PRIVACY RIGHTS VERSUS THE NEED FOR INFORMATION — SOCIETY'S GORDIAN KNOT

GUSTAVE GOLDMANN

Dr. Goldmann is a senior researcher and social demographer specializing in the demography of Aboriginal Peoples, the settlement and absorption of immigrants and issues related to ethnic groups and ethnicity. He has published extensively on these topics in Canadian and international journals. After a long career with Statistics Canada he accepted an academic appointment as a Visiting Professor in the Faculty of Social Sciences at the University of Ottawa.

A search through any repository of peer-reviewed journals yields thousands of articles dealing with information collection and privacy. For example, a recent search through the University of Ottawa's holdings using the keywords "information", "individual" and "privacy" resulted in a listing of over 1,200 peer-reviewed articles. Many of the articles focus on the impact of social network sites such as Facebook and on the impact of cloud computing using large databases. Information extraction technology has advanced to the point where it is possible to analyze massive amounts of data in order to extract information that identifies specific patterns and characteristics in a population. It is clear that information is one of the most precious and sought-after resources in most societies. Planners, policy makers, industry organizations, health institutions, educational institutions and countless others are continuously seeking information on the individuals they serve, on the individuals they would like to serve and on the contexts in which they live and function. There are no geopolitical, social or economic boundaries that define or limit the need for information. However, the methods by which the information is obtained varies across all sectors (public and private) of society and they are often not entirely visible to the subject from whom this information is obtained. If we add the question of an individual's rights to privacy and control over their information, we introduce both a paradox and the components of a Gordian Knot — an insolvable problem.

Public sector organizations that collect data on individuals are governed by ethical standards and by the rule of law. Effective, responsive and responsible government requires very detailed information on the social, economic and demographic situation of the people it serves in order to develop, implement and evaluate policies and programs that are the foundation of any society. The collection

and dissemination of this information is very tightly controlled to ensure that the confidentiality and the privacy of respondents, in the broadest sense of the concept, are not compromised in any way. These controls are applied at every stage of the data collection process — from conception to dissemination.

Private sector organizations are not necessarily bound by the same ethical standards and operational constraints as public sector organizations. Their motivation is often based on economic benefit. For instance, they seek to learn as much as they can about their clientele, whether actual or potential, with a view of maximizing profits (which includes minimizing costs). The methods that they use to gather personal information range from formal or informal surveys to collecting data at the point of sale, often without the knowledge of the respondent. Herein lies the fundamental element of the paradox referred to earlier. Consumers willingly provide this information with or without their knowledge because they want to acquire the good or service that is being offered. Approval is implied as soon as they purchase the product or service. Concerns over individual rights to privacy and control over their information are occasionally voiced, but they are rarely acted upon because the need for the product or service trumps the concerns over privacy. In a most draconian sense, consumers are held hostage if they wish to purchase the product or service.

At the present time, concerns over individual privacy are generally voiced only with respect to data and information collected by public organizations. The debate and discussion are often centred on the governments' need for the information and on the potential violation of individual privacy. One rarely hears a debate or discussion on the need for the product or service that is made possible through the collection of these data. Herein lies a possible solution to undo the Gordian Knot. The products and services provided by the public sector include national security, health care, social support, public safety, standards for housing, standards for food quality and safety, transportation security, to name but a few. The discussion needs to shift from the need to collect the data to the need for the service or product. If the service or product is deemed to be of value and importance to the members of society, the focus of the discussion should be centred on how the data make it possible to provide the service or product. The data are not required if the service or product is not deemed to be of value or importance. Granted, this is a simplification of the data collection process, but it serves to illustrate that it may be possible to untie the Gordian Knot.

How the information is obtained is another important component of this discussion. Obtaining information directly from respondents is but one of the means employed by statistical agencies. They are actively developing and using methods of extracting information from existing sources, such as data collected from the administration of social and economic programs, as a substitute or to supplement data obtained through direct surveys. These data contain information on individuals, on the economic activity of small, medium and large enterprises, on the movement of goods and on the provision of services. Three primary objectives motivate such an approach: to obtain data on a timelier basis, to minimize the burden on respondents and to be more efficient in collecting the required information.

In Canada, the privacy of respondents and the protection of their personal information is governed by legislation such as the Privacy Act, the Statistics Act and the enabling legislation under which many of the federal departments and agencies function. The ways in which their personal information and privacy are protected are not always clear to respondents, thereby opening the door to some of the public debates that we have witnessed over the past decade.

Individuals have the right to ensure that their privacy is not compromised in any way by the organizations that obtain their data, regardless of the means by which the data are collected. Organizations that use the information have the obligation to ensure that they do so responsibly and that they respect the privacy of the individuals. The first point is not in dispute. However, current debates suggest that some doubt exists among individuals concerning the second point. The challenge for all organizations that use the information on individuals is to openly demonstrate how they value and protect individual privacy, thereby building the trust required to resolve the Gordian Knot.