## Law | Policy Concepts

## PC.02 Privacy

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Privacy ensures creativity, individuality, diversity of opinion and democracy.

Privacy is an idea of behaviour, expectations, social conventions and individual inclinations.

Privacy is relative to place and time. It is subject to social change and is constantly being renegotiated.

In terms of fundamental rights, privacy can be understood as the negative freedom to be left alone and the positive freedom of self-determination.

According to the sphere theory [<u>Tile GL.05</u>], there is a graduated need for protection (intimate, private, social, professional, public sphere; persons in public life).

The concept of privacy as we know it has only developed in the past 150 years. For thousands of years, sex, breastfeeding and personal hygiene were practised in full view of relatives and friends. Silent reading only developed around 1215, interior walls in houses and flats around 1500, single beds around 1700, the idea of "information privacy" through the invention of photography around 1900 ("right to be left alone"). Very informative: Greg Ferenstein, The Birth and Death of Privacy: 3,000 Years of History told through 46 Images.

It is possible that there is an instinctive need for privacy. But this competes with the need for comfort, wealth or prestige. Moreover, it is subject to the constraints of possibility. It is also influenced by technical requirements (**Collingridge dilemma**).

Digitisation leads to multiple shifts in boundaries and entanglements between the public and private spheres:

- Xing/LinkedIn, self-promotion, exhibitionism, post-privacy
- new error culture
- new virtual private spaces
- new opportunities for special interest groups
- new media, thematic, family, local, company publics
- new forms of scaling between anonymity, pseudonymity and identity
- Being-in-public-private
- Being-in-private-public

## **Quotations:**

- ? "Privacy is an essentially contested concept." (Mulligan/Koopman/Doty)
- ? "Privacy may actually be an anomaly." (Vinton Cerf)
- ? "There is no privacy any more, deal with it." (Scott McNealy)
- ? "There is no thing as privacy as such." (Bernd Lutterbeck)
- ? Privatleben ist die "Sphäre von Raum, von Zeit, wo ich kein Bild, kein Objekt bin." (Roland Barthes)