

Privacy Case Analysis:

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What would have been a more ethical way to implement Google Street View?

Vaidyanathan discussed the various implementations of Google Street View in different countries, cultures, and penal codes. In Japan, Google Street View faced backlash for the going against societal norms. Japanese respect the privacy of the view of people's home and it is offensive to them for the pictures of them to be posted online for everyone to see. In the United Kingdom, affluent citizens were concerned about the possibility of the images making them easy targets for burglars. Google Street View was outright banned in several places including Greece and certain cities of Germany. Vaidyanathan outlined ways that Google Street View assisted with completing job related tasks and the concerns of those whose persons and properties were being captured and shared to show a clear picture of the pros and cons of Google Street View. Although there was evidence that Google Street View would cause more good than harm, I will outline how Google Street View could have created a better implementation plan to better align with the Consequentialist view of appropriate ethics.

Floridi describes four different kinds of privacy which could be applied to Google's Street View implementation to make it more ethical by applying the principles of Consequentialism. These privacy freedoms were 1) Alice's Physical Privacy 2) Alice's Decisional Privacy and 3) Alice's Informational Privacy and 4) Alice's Mental Privacy. These freedoms can serve as guidelines for how Google should treat those affected by its Google Street View businesses. If these freedoms were applied to the Google Street View service without allowance for any reduction of these freedoms Google Street View could not be implemented at all as it violates all three which make the service inherently unethical. However, from a consequentialist viewpoint, Google Street View is only unethical if it does more harm than good which. Vaidyanathan states that it, "Causes much anxiety without causing demonstratable harm."

According to Alice's Mental Privacy, one should have freedom from psychological interference or intrusion. Google caused anxiety to many people all over the world, some of whom did not even benefit from their services. Ethically speaking, Google should be restricted from accessing and manipulating the mental life of others from my viewpoint and that of a consequentialist. Causing anxiety is a violation of this privacy and in Vaidyanathan's article in addition to outright stating that Google Street View causes anxiety he also outlines that Aaron and Christine Boring attempted to sue Google for trespassing, Hamburg, Germany requested a written guarantee of conformation to privacy, Kiel, Germany residents put stickers on their doors to request photographs not be taken of their home, Greece banned it for not having a plan to

notify residents, Japan residents wrote open letters and protested, shared images of naked toddler in London and a driver in Cambridgeshire was ambushed and blocked from leaving as a protest to recording the neighborhood. All of incidences could be said to cause a violation of mental privacy which would constitute a negative consequence. I think that Google should be responsible for any harm they cause and that they have a duty to not tread on the rights of others. However, we cannot assess whether it caused more people than not anxiety from these anecdotes even including the Google staff required to address the concerns and make corrections.

It can also be inferred those violations in the scenarios also occurred in Alice's other three laws. From a consequentialist perspective Google is ethically wrong; it violated the rights of more people than it had users. Google Street View also violated the personal space of others by recording their homes. Google manipulated the decisions of the residents and businesses by making the decision for them to make them a part of their app without first getting their permission. I do think Google should have ask for permission first rather than later; it places undue burnden on citizens bymaking them request their personal information be removed that they never gave permission to be posted. Google violated the right of others to restrict facts about the being known or unknown if you consider their residence and extension of them being that it can reveal personal details. Google could have made implementations more ethical in several ways.

Google could have notified the local and state governments about their plans to record and sent letters to all the residents and businesses giving them the option to opt out. Google also could have blurred out and/or removed any human detected in the filmed footage automatically without users having to opt out. Google also could have sent detailed opt-out instructions to any affected persons with a QR code link or written form that could be mailed back or just not recorded any residence that did not send back permission. Although the Google vehicles recording are using public rights of way, the images recorded are not of the public rights of way alone. Google should have employed any and all of these methods in their operations. In addition to protecting the privacy of individuals not employed by Google that could also protect their employees from being attacked by irate residents.

Grimmelmann in his article sought to debunk the myths that users don't have rights to privacy based on their choices to utilize a software. It can be difficult to apply his views to this case because the people being recorded and facing the consequences of Google's actions to record them are not always user of Google Street View and in fact might not even be aware of its existence or that their personal data is available on the site. Google does not inform any of the business, residents, or persons that they will be recording them. Consequentialists would find it very unethical that Google is invading the privacy of others without feeling the need to obtain any type of permission or agreement, because although it could be creating good with its services it is harming many more people. Even still Google could utilize these myths to make a case for itself.

The lawsuit of Aaron and Christine Boring filed against Google for Google Street View trespassing onto its property was dismissed by the judge because they did not request Google

the images. It is reasonable to assume the judge thought the three myths were true in this case: 1) The Borings did not care about privacy and 2) the Borings make rational privacy choices 3) The Boring's desire for privacy was unrealistic.

The judge instead of penalizing Google for making privacy decisions for the Borings by photographing their residence and then publishing it without their consent, made it the Borings responsibility to know the process for requesting their image be removed, be knowledgeable that they were able to make that request without written notice from Google before the lawsuit was filed. The judge also made the decision that their request not to be filmed by Google and have their information posted online without their consent was unrealistic. A consequentialist would say the judge made the wrong call and set a dangerous precedent for companies looking to invade individual privacy. This judgment alone allows other companies to come in and invade the privacy of others without consequences and he decided that Google is more important than the Borings which is untrue from a Consequentialist viewpoint.

Using a consequentialist lens, the judge's ruling was completely unethical. Google's infringement upon the Borings right to privacy caused them harm and they received no benefit from having their privacy invaded. They were not financially compensated; the article cited no benefit to their employment or ability to sell their home and one could assume they experienced a great deal of anxiety leading them to file the lawsuit. Google's interests are no more important than the Boring's if you narrow the scope to just these facts in the case.

Using this example one would again infer that the Google Street View implementation could have benefitted from consent before the fact rather than a written request to remove data after the fact. There are many steps Google should have taken. Google could have also sent out detailed documentation letting the Borings know how to opt out, beneficial uses of Google Street View, offered compensation to the Borings for their participation monthly basis, donated a community center to each participating neighborhood, and they also could have implemented a program to educate everyone they were recording on privacy, rational privacy choices and their argument for creating Google Street View and its benefits. Because Google did not use good ethical judgment, they are opening the flood gates for more privacy invasions by other firms. In terms of the trolley problem, they have allowed the switch to kill 5 lives instead of 1.

Vaidyanathan was only able to offer limited positive and negative anecdotes about Google Street View in the excerpt. Vaidyanathan only offered about a page of positive anecdotes and uses for Google and yet there were over 10 pages of four different methods of harm and restrictions on the four privacy freedoms of others. Based off this article we could deduce that Google's implementation is not ethical by the view of a Consequentialist and definitely not a Utilitarian Consequentialist. Google did more harm than good in its quest to implement Google Street View using the facts presented. In the world of Leon and Reynolds, Google becomes Leon, and our governments and policy makers must become Reynolds. They must destroy the improper implementation of programs that would invade the privacy of others and put the onus on people to optout in a world they did not need permission to opt-them in. Google is making profits off of the invasion of other's privacy without consequence or

permission needed and the world must become more proactive in protecting the right of one to choose their privacy before it is stolen.