

Privacy

The interest that individuals have
in sustaining a '**personal space**',
free from interference by other people and organisations
(Morison 1973)

<http://rogerclarke.com/PFS.html>

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Privacy is one interest among many.
Privacy protection is an exercise in balance
(just like protection of every other human interest).
There are no 'privacy absolutists'.

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Why Privacy ?

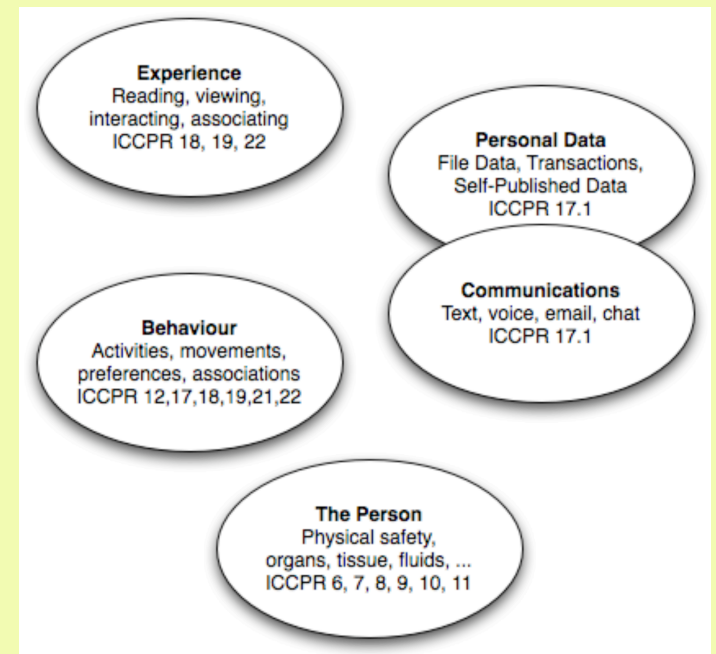
- Physical Needs
- Psychological Needs
- Social / Sociological Needs
- Economic Needs
- Political Needs
- Human Dignity, Autonomy

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The Multiple Dimensions of 'Personal Space'



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Privacy is a Precondition for Free Speech

- Journalists protect their sources
- Dissidents seek to anonymise and obfuscate

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Free Speech is a Precondition for Privacy

- In closed / authoritarian / collectivist societies, privacy is generally grossly compromised
- In open, liberal democracies, rather less so

Free Speech is a Threat to Privacy

- The location of a victim of domestic abuse
- The identity of an undercover operative
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- The identity of an undercover operative
- The social networks of a hitherto trusted person
- The drink-driving conviction
- The genetic predisposition to epilepsy
- The big win in a lottery
- The valuable art-work in the unguarded house

Privacy is a Threat to Free Speech

Disclosure to an employer, a licensing agency,
an investigative agency or the public
of a person's medical condition, assets or actions
may be critical to

**public safety,
the pursuit of justice,
the exposure of hypocrisy and corruption,
public debate,
voting intentions, ...**

Democratic Principles for Balancing Interests

1. Evaluation
2. Consultation
3. Transparency
4. Justification – 'in the public interest'
5. Proportionality
6. Mitigation
7. Controls
8. Audit

The (Dead) Amendments and Privacy?

- Physical and Behavioural Privacy depend on effective sanctions against:
 - intimidation
 - harassment
 - stalking
 - ?? insult
 - incitement to violence
 - incitement of hatred
 - ? humiliation
 - ?? offensiveness
- Both ss.18C-18D and the dead amendments exhibit both over-reach and shortfalls
- Racial discrimination is not the only context

What This Process Has Lacked So Far

- **From the Abstract to the Concrete**
We (would) need a suite of examples against which definitions and saving provisions can be assessed
- **From the A-List to Real People**
Polite discussion amongst the invited few is good.
So are workshops involving representatives of the categories of people who are directly affected