WORK [I]

Tue 9/27   Pasquale, Frank. "The Other Big Brother." *The Atlantic* (Sep 21, 2015).

Kaplan, Esther. "The Spy Who Fired Me." *Harper's Weekly* (Mar 2015).

*** Thu 9/29 – NO CLASS ***

12   WORK [II]

Tue 10/4   Vanderbilt, Tom. "Unhappy Truckers and Other Algorithmic Problems." *Nautilus* (Jul 18, 2013).

Bernstein, Ethan S. "The Transparency Paradox: A Role for Privacy in Organizational Learning and Operational Control." *Administrative Science Quarterly* 57, no. 2 (2012): 181-216.

Levy, Karen, and Solon Barocas. "Putting Privacy to Work: How Customer Tracking Impacts Workers." (2016), Working paper.

13   THE INTERNET OF THINGS

Thu 10/6   ***** Assignment #2 due before class begins *****

Jones, Meg Leta. "Privacy Without Screens and the Internet of Other People's Things." *Idaho Law Review* 51, no. 3 (2015): 639-660.

Lomas, Natasha. "Today in Creepy Privacy Policies, Samsung's Eavesdropping TV." *TechCrunch* (Feb 8, 2015).

Corkery, M. and J. Silver-Greenberg. "Miss a Payment? Good Luck Moving That Car." *New York Times* (Sep 24, 2014).

Jeong, Sarah. "How Technology Helps Creditors Control Debtors." *The Atlantic* (Apr 15, 2016).

***** Tue 10/11 – Break *****

14   CARE

Thu 10/13   Mancini, Clara, et al. "In the Best Families: Tracking and Relationships." In *Proceedings of the SIGCHI Conference on Human Factors in Computing Systems*, pp. 2419-2428. ACM, 2011.

Walker, Lauren. "Hello Barbie, Your Child's Chattiest and Riskiest Christmas Present." *Newsweek* (Dec 15, 2015).

Kenner, Alison Marie. "Securing the Elderly Body: Dementia, Surveillance, and the Politics of Aging in Place." *Surveillance & Society* 5, no. 3 (2002), p. 288-302.

15   ONLINE COMMUNITIES

guest lecture by Amanda Levendowski

Tue 10/18   Hess, Amanda. "Why Women Aren't Welcome on the Internet." *Pacific Standard* (Jan 6, 2014).

Lin, Jeffrey. "Doing Something About the 'Impossible Problem' of Abuse in Online Games." *Recode* (Jul 6, 2015).

Listen to: Vogt, PJ and Alex Goldman. "The Writing on the Wall." *Reply All*, (Feb 9, 2015).

Read through p. 79 only: Grimmelmann, James. "The Virtues of Moderation." *Yale Journal of Law and Technology* 17 (2015): 42-109.

16 MACHINE LEARNING
guest lecture by Solon Barocas

Thu 10/20   Barocas, Solon, and Andrew Selbst. "Big Data's Disparate Impact." California Law Review 104, no. 3 (June 2016).

Kosinski, Michal, David Stillwell, and Thore Graepel. "Private Traits and Attributes Are Predictable From Digital Records of Human Behavior." Proceedings of the National Academy of Sciences 110, no. 15 (Apr 9, 2013): pp. 5802–5805.

17 DESIGN

Tue 10/25   Gürses, Seda, and Claudia Diaz. "Two Tales of Privacy in Online Social Networks." *IEEE Security & Privacy* 11.3 (2013): 29-37.

Wheeling, Kate. "One Woman's Quest to Fix the Process of Reporting Sexual Assault." *Pacific Standard* (May 28, 2015).

VanHemert, Kyle. "Automatic's App Will Teach Teen Drivers Without Spying on Them." *Wired* (Oct 27, 2014).

Stoklosa, Alexandra. "2016 Chevrolet Malibu to Debut New Spyware Targeting Teen Drivers." *Car and Driver* (Mar 20, 2016).

18 THEATER

Thu 10/27   Mann, Charles C. "Smoke Screening." *Vanity Fair* (Dec 20, 2011).

Harrington, Jason Edward. "Dear America, I Saw You Naked." *Politico* (Jan 30, 2014).

Schneier, Bruce. "In Praise of Security Theater." *Wired* (Jan 25, 2007).

Molotch, Harvey. 2012. *Against Security: How We Go Wrong at Airports, Subways, and*

Other Sites of Ambiguous Danger. Chapters 1 and 4.

19   DECOYS

*** Assignment #3 due before class begins ***

Tue 11/1   Marwick, Alice E, and danah boyd. "Networked privacy: How teenagers negotiate context in social media." *New Media & Society* 16, no. 7 (2014): pp. 1051-1067.

Grimmelmann, James. "Harry Potter and the Mysterious Defeat Device." Slate (Sep 22, 2015).

Kedrosky, Paul. "An Engineering Theory of the Volkswagen Scandal." *New Yorker* (Oct 16, 2015).

Max Ernest-Jones et al. "Effects of Eye Images on Everyday Cooperative Behavior: A Field Experiment," *Evolution & Human Behavior* 32 (2011), pp. 172-78.

20   RUMORS

Thu 11/3   Burrell, Jenna. "User Agency in the Middle Range: Rumors and the Reinvention of the Internet in Accra, Ghana." *Science, Technology & Human Values* 36, no. 2 (2011): pp. 139–59.

Alexander, Leigh. "Why the Rumor that Facebook is Listening to Your Conversations Won't Die." *Motherboard* (Jul 31, 2016).

Shure, Caitlin. "How Secret Spying Programs Affect the Clinically Paranoid." *Scientific American* (Jul 1, 2013).

21   TATTLETALES

Tue 11/8   Crawford, Kate. "When Fitbit is the Expert Witness." *The Atlantic* (Nov 19, 2014).

Levy, Karen. "Rape is Not a Data Problem." *The Atlantic* (Oct 30, 2014).

Simonite, Tom. "Tesla Knows When a Crash is Your Fault, and Other Carmakers Soon Will, Too." *MIT Technology Review* (Jun 8, 2016).

Geuss, Megan. "Using New Corvette's Valet-Recording Tech Could Be A Felony in Some States." *Ars Technica* (Sep 26, 2014).

22   SEX [I]

Thu 11/10   ### *** Proposal due before class begins ***

Fairchild, Amy L., Ronald Bayer, and James Colgrove. *Searching Eyes: Privacy, The State, and Disease Surveillance in America.* 2007. Chapter 7.

Colman, Charles E. "About Ned." *Harvard Law Review Forum* 129, no. 3 (2016): pp. 128-152.

Weigel, Moira. "Fitbit for Your Period: The Rise of Fertility Tracking." *The Guardian* (Mar 23, 2016).

23   SEX [II]

Tue 11/15   Brunton, Finn. "An Affair to Remember." *Artforum* (Dec 2015).

Jeong, Sarah. "Surveillance Begins at Home." *Forbes* (Oct 28, 2014).

Listen: Shahani, Aarti. "Smartphones Are Used to Stalk, Control Domestic Abuse Victims." *All Things Considered* (Sep 15, 2014).

24   (IM)MOBILITY
guest lecture by Lauren Kilgour

Thu 11/17   Troshynski, Emily, Charlotte Lee, and Paul Dourish. "Accountabilities of Presence: Reframing Location-Based Systems." In *Proceedings of the SIGCHI Conference on Human Factors in Computing Systems*, pp. 487-496. ACM, 2008.

Browne, Simone. "'What Did TSA Find in Solange's Fro?': Security Theatre at the Airport." In *Dark Matters: On the Surveillance of Blackness*. 2015, pp. 131-160.

25   RESISTANCE [I]

Tue 11/22   Marx, Gary T. "A Tack in the Shoe: Neutralizing and Resisting the New Surveillance." *Journal of Social Issues* 59, no. 2 (2003): pp. 369-390.

Skim: United States Central Intelligence Agency. 1944. *Simple Sabotage Field Manual*.

*** Thu 11/24 – Break ***

26   RESISTANCE [II]

Tue 11/29   Brunton, Finn and Helen Nissenbaum. "Vernacular Resistance to Data Collection and Analysis: A Political Theory of Obfuscation." *First Monday* 16(5) (2011).

Joh, Elizabeth. "Privacy Protests: Surveillance Evasion and Fourth Amendment Suspicion." *Arizona Law Review* 55, no. 4 (2013): 997-1029.

27   CREEPINESS

Thu 12/1   Shklovski, Irina, et al. "Leakiness and Creepiness in App Space: Perceptions of Privacy and Mobile App Use." In *Proceedings of the 32nd Annual ACM Conference on Human Factors in Computing Systems*, pp. 2347-2356. ACM, 2014.

                       Tufekci, Zeynep. "The Year We Get Creeped Out by Algorithms." NiemanLab Predictions for Journalism 2015.

                       Dewey, Caitlin. "We Tried Out The Facial Recognition Software That Match.com Will Use to Find People Who Look Like Your Exes." *Washington Post* (Jun 18, 2014).

*** Final papers due 12/15 ***