**INFO 4250 / LAW 6882**

**SURVEILLANCE AND PRIVACY**

Fall 2019

Tue / Thu 1:25 pm-2:40 pm

Thurston Hall 203

**~~ syllabus v.1~~**

Prof. Karen Levy

Gates Hall 207

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Office hours: by appointment (reserve at https://karenlevy.youcanbook.me/)

TAs:

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Natalie Tong ctt45@cornell.edu office hrs: Tue 3:00-4:00 (Gates 232)

Prerequisites: INFO 1200, graduate standing, or instructor permission

Course website: <https://canvas.cornell.edu/courses/6042>

 (readings, syllabus, discussion forum, turn-in)

**OVERVIEW and GOALS**

This course explores 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 Canvas. 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 TAs, 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 engagement 10%

Assignment #1 (surveillance frameworks) 15%

Assignment #2 (policy analysis) 20%

Assignment #3 (privacy threat assessment) 25%

Take-home final exam 30%

(NOTE to law students: this class will be graded off the curve.)

***Class attendance and engagement***

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. You will receive these points if you show evidence of such engagement by speaking in class and posting on the Canvas discussion forum. Throughout the semester, we will complete several very short activities in class and on Canvas; these mini-assignments will contribute to your engagement grade. (I will not accept late or make-up submissions for these activities.)

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.*

***Assignments***

You will be required to write three short 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 concepts and readings to new contexts or questions. The papers will increase in length and complexity as the course progresses. None should involve significant external research. Deadlines are indicated in the weekly schedule below.

***Extension policy***

Assignments will be submitted via Canvas and are due *by 11:59 pm* on the due date. *Papers submitted late will be subject to a 10% grade penalty for each day after the due date that they are submitted, beginning immediately after the assignment is due*.

I understand that things come up in life that can throw off the best-laid plans. Therefore, you may apply 2 “late days” to any assignment: that is, you may submit one assignment two days late, or each of two assignments one day late, without penalty. This policy applies only to assignments #1-3, not to participation activities or to the final exam. You don’t need to let us know if you plan to take a late day on an assignment. Extensions beyond these late days will only be granted in exceptional circumstances.

***Take-home final exam***

The final exam for this course will be take-home, and will require you to apply course concepts and to precisely analyze surveillance and privacy issues from multiple perspectives. More information will be provided closer to the exam.

**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 TAs.

**SCHEDULE (subject to change)**

**Th 8/29 WELCOME**

 [no readings]

**Tu 9/3 THE EYE**

Bentham, Jeremy. *Panopticon: Or, the Inspection-House.* 1791. Letters I, II, V, VI.

Foucault, Michel. *Discipline and Punish: The Birth of the Prison.* 1971. pp. 195-228.

Browne, Simone. *Dark Matters: On the Surveillance of Blackness.* 2015. Pp. 76-83.

**Th 9/5 CONTROL**

 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.

Cheney-Lippold, John. We Are Data: Algorithms and The Making of Our Digital Selves (2017). pp. 3-11.

**Tu 9/10 THE RIGHT TO PRIVACY**

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

Solove, Daniel J. Nothing to Hide: The False Tradeoff Between Privacy and Security (2011). Chapters 2, 3, and 5.

**Th 9/12 CONTEXT**

Nissenbaum, Helen. Privacy in Context: Technology, Policy, and the Integrity of Social Life. 2010. Ch. 7.

Hartzog, Woodrow. [“There is No Such Thing as ‘Public’ Data.”](http://www.slate.com/articles/technology/future_tense/2016/05/okcupid_s_data_leak_shows_there_s_no_such_thing_as_public_data.html) *Slate* (May 19, 2016).

Narayanan, Arvind, and Vitaly Shmatikov. [“Myths and Fallacies of ‘Personally Identifiable Information.’”](https://www.cs.utexas.edu/~shmat/shmat_cacm10.pdf) *Communications of the ACM* 53:6 (2010) 24-26.

**Tu 9/17 COLLECTION AND USE**

Nissenbaum, Helen. [“Deregulating Collection: Must Privacy Give Way to Use Regulation?”](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3092282) Working paper. 2017.

Seltzer, William, and Margo Anderson. “The Dark Side of Numbers: The Role of Population Data Systems in Human Rights Abuses.” *Social Research* 68.2 (2001): 481-513.

Bedoya, Alvaro. [“Big Data and the Underground Railroad.”](http://www.slate.com/articles/technology/future_tense/2014/11/big_data_underground_railroad_history_says_unfettered_collection_of_data.html) *Slate* (Nov 7, 2014).

 **>> assignment #1 due on 9/18 <<**

**Th 9/19 RACIAL JUSTICE: guest lecture by Anika Navaroli**

 [readings TBA]

**Tu 9/24 THE STATE**

***Read executive summary and skim the rest:*** Abelson, Harold et al. [“Keys Under Doormats**:** Mandating Insecurity by Requiring Government Access to All Data and Communications.”](https://dspace.mit.edu/bitstream/handle/1721.1/97690/MIT-CSAIL-TR-2015-026.pdf?sequence=8) MIT CSAIL Technical Report (2015).

***Skim:*** Gasser, Urs et al. [“Don’t Panic: Making Progress on the ‘Going Dark’ Debate.”](https://cyber.law.harvard.edu/pubrelease/dont-panic/Dont_Panic_Making_Progress_on_Going_Dark_Debate.pdf) Report, Berkman Center for Internet & Society (Feb 1, 2016).

Bedoya, Alvaro. [“The Color of Surveillance.”](http://www.slate.com/articles/technology/future_tense/2016/01/what_the_fbi_s_surveillance_of_martin_luther_king_says_about_modern_spying.html) *Slate* (Jan 18, 2016).

Listen to podcast (26 minutes): [Stuck in China’s Panopticon](https://www.npr.org/2019/07/05/738949320/episode-924-stuck-in-chinas-panopticon), Planet Money (July 5, 2019).

**Th 9/26 THE POLICE**

*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.

Posadas, Brianna. [“How Strategic is Chicago’s ‘Strategic Subjects List’? Upturn Investigates.”](https://medium.com/equal-future/how-strategic-is-chicagos-strategic-subjects-list-upturn-investigates-9e5b4b235a7c) *Equal Future*,Jun 22, 2017.

**Tu 10/1 MARKING: guest lecture by Lauren Kilgour**

[readings TBA]

**Th 10/3 THE CAMERA**

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?”](http://www.nytimes.com/interactive/2016/04/01/us/police-bodycam-video.html) *New York Times* (Apr 1, 2016).

***Skim:*** [“Police Worn Body Cameras: A Policy Scorecard.”](https://www.bwcscorecard.org/) Report, Upturn/The Leadership Conference on Civil and Human Rights (August 2016).

***Skim:*** “[The Illusion of Accuracy: How Body-Worn Camera Footage Can Distort Evidence](https://www.upturn.org/static/reports/2017/the-illusion-of-accuracy/files/Upturn%20and%20LCCHR%20-%20The%20Illusion%20of%20Accuracy%20v.1.0.pdf).” Report, Upturn/The Leadership Conference on Civil and Human Rights (November 2017).

**Tu 10/8 THE CORPORATION**

Duhigg, Charles. [“How Companies Learn Your Secrets.”](http://www.nytimes.com/2012/02/19/%20magazine/shopping-habits.html) *New York Times Magazine*, (Feb 16, 2012).

Grauer, Yael. [“What Are ‘Data Brokers’ and Why Are They Scooping Up Information About You?”](https://www.vice.com/en_us/article/bjpx3w/what-are-data-brokers-and-how-to-stop-my-private-data-collection) VICE (Mar. 27, 2018).

Narayanan, Arvind, and Dillon Reisman. [“The Princeton Web Transparency and Accountability Project,”](http://randomwalker.info/publications/webtap-chapter.pdf) in Transparent Data Mining for Big and Small Data, 2017.

**Th 10/10 THE INTERNET OF THINGS**

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

Jeong, Sarah. [“How Technology Helps Creditors Control Debtors.”](http://www.theatlantic.com/technology/%20archive/2016/04/rental-company-control/478365/) *The Atlantic* (Apr 15, 2016).

Frankel, Todd C. “[The Surprising Return of the Repo Man.”](https://www.washingtonpost.com/business/economy/the-surprising-return-of-the-repo-man/2018/05/15/26fcd30e-4d5a-11e8-af46-b1d6dc0d9bfe_story.html) *Washington Post* (May 15, 2018).

**Tu 10/15 [no class! fall break!]**

**Th 10/17 THE FAMILY [no law students]**

Freed, Diana, Jackeline Palmer, Diana Michala, Karen Levy, Thomas Ristenpart, and Nicola Dell. [“‘A Stalker’s Paradise’: How Intimate Partner Abusers Exploit Technology.”](http://nixdell.com/papers/stalkers-paradise-intimate.pdf) *Proceedings of CHI 2018*.

Levy, Karen, and Bruce Schneier. “Digital Threats in Intimate Relationships.” [working paper to distribute]

**Tu 10/22 SEX**

***Selections from*** Citron, Danielle. “[Sexual Privacy](https://www.yalelawjournal.org/pdf/Citron_q8ew5jjf.pdf).” Yale Law Journal, 2018.

Brunton, Finn. “An Affair to Remember.” *Artforum* (Dec 2015).

**>> assignment #2 due on 10/23 <<**

**Th 10/24 THE FACE I**

Aguera y Arcas, Blaise, Margaret Mitchell, and Alexander Todorov. [“Physiognomy’s New Clothes.”](https://medium.com/%40blaisea/physiognomys-new-clothes-f2d4b59fdd6a) *Medium*, May 6, 2017.

Hawkins, Amy. [“Beijing’s Big Brother Tech Needs African Faces.”](https://foreignpolicy.com/2018/07/24/beijings-big-brother-tech-needs-african-faces/) *Foreign Policy* (July 24, 2018).

Chen, Sophia. [“Should We Teach Facial Recognition Technology about Race?”](https://www.wired.com/story/should-we-teach-facial-recognition-technology-about-race/) *WIRED* (November 15, 2017).

**Tu 10/29 THE FACE II**

[“Garbage In, Garbage Out: Face Recognition on Flawed Data.”](https://www.flawedfacedata.com/) Georgetown Center on Privacy and Technology report (May 16, 2019).

[“America Under Watch: Face Surveillance in the United States.”](https://www.americaunderwatch.com/) Georgetown Center on Privacy and Technology report (May 16, 2019).

Donath, Judith. [“You Are Entering An Ephemeral Bio-Allowed Data Capture Zone.”](https://medium.com/%40judithd/you-are-entering-an-ephemeral-bio-allowed-data-capture-zone-5ecafd2dbdaf) *Medium* (Jul. 23, 2018).

Selinger, Evan and Woodrow Hartzog. [“Amazon Needs to Stop Providing Facial Recognition Tech for the Government.”](https://medium.com/s/story/amazon-needs-to-stop-providing-facial-recognition-tech-for-the-government-795741a016a6) *Medium Future* (Jun. 21, 2018).

**Th 10/31 ACCOUNTABILITY: guest lecture by Ishaan Jhaveri**

[readings TBA]

**Tu 11/5 DEPENDENCIES**

Barocas, Solon, and Karen Levy. “Privacy Dependencies.” [working paper to distribute]

**Th 11/7 [no class; watch The Feeling of Being Watched]**

[I will distribute link]

**Tu 11/12 WORK I**

Pasquale, Frank. [“The Other Big Brother.”](http://www.theatlantic.com/business/archive/2015/09/corporate%20-surveillance-activists/406201/) *The Atlantic* (Sep 21, 2015).

Kaplan, Esther. [“The Spy Who Fired Me.”](http://harpers.org/archive/2015/03/the-spy-who-fired-me/) *Harper’s Weekly* (Mar 2015).

Levy, Karen. “The Contexts of Control: Information, Power, and Truck-Driving Work.” *The Information Society* (2015).

**Th 11/14 WORK II**

Moradi, Pegah, and Karen Levy. “The Future of Work in the Age of AI: Displacement or Risk-Shifting?”

**Tu 11/19 THE PUBLIC COMMONS: guest lecture by Natalie Tong**

[readings TBA]

**>> assignment #3 due on 11/20 <<**

**Th 11/21 DEPUTIES**

Hall, Claire. “An Army of Spies? The Gestapo Spy Network 1933-45.” *Journal of Contemporary History* 44(2) 247-65 (2009).

Kofman, Ava. [“Taser Wants to Build an Army of Smartphone Informants.”](https://theintercept.com/2017/09/21/taser-wants-to-build-an-army-of-smartphone-informants/) *The Intercept*, September 21, 2017.

Chiarello, Elizabeth. “The War on Drugs Comes to the Pharmacy Counter: Frontline Workers in the Shadow of Discrepant Institutional Logics.” *Law & Social Inquiry* 40(1): 86-122 (2015).

**Tu 11/26 THEATER**

Mann, Charles C. [“Smoke Screening.”](http://www.vanityfair.com/culture/2011/12/tsa-insanity-201112) *Vanity Fair* (Dec 20, 2011).

Schneier, Bruce. [“In Praise of Security Theater.”](https://www.schneier.com/blog/archives/2007/01/in_praise_of_se.html) *Wired* (Jan 25, 2007).

[“How Ashley Madison Onboards New Users.”](https://www.useronboard.com/how-ashleymadison-onboards-new-users/) *[User Onboard.](https://www.useronboard.com/how-ashleymadison-onboards-new-users/)* [2015.](https://www.useronboard.com/how-ashleymadison-onboards-new-users/) ***[(read through slides online)](https://www.useronboard.com/how-ashleymadison-onboards-new-users/)***

**Th 11/28 [no class! thanksgiving break!]**

**Tu 12/3 DECOYS AND RUMORS**

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

Alexander, Leigh. [“Why the Rumor that Facebook is Listening to Your Conversations Won’t Die.”](https://motherboard.vice.com/read/facebook-listening-through-microphone-conspiracy-theory) *Motherboard* (Jul 31, 2016).

Penney, Jon. “Chilling Effects: Online Surveillance and Wikipedia Use.” *Berkeley Technology Law Journal* 31(1): 117 (2016).

**Th 12/5 RESISTANCE**

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.

Brunton, Finn and Helen Nissenbaum. Selections from Obfuscation: A User’s Guide for Privacy and Protest (2016).

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

**Tu 12/10 WRAP-UP [no law students]**

**>> take-home final exam due on 12/17 <<**