An Overview of Information Privacy Issues Relevant to the APEC Region

Purpose: Information
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An Overview of Information Privacy
Issues Relevant to the APEC Region

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Cultural notions of personal privacy vary within the APEC region

See the film - “A Great Wall” (1985) by Peter Wong for cultural differences between Chinese from PRC and visiting Chinese-American relatives (first U.S.-China production made in China)

The notion of privacy guaranteed by law also varies within the region

Some economies are moving in the direction of providing privacy rights guaranteed by law, e.g. Japan

Some economies are moving or attempting to move in the opposite direction with resistance from human rights groups, e.g. U.S., Australia, UK, often using the rationale of national security for the use of technology to erode traditional privacy rights from a non-digital age

Some economies are actively working to preserve traditional privacy rights, e.g. Canada

Some economies are new to the concept of privacy guaranteed by law, and actively use blocking, monitoring, filtering technologies, web cams to monitor who is using cyber cafes, etc.

Some economies are affected by the Digital Divide and have not yet formulated privacy policies or laws
- E-government and privacy
- Trust us with your data = ????
- Attacks on critical information infrastructure
- Government databases, e.g. for medical records
- Data mining, data matching
- Government requests for and retention of traffic data, etc. – Google case
- E-commerce and privacy
- Issues for multinational corporations doing business across borders
- Intellectual Property protection
- National security issues
- Protection of individual consumer data

2005 was a bad year, with a proliferation of identity theft cases in the U.S., for example.
A PARADIGM SHIFT DUE TO NEW TECHNOLOGIES?

- Susan W. Brenner comments
- Justice Sandra Day O’Connor comments

- PRESERVATION OF EXISTING CONSTITUTIONAL PROTECTIONS OF PRIVACY VIA USE OF TECHNOLOGY?

- K.A. Taipale comments
RESOURCES FOR FURTHER THOUGHT AND DISCUSSION

For a review, see www.timeout.com/film/70542.html

BOOKS

- Jeffrey Rosen, THE UNWANTED GAZE – The Destruction of Privacy in America (Random House, 2000)
- Daniel J. Solove and Marc Rotenberg, INFORMATION PRIVACY LAW (Aspen Publishers, 2003) Catalog can be found at www.aspenpublishers.com (U.S. perspective only)
LAW JOURNAL ARTICLES


David Steinbock, “Data Matching, Data Mining and Due Process,” 40 Georgia Law Review 1 (Fall, 2005)


NONPROFIT ORGANIZATION ARTICLE


GOVERNMENT PUBLICATIONS

David Loukidelis, “Privacy and the USA Patriot Act: Implications for British Columbia Public Sector Outsourcing,” available online and in Pauline C. Reich, General Editor, CYBERCRIME AND SECURITY (Oceana, a Division of Oxford University Press) (multiple volume looseleaf series) (CANADA)
ASSOCIATION POSITION PAPERS RE: ONLINE PRIVACY


American Bar Association- Letter from the President of the ABA to President George W. Bush February 13, 2006


American Library Association
http://www.ala.org/ala/washoff/WOIssues/civilliberties/theusapatriotact/usapatriotact.htm
RELEVANT WEBSITES

- Reporters without Borders
- Privacy International
- Electronic Frontier Foundation
- Electronic Privacy Information Center
- Japan Federation of Bar Associations

- LAWSUITS

LAW
- Japan Privacy Resource