



# INTELLECTUAL PRIVACY

RETHINKING CIVIL LIBERTIES IN THE DIGITAL AGE

NEIL RICHARDS

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Dear Sir

Monticello Dec. 8. 21.

In the antient Feudal times of our good old forefathers when the Seigneur married his daughter, or knighted his son, it was the usage for his vassals to give him a year's rent extra in the name of an Aid. I think it as reasonable when our Pastor builds a house, that each of his flock should give him an Aid of a year's contribution. I inclose mine as a tribute of justice, which of itself indeed is nothing, but as an example, if followed, may become something. in any event be pleased to accept it as an offering of duty, & a testimony of my friendly attachment and high respect.

rev<sup>d</sup>. Mr Hatch.

Th: Jefferson

"All the News That's  
Fit to Print."

# The New York Times.

LATE CITY EDITION

Published for the Proprietors by  
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Vol. 87, No. 14,444

Published for the Proprietors by  
The New York Times Company, Inc.

NEW YORK, THURSDAY, DECEMBER 8, 1941

THREE CENTS NEW YORK CITY  
AND SUBURBS

## U. S. DECLARES WAR, PACIFIC BATTLE WIDENS; MANILA AREA BOMBED; 1,500 DEAD IN HAWAII; HOSTILE PLANES SIGHTED AT SAN FRANCISCO

### TURN BACK TO SEA

Two Formations Neared  
City on Radio Beams,  
Then Went Astory

### ALARM IS WIDESPREAD

Whole Coast Has a Nervous  
Night—Many  
Cities Blacked Out

By LAWRENCE R. BRYNER  
Special to the New York Times.  
SAN FRANCISCO, Dec. 8.—After a day of widespread radio silence throughout the Philippines, Japanese bombers swept in over Manila Bay early this morning and attacked Manila Park, the United States Army air base on the outskirts of the capital, and several heavily populated areas. A Japanese landing on Luzon is said by the communists to be under way.

The country's attack, which began shortly after 10 o'clock, was the first in the Manila area. The country was believed to have been under attack since December 7, 1941, when the Japanese fleet sailed from Pearl Harbor.

After several Japanese bombers, an enemy fleet sailed the Manila Bay to the sea and left the Manila Bay to the sea. The Japanese fleet is said to have been the first to be sighted.

The ships were sighted from the coast of the Philippines, about 100 miles north of the city, and the Japanese fleet was seen.

### Philippines Pounded All Day As Raiders Strike at Troops

Air Base Near Capital Among Targets Hit  
by Japanese—Landing on Luzon With  
Aid of Fifth Columnists Reported

By H. PETER WELSH  
Special to the New York Times.

MANILA, Tuesday, Dec. 8.—After a day of widespread radio silence throughout the Philippines, Japanese bombers swept in over Manila Bay early this morning and attacked Manila Park, the United States Army air base on the outskirts of the capital, and several heavily populated areas. A Japanese landing on Luzon is said by the communists to be under way.

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### BATTLESHIP LOST

Captured in Pearl Harbor,  
Destroyer Is Blown Up,  
Other Ships Hurt

### FLEET NOW IS FIGHTING

Aid Rushed to Hawaii—  
Some Congressmen  
Sharply Critical

By LAWRENCE R. BRYNER  
Special to the New York Times.  
WASHINGTON, Dec. 8.—The battle of the Pacific opened tonight with a Japanese fleet of 10 battleships and 10 cruisers attacking the Philippines. The Japanese fleet is said to have been the first to be sighted.

The country's attack, which began shortly after 10 o'clock, was the first in the Manila area. The country was believed to have been under attack since December 7, 1941, when the Japanese fleet sailed from Pearl Harbor.

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The President signs the declaration of war against Japan.

### LARGE U. S. LOSSES CLAIMED BY JAPAN

Following is the text of President Roosevelt's war message to Congress, as recorded by five New York Times from a broadcast.

### The President's Message

Following is the text of President Roosevelt's war message to Congress, as recorded by five New York Times from a broadcast.

### UNITY IN CONGRESS

Only One Negative Vote  
as President Calls to  
War and Victory

### ROUNDS OF CHEERS

Miss Rankin's Is Sole  
'No' as Both Houses  
Act in Quick Time

By FRANK L. BRIDGEMAN  
Special to the New York Times.  
WASHINGTON, Dec. 8.—The United States today formally declared war on Japan, Congress, with only one dissenting vote, approved the resolution in the record time of 10 minutes after President Roosevelt declared Japanese aggression to be a state of war.

There was no debate in the House, and the resolution was passed by a vote of 388 to 1. The Senate passed the resolution by a vote of 89 to 2.

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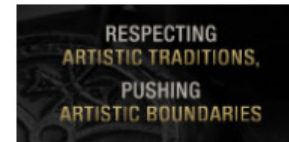






# The New York Times

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All Sections



EVERYTHING COMES FROM WITHIN

SHOW AD

NEWS ANALYSIS

## Hobby Lobby Decision Highlights Parties' Divide

By JEREMY W. PETERS and MICHAEL D. SHEAR

Even as conservatives celebrated coming out on the winning side of a divisive social issue, their court victory may have also handed Democrats an issue that will turn out liberal voters.

- Court Limits Contraception Coverage Rule
- Between the Lines of the Decision
- On the Next Docket: First Amendment and Social Media

## For Iraq, Potential Leader With a Tarnished Past

By ROD NORDLAND

Ahmad Chalabi, once championed by the Bush administration as a possible leader for Iraq and then pushed aside for faulty depictions of weapons of mass destruction, has re-emerged in



Residents of Slovyansk, in eastern Ukraine, trying to fix a window shattered during shelling. European Pressphoto Agency

## Ukraine President Ends Cease-Fire

By DAVID M. HERSZENHORN

President Petro O. Poroshenko ended a 10-day cease-fire, saying that rebels had not put down their weapons and had persisted in attacking government troops.

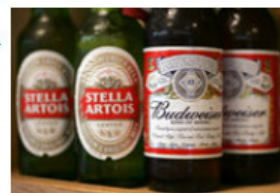
## World Cup 2014

### A Long-Running Battle for Supremacy Continues

By BEN ROTHENBERG 12 minutes ago

As the United States and Belgium meet on the field in the World Cup, here's a good-natured look at other ways they have engaged in competition.

- African Teams Head Home, Cash in Hand



Lawrence Jackson/Associated Press

## The Opinion Pages

THE SUPREME COURT

### Imposing Religion on Workers

By THE EDITORIAL BOARD

The justices granted owners of closely held companies an unprecedented religious right.

### A Hit to Collective Bargaining

By THE EDITORIAL BOARD

Though not a deathblow to public-sector unions, the decision showed an antipathy toward workers' rights.

MORE IN OPINION

- Jaron Lanier: Should Facebook Manipulate Users?
- Room for Debate: Religious Freedom and the Law
- Op-Ed: Leaning on Thailand's Junta

OP-ED COLUMNISTS

- Bruni: A Grope and a Shrug
- Brooks: The Evolution of Trust
- Cohen: The Socialist World Cup
- Nocera: From 9/11 to BP to G.M.



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## Today's Times Insider

Behind the scenes at The New York Times

- Vanessa Friedman on Fashion, Politics and Money
- Detroit's Troubles: A Mosaic Says What Words Can't



MARKETS »

At 5:57 AM ET

Britain	Germany	France
FTSE 100	DAX	CAC 40
6,775.57	9,859.68	4,450.00
+31.63	+26.61	+27.16
+0.47%	+0.27%	+0.61%

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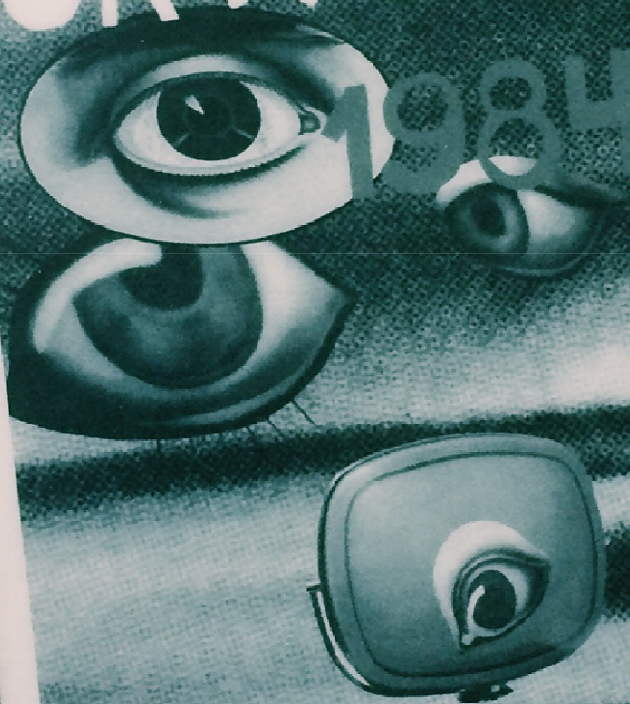
VACHERON CONSTANTIN

DISCOVER

kindle

GEORGE  
ORWELL

1984



COMPANHIA DAS LETRAS



**freedom of speech**

privacy



technology

human values

**Big Idea:**

**free speech** requires  
intellectual privacy

# intellectual privacy:

protection from surveillance  
or interference when we are  
engaged in the processes of  
generating ideas - thinking,  
reading, and speaking with  
confidantes



If we can't come up  
with anything  
interesting to say,  
do we really have  
**free speech?**

intellectual privacy

**normative claim:**

intellectual privacy **matters**

intellectual privacy

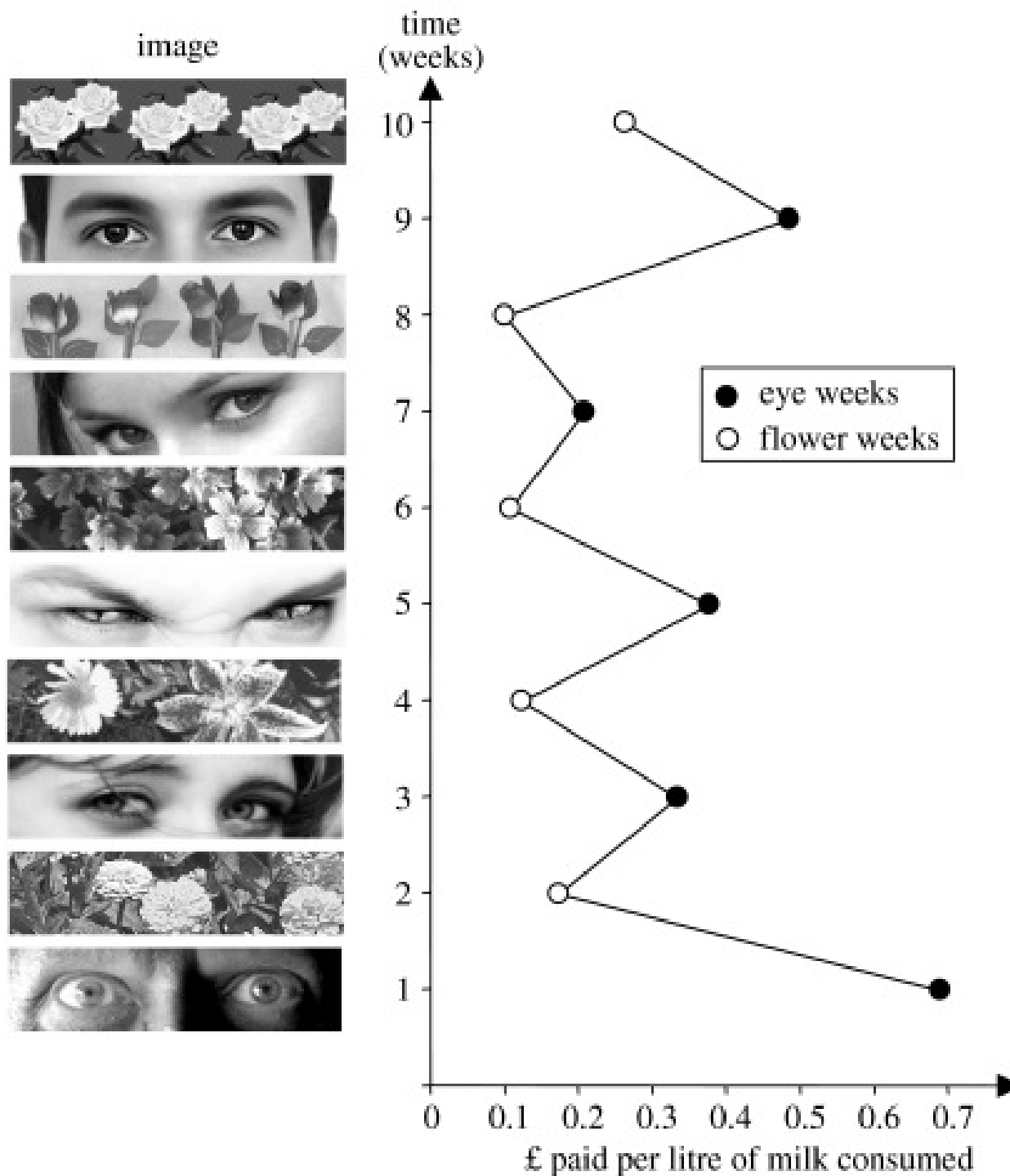
**empirical claim:**

**surveillance chills**  
intellectual privacy





# BIG BROTHER IS WATCHING YOU



Bateson, et al.  
“Cues of being  
watched enhance  
cooperation in a  
real-world  
setting” (2006)

# Cleaning House: The Impact of Information Technology Monitoring on Employee Theft and Productivity\*

Lamar Pierce<sup>†</sup>  
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Andrew McAfee  
Massachusetts Institute of Technology  
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*August 24, 2013*

In this paper, we study how firm investments in technology-based employee monitoring impact both misconduct and productivity. We use unique and detailed theft and sales data from 392 restaurant locations from five different firms that adopt a theft monitoring information technology (IT) product. Since the specific timing of individual locations' technology adoption is plausibly exogenous, we can use difference-in-differences models to estimate the treatment effect of IT monitoring on theft and productivity within each location for all employees. We find significant treatment effects in reduced theft and improved productivity that appear to be driven by changing the behavior of individual workers rather than selection effects. Although workers with past patterns of theft appear more likely to leave treated locations than others, individual behavioral changes by existing workers drive restaurant-level improvements. These findings suggest multi-tasking by employees under a pay-for-performance system, as they increase effort toward sales following monitoring implementation in order to compensate for lost theft income. This suggests that employee misconduct is primarily a result of managerial policies rather than individual differences in ethics or morality.



# Government Surveillance and Internet Search Behavior

Alex Marthews\*  
and Catherine Tucker†‡

August 28, 2014

## Abstract

This paper uses data from Google Trends on the search volume of search terms from before and after the surveillance revelations of June 2013 for eleven countries to analyze whether Google users' search behavior changed as a result. The surveillance revelations are treated as an exogenous shock in information about how closely users' internet searches were being monitored by the US government. Each search term was independently rated for its degree of privacy sensitivity along multiple dimensions. Using panel data, our results suggest that cross-nationally, users were less likely to search using search terms that they believed might get them in trouble with the US government. In the US, this was the main subset of search terms that were affected. However, internationally there was also a drop in traffic for search terms that were rated as personally sensitive. These results suggest that there is a potential for chilling effects on search behavior from government surveillance on the Internet. This also suggest that government surveillance programs may affect the international competitiveness of internet firms.

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\*Restore The Fourth, Cambridge, MA.

†MIT Sloan School of Management, MIT, Cambridge MA and National Bureau of Economic Research.

‡We thank participants at the 2014 Future of Privacy & Data Security Regulation Roundtable and the 2014 Privacy Law Scholars Conference for useful comments. All errors are our own.



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Where They  
Drink Whiskey in  
the Morning  
By Terrence Smith



In Praise of Fancy  
Words  
By Mark Bowden



Who Becomes a  
Surrogate?  
By Leslie Morgan  
Steiner



SPONSOR CONTENT  
A High-Tech Tra  
That "Paints" the  
Landscape with  
Lasers

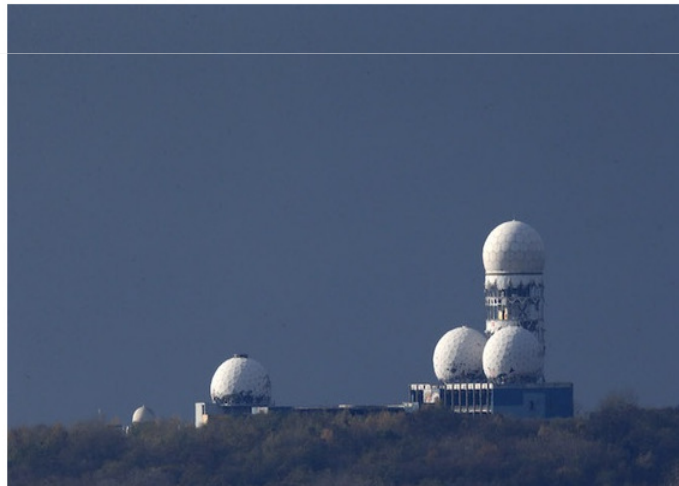
## The NSA's Porn-Surveillance Program: Not Safe for Democracy

Its targets extend beyond suspected terrorists—and some rhetoric that the First Amendment would protect is singled out.

CONOR FRIEDERSDORF | NOV 27 2013, 4:04 PM ET



More ▾



Reuters

Let's think through the troubling implications of the latest surveillance-state news. "The National Security Agency has been gathering records of online sexual activity and evidence of visits to pornographic websites as part of a proposed plan to harm the reputations of those whom the agency believes are radicalizing others through incendiary speeches." Glenn Greenwald. Ryan Gallagher. and

VIDEO



### The Rise of the Bicycle in the 21st Century

Investigating solutions to increasing automobile traffic.

## WRITERS



### Conor Friedersdorf

The Crucial Fix the Healthcare.gov Progress Report Ignores 10:14 AM ET

### James Fallows

In Honor of the Chinese ADIZ, Today's Novelty Aviation Footage NOV 30, 2013

### Matthew O'Brien

The Economic Case for Ignoring Black Friday NOV 29, 2013

### Alexis C. Madrigal

5 Intriguing Things: Thursday, 11/28 NOV 28, 2013



<b>name redacted</b>	Well-known  cleric,  extremist  financier,  and al-  Qai'da  supporter   	Killing of  non-Muslim  occupiers is  justified     	   <b>identifying information redacted</b> 	  -Disagrees  with AQ on  some issues  (e.g.  targeting  civilians)  -Pragmatic  on "Arab  Spring"
<b>name redacted</b>	Writings  appear on  numerous  jihadi  websites     	The U.S.  brought the  9/11 attacks  upon itself     	   <b>identifying information redacted</b> 	  -Deceitful  use of  funds  -Potential  for  contradic-  tory  statements
<b>name redacted</b>	Well-known  cleric,  famous for  hostility  towards  non-Sunni  Muslims 	Preaches  intolerance  for all  non-Sunni  Muslims 	   <b>identifying information redacted</b> 	  -Charges  exorbitant  speaking  fees  -Attracted  to fame 
<b>name redacted</b>	Well-known  media  celebrity       	The U.S.  perpetrated  the 9/11  attacks     	   <b>identifying information redacted</b> 	  -Glamorous  lifestyle  -Misinter-  prets  Qur'an  -Possibly  misdirects  donations

**Cleric**

**Preacher**

**Critical of U.S. Policy**

**“U.S. Person”**

**Radicalizer**



**“Injustice anywhere is a threat  
to justice everywhere.”**

**—Dr. Martin Luther King, Jr.**  
**from “Letter from Birmingham Jail,” April 16, 1963**

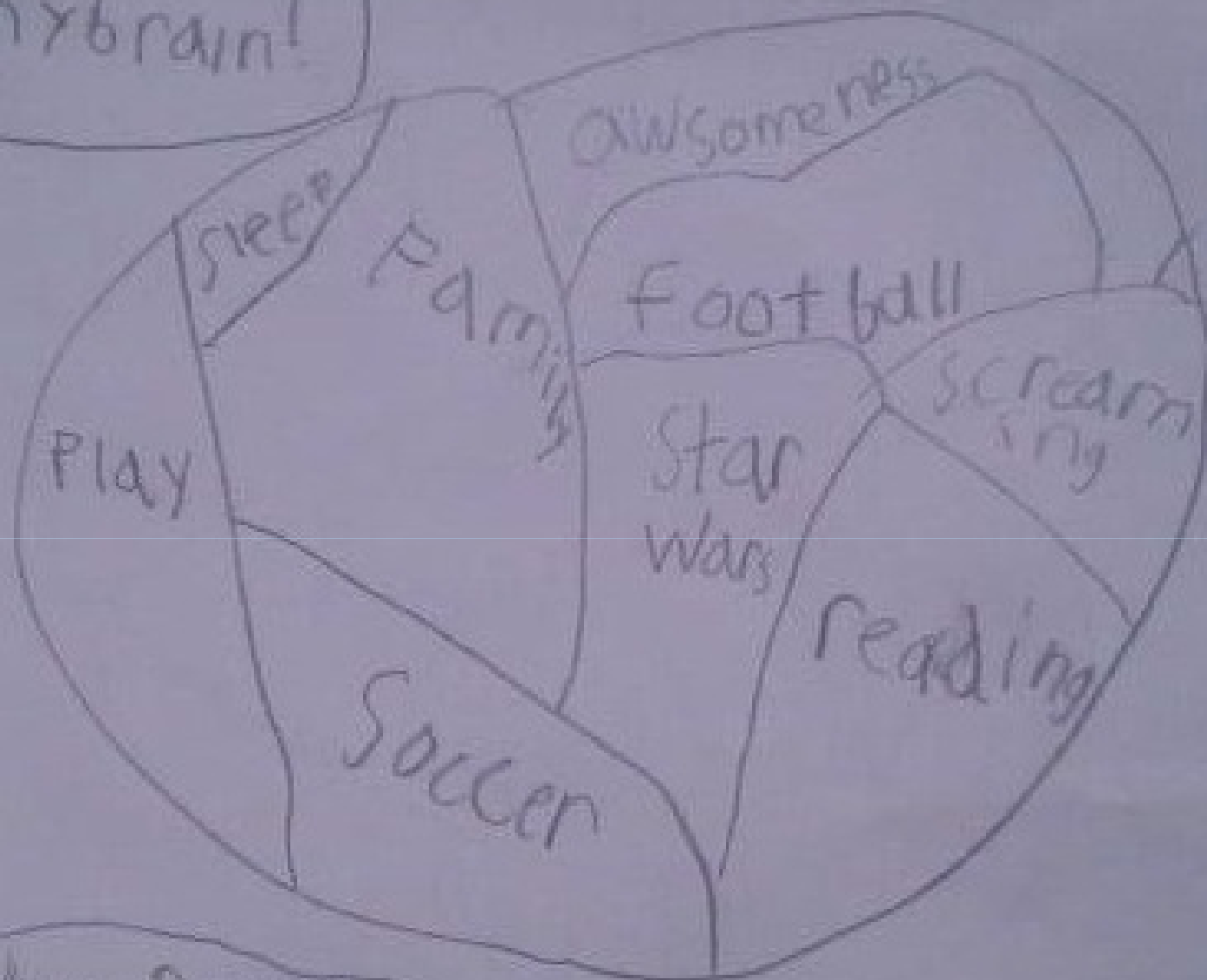
# **three special dimensions of intellectual privacy**



# **1. thinking**



in my brain!



stupid

by DeLian

# Google

Google Search

I'm Feeling Lucky



# Be my Cutie Puppy

Browse the web as fast as you think.



[google.com/chrome](https://google.com/chrome)

qui appartient plus tard aux bénédictines de Martin Verga. Cette sainte fille, trop pauvre pour porter le magnifique habit de son ordre, qui était une robe blanche avec le scapulaire écarlate, en avait revêtu pieusement un petit mannequin qu'elle montrait avec complaisance et qu'à sa mort elle a légué à la maison. En 1824, il ne restait de cet ordre qu'une religieuse ; aujourd'hui il n'en reste qu'une poupée.

Outre ces dignes mères, quelques vieilles femmes du monde avaient obtenu de la prieure, comme madame Albertine, la permission de se retirer dans le petit couvent. De ce nombre étaient madame de Blainville, d'Hautpoul, madame la comtesse de Blainville, qui n'a jamais été connue dans le couvent, et une autre formidable qu'elle faisait en se mouchant. Les élèves l'appelaient madame Vacarmini.

Vers 1820 ou 1821, madame de Genlis, qui rédigeait à cette époque un petit recueil périodique intitulé *l'Intrepide*, demanda à entrer dame en chambre au couvent du Petit-Picpus. M. le duc d'Orléans la recommandait. Rumeur dans la ruche ; les mères vocales étaient toutes tremblantes ; madame de Genlis avait fait des romans. Mais elle déclara qu'elle était la première à les détester, et puis elle était arrivée à sa phase de dévotion farouche. Dieu aidant, et le prince aussi, elle entra. Elle s'en alla au bout de six ou huit mois, donnant pour raison que le jardin n'avait pas d'ombre. Les religieuses furent ravies. Quoique très vieille, elle jouait encore de la harpe, et fort bien.

En s'en allant, elle laissa sa marque à sa cellule. Madame de Genlis était superstitieuse et latiniste. Ces deux mots donnent d'elle un assez bon profil. On voyait encore, il y a quelques années, collés dans l'intérieur d'une petite armoire de sa cellule où elle serrait son argent et ses bijoux, ces cinq vers latins écrits de sa main à l'encre rouge sur papier jaune, et qui, dans son opinion, avaient la vertu d'effaroucher les voleurs.

*Imparibus meritis pendent tria corpora ramiis :  
Dismas et Gesmas, media est divina potestas ;  
Alta petit Dismas, infelix, infima, Gesmas.  
Nos et res nostras conservet summa potestas.  
Hos versus dicas, ne tu furto tua perdas !*

Ces vers, en latin du sixième siècle, soulèvent la question de savoir si les deux larrons du calvaire, Dismas et Gesmas, ou Dismas et Gesmas. Cette question, qui contredit les prétentions qu'avait, au couvent du Petit-Picpus, la vertu utile attachée à ces vers, a été résolue dans l'ordre des hospitalières.

L'église de la maison, construite de manière à former comme une véritable coupure, le grand couvent, était, bien entendu, commune aux deux couvents, le grand couvent et au petit couvent. On y allait le public par une sorte d'entrée de la rue, qui se trouvait sur la rue. Mais tout était disposé de manière à ce que aucune des habitantes du cloître ne pût voir le public du dehors. Supposez une église dont l'entrée est saisie par une main gigantesque, et plié de manière à former, non plus, comme dans les églises ordinaires, un grand perron, mais un grand perron en sautoir, derrière l'autel, mais une sorte de caveau, une salle fermée par le rideau de sept pieds de hauteur, nous avons déjà parlé ; entassez dans l'ombre, sur des stalles de bois, les religieuses âgées, les pensionnaires à droite, les novices et les novices au fond, et vous aurez quelque chose de la caveau du Petit-Picpus, assistant au service divin. Cette caveau, qu'on appelait le cloître, comme



I Fifty Shades  
of Grey

EL Ja

II Fifty Shades  
Darker

EL Jar

III Fifty Shades





# THE BORK *Tapes*

By David Dolan

*Never mind his writings on Roe vs. Wade. The inner workings of Robert Bork's mind are revealed by the videos he rents.*

**B**y now we all know what Robert Bork looks like and what he sounds like when he's ventriloquized with some creepy legislation. We know how much he pulls in for selling clients what they want to hear, and how much he wishes he'd spent a few hours volunteering at the Four Clubs so he'd have some social service chops on a C.V. to satisfy his inquisitors on the Judiciary Committee.

Longtime fans, of course, remember Bork standing over the ropes with a gut in his paw after the Saturday Night Massacre. That purveyor of poetry, Copypast Baker, says he's a real sub-poet head. Jerry Ford considers him brilliant—an endorsement that conjures horrific visions of the inner workings of the Bork brain. Norman Lear and his people are in our faces by and night, by mail and by radio ad, suggesting that if Bork takes the reins, the nation's over the democracy.

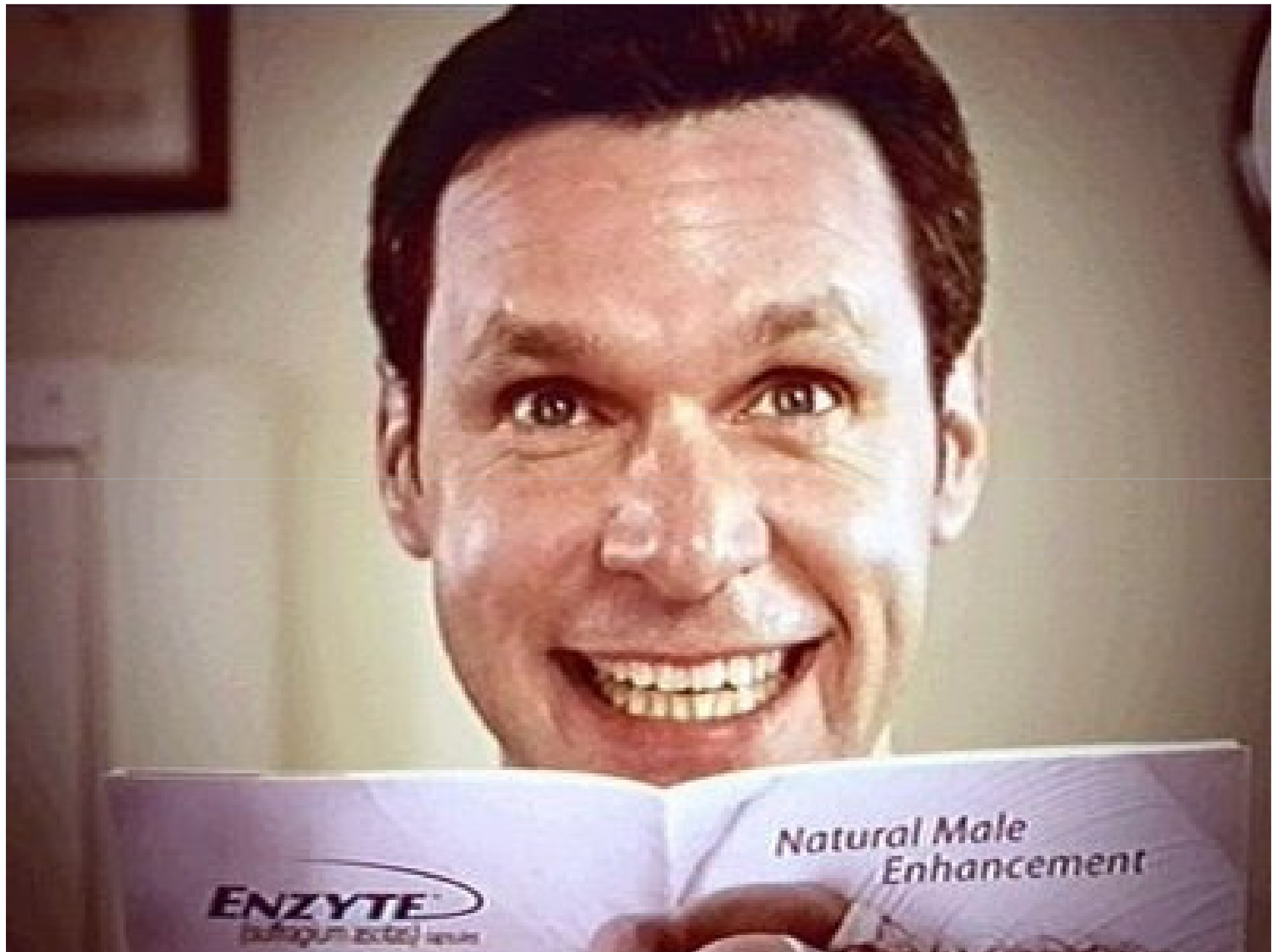
By his own lights, Robert Bork is neither a liberal nor a conservative, just a sub-poet fellow with a see-through beard.



**“so me and Declan  
can read  
inappropriate books”**

# **3. confiding**





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IN THE  
Supreme Court of the United States

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DAVID LEON RILEY,  
*Petitioner,*

v.

STATE OF CALIFORNIA,  
*Respondent.*

---

On Petition for a Writ of Certiorari  
to the California Court of Appeal, Fourth District

---

**PETITION FOR A WRIT OF CERTIORARI**

---

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**what should we do?**



Intellectual Privacy  
Isn't Just for Intellectuals

A 3D-rendered red folder is shown from a three-quarter perspective, slightly open. A yellow padlock is attached to the right side of the folder, locking it. The folder has a tab on the top edge. The background is a plain, light gray surface with a soft shadow cast by the folder.

intellectual records are  
“sensitive records”





rejecting binary privacy

A photograph of two young girls outdoors. The girl on the left is wearing a green and white striped shirt and is looking towards the camera with a slight smile. The girl on the right is wearing a pink floral dress and is whispering into the ear of the girl on the left. The background is a blurred green field with trees. The text "the importance of confidentiality" is overlaid in white, lowercase letters in the center of the image.

the importance of  
confidentiality

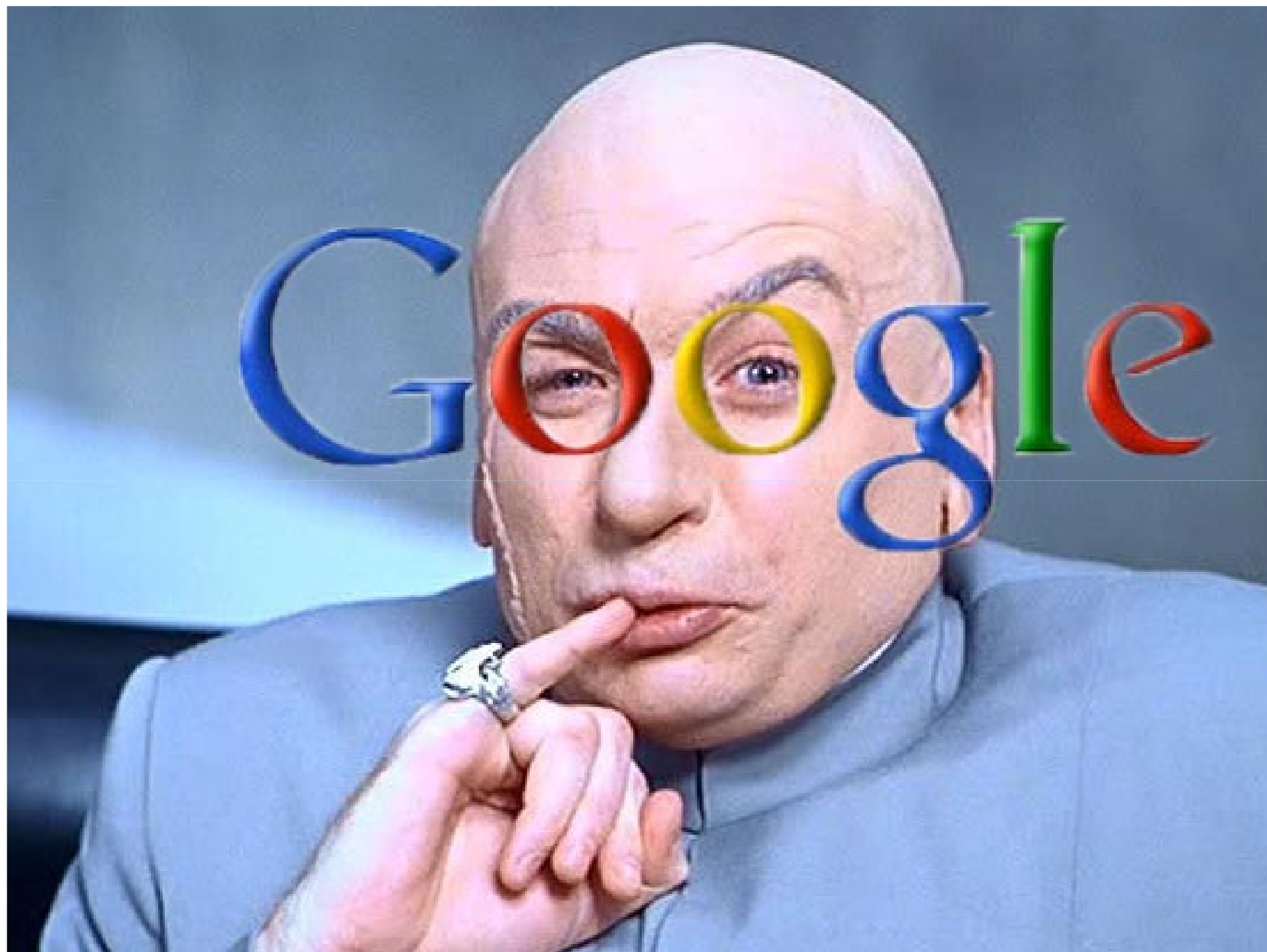




beyond law



**professional ethics**









Access to Facts, Data and Idea  
for Knowledge Discover  
in the Digital Ag

[Home](#) [Read & Sign the Declaration](#) [History of the Declaration](#) [Infographic](#) [Case Studies & Resources](#) [Promotional Materials](#) [Contact](#)



**The Hague Declaration** aims to foster agreement about how to best **enable access** to facts, data and ideas for **knowledge discovery** in the Digital Age. By removing barriers to accessing and analysing the wealth of data produced by society, we can **find answers to great challenges** such as climate change, depleting natural resources and globalisation.

**196** Organisations signed  
**420** People signed  
**1** Add your signature

Recent Tweets

The Story of the Declaration

Official Launch, 6th May



Hague Declaration

3 weeks ago

The Hague Declaration mentioned in the opening address of #liber2015. Ask at the LIBER desk for more information or visit our website



# WE NEED BETTER ACCESS TO THIS DATA

Barriers stop humans from effectively accessing and analysing the knowledge being produced:



## INTELLECTUAL PROPERTY LAW

It dates from the time of the printing press and no longer suits the modern age. We need to be able to use computers to make sense of data but current copyright laws often make this impossible.



## FEAR OF MONITORING

Content providers must respect the **intellectual privacy** of readers. Equally, the use of facts, data and ideas must not impinge on the rights of individuals to privacy and a private life.



## LICENSES

Contract terms which restrict how individuals can use facts, data and ideas are unacceptable and should be prohibited by law.

# intellectual privacy of researchers

intellectual privacy of  
data subjects



**competing on**  
intellectual privacy

mozilla

# PRIVACY PRINCIPLES

## NO SURPRISES

*Only use and share information about our users for their benefit and as disclosed in our notices.*

## REAL CHOICES

*Give our users actionable and informed choices by informing and educating at the point of collection and providing a choice to opt-out whenever possible.*

## TRUSTED THIRD PARTIES

*Make privacy a factor in selecting and interacting with third parties.*

## SENSIBLE SETTINGS

*Establish default settings in our products and services that balance safety and user experience as appropriate for the context of the transaction.*

## USER CONTROL

*Do not disclose personal user information without the user's consent. Advocate, develop and innovate for privacy enhancements that put people in control over their information and online experiences.*

## LIMITED DATA

*Collect and retain the least amount of information necessary for the feature or task. Try to share anonymous aggregate data whenever possible, and then only when it benefits the web, users, or developers.*



# DuckDuckGo



The search engine that doesn't track you. [What's new!](#)

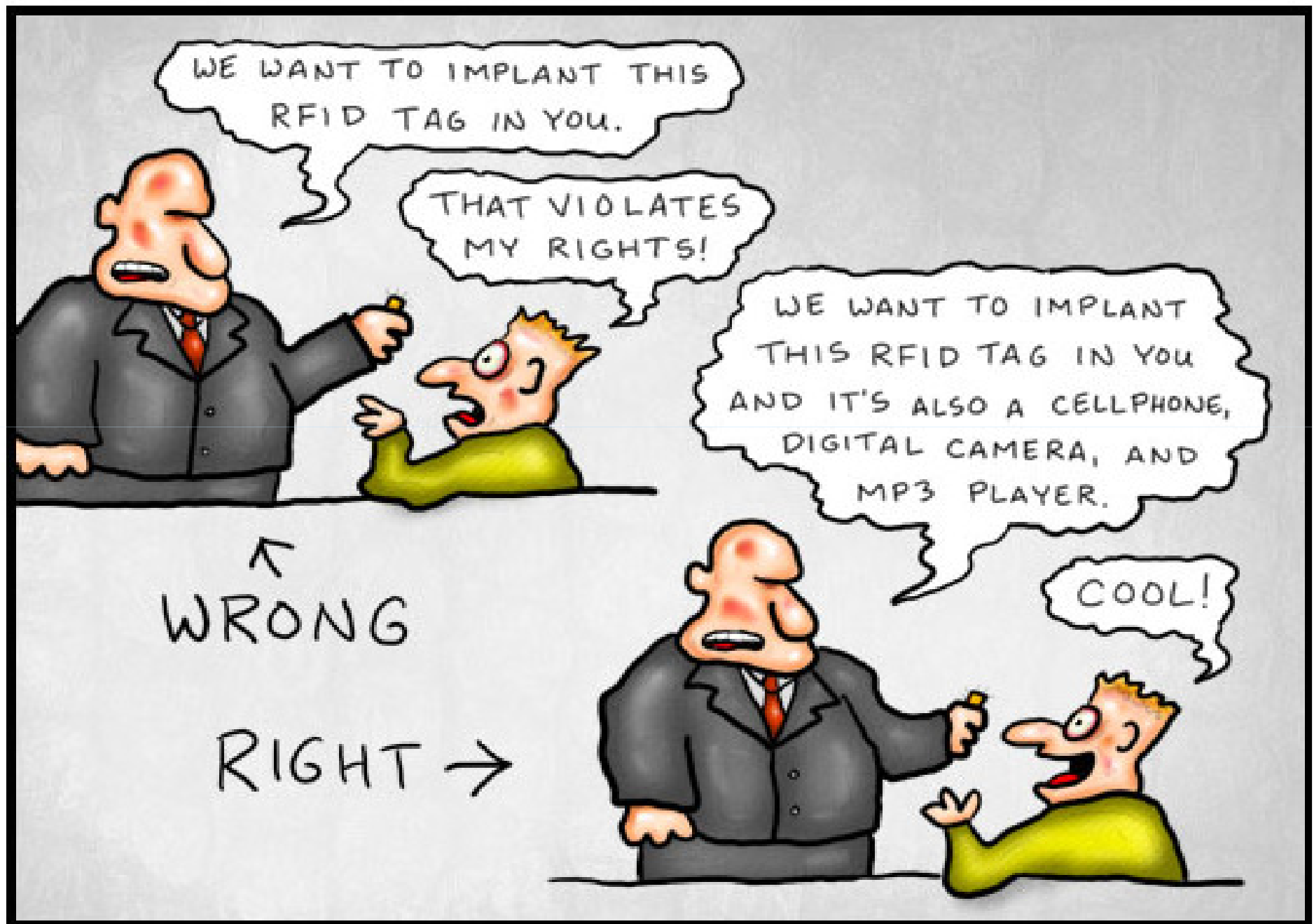


Use in  
SeaMonkey



Learn  
More

# DOCTOR FUN



“in the Anglo-  
American world we  
race ahead with  
**technology** and hope  
the **ideas** will look  
after themselves.”

**\*Zadie Smith**





# INTELLECTUAL PRIVACY

RETHINKING CIVIL LIBERTIES IN THE DIGITAL AGE

NEIL RICHARDS