

Understanding Children and Young People's Privacy

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Defining privacy

- Warren & Brandeis, 1890: privacy as "the right to be let alone"
- More specifically, privacy is the expectation of protection against:
 - *Intrusion upon a person's solitude*
 - *Intrusion into a person's affairs*
 - *Unapproved public disclosure of facts about a person*

Importance of privacy

- Enables political expression and criticism
- Provides opportunities for social and political organising
- Protects personal autonomy
- Supports healthy functioning by providing opportunities to withdraw from demands of public life
- Provides space to cope with emotional disturbance (eg, loss, shock)
- Supports stability of interpersonal relationships

Privacy as a right

- Privacy rights traditionally understood in a *property rights* framework
 - *Universal Declaration of Human Rights, 1948: "no one shall be subjected to arbitrary interference with his privacy, family, home, or correspondence, nor to attacks upon his honour or reputation."*
- More inclusive approach places it within a *dignity rights* framework
 - *E. Bloustein, 1964: right to "inviolate personality [defined by] the individual's independence, dignity, and integrity [...] as a unique and self-determining being"*

Unequal distribution of privacy rights

- Practical resources
 - *Being forced through socioeconomic disadvantage to share living space, working space, tools/resources/services, etc reduces ability to reliably enforce privacy*
- Moral discourses & resulting social structures
 - *Privileged groups' actions to maintain privacy perceived as socially acceptable exercise of right to be left alone; marginalised groups' seen as suspect concealment of potentially unsavoury behaviour*

Privacy as a right *for children*

- UNCRC Article 16: "No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home, or correspondence, nor to unlawful attacks on his or her honour and reputation."
- In practice, law in the UK and elsewhere does protect children from certain invasions of privacy, but often *not* the kind with the greatest impact on their daily lives.

What kind of privacy, and from whom?

- Data privacy: control over disclosure of large numbers of simple data points (eg, phone numbers, addresses) to unknown third parties or large social institutions
- Social privacy: control over disclosure of emotionally/socially significant information about one's relationships, thoughts, feelings, and activities
- Young people generally more concerned with social privacy, and for good reason

Lack of recognition

- Protections are generally strict with regard to children's data privacy, but very lax with regard to social privacy.
- There is virtually no legal protection or cultural expectation providing for children's privacy from parents, despite this being the primary privacy concern for most young people.
 - *"[There is a] failure to recognise a 'privacy problem' [...] If no interest in privacy is recognised and no invasion of privacy is acknowledged, then any opposing interest will prevail, and the question of balancing privacy against that opposing interest will simply not arise."* -Shmueli & Blecher-Prigat

Reasons for denial of privacy in family context

- The law primarily provides for the privacy *of the family*, not of the *individual* – particularly in societies where human rights are typically framed as protections from the state
 - *This leaves privacy of individuals within the family subject to the power structures which exist between those individuals*
- Contravention of children's privacy rights (as with other rights) is moralised as "for their own good"
 - *This gives significant benefit of the doubt to parents while simultaneously framing children's attempts at enforcing privacy as self-harming in and of themselves*
- Children's privacy (as with other autonomy/self-ownership rights) seen as privilege to be granted rather than right to be respected
 - *85% of parents believe they should be "allowed to refuse" children's right to privacy*

Consequences of lack of childhood privacy

- Emotional disorders
- Increased aggression
- Decreased self-esteem
- Reduced skill development
- Reduced capacity for trust and intimacy
- Loss of opportunity for development of autonomy and self-evaluation
- Poorer relationships with peers
- Poorer relationships with parents (lasting into adulthood)

How children cope

- Ennew: How do children surmount the obstacle of childhood?
- Two patterns have emerged from my ethnographic research:
 - *Seeking "private" time/space/experiences in "public" places*
 - *Adopting shared practices and norms for managing information & enforcing privacy cooperatively*

Privacy in public ("a bench on a crowded street")

- Because they generally lack reliably private spaces, young people define privacy more by the absence of specific others whom they perceive as potential threats to their social privacy.
- This is often found in the camouflaging obscurity of busy public spaces where one can "fade into the noise", especially where the presence of these unwanted others would stand out.

Shared (non-normative) practices

- Young people routinely adopt shared frameworks and practices that include community- and generationally-specific norms about how private information is understood, marked, and shared.

"Privacy" or "secrecy"?

- These patterns reflect Warren & Laslett's construction of "secrecy" as distinct from "privacy":
 - *Subversive rather than normative*
 - *Constantly under attack rather than generally respected*
 - *Reliant on in-group commitments not to breach confidence*

Improving the conditions for young people's privacy

- Continued efforts to ensure children's rights are prioritised in law over parental privilege.
- Policy and practice approaches that recognise importance of social privacy as well as data privacy.
- Approaches to teaching about rights that better incorporate right to privacy on individual footing.
- Making sure digital platforms allow for non-normative practices of privacy management (eg, more extensive/granular controls, protection of pseudonymity).

Thank you

Key sources and further reading:

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