
EDITORIAL

Redesigning or Redefining Privacy?

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Snowden's revelations of 2013 have shifted attention to societal implications of surveillance practices and in particular privacy. This editorial reflects on key concepts and research questions raised in the issue. How can privacy be defined? Can it be designed? Considering such developments, this editorial asks if the public's attitudes to the sharing of data have moved towards, 'nothing to hide, nothing to fear' arguments and if greater awareness and corporate transparency are possible. Even if corporate surveillance does not operate through overt coercion, it is argued that it yet results in self-regulation and subjugation to neoliberal rationality. Since telecoms and social media companies generally work hand in hand with the state and legal and practical standpoints boundaries overlap on a great scale, how can privacy be safeguarded for citizens? And where 'accountability' of data holders, as interviewee Mark Andrejevic suggests, is a growing imperative. Contributions to this issue suggest detailed attention to legal frameworks, encryption practices, definitions of the surveilled subject and the history of such scrutiny may hold some of the answers.

Keywords: Privacy; surveillance; corporations; democracy; design; the state

The easy and immediate access to the internet through personal digital gadgets has contributed to a vast shift of traditionally offline activities to an online environment. These actions extend from personal communication, to information, entertainment, purchases and other transactions. The convenience and speed of the so-called digital era, however, seems to come with a high price – that of privacy. In a broader context, data produced through online activities make the search of data, sorting and mining more readily available (Andrejevic, 2012) whilst characterising our society as a surveillance one (Gandy, 1989; Lyon, 1994). In a 'liquid surveillance' (Bauman and Lyon, 2012) where the borders of security and marketing have merged, these data are gathered by different means, but are of benefit to both the state and to companies since surveillance techniques such as profiling, social sorting and predicting are used for marketing and security purposes.

These surveillant practices over the general population have raised a public debate especially following Snowden's revelations in the summer of 2013 with concerns emerging over privacy invasion (Rust et al., 2002: 455). Yet, discourses of 'dangerization' have led to the public reproducing the well-known argument of 'nothing to hide, nothing to fear' supporting

surveillance in the name of public security. People who consider themselves as loyal citizens do not perceive surveillance as a threat, thus they claim not to have any reason to hide their personal information (Solove, 2011: 1). However, surveillance is a form of power that even though it does not operate through coercion, it results in self-regulation and subjugation to neoliberal rationality (Foucault, 1977, 1982). Therefore, there are studies suggesting that surveillance has contributed to a chilling effect of minority views which can be seen as a direct threat to democracy (Stoycheff, 2016).

The recent FBI-Apple dispute, where the law enforcement agency demanded that the company hand over the codes to unlock a suspect's phone and decrypt the data, shifted the attention to privacy by design. This clash raised further concerns beyond those of data ownership and privacy. It raised an interesting paradox: companies that harvest personal data of individuals for their own profit and commercial interests are to become the 'gatekeepers' of these data, protecting users' privacy. In a 'surveillance-industrial complex' (Ball and Snider, 2013) however, where telecommunication companies are in synergy with the state and the relations are blurred, how can transparency be safeguarded?

This special issue of *Westminster Papers in Communication and Culture* (WPCC) 'Redesigning or Redefining Privacy?' addresses the concept of privacy in the current surveillance society and explores possibilities of resistance. This issue benefits from a variety of contributions offering a holistic approach to surveillance and privacy. The works featuring in the issue extend from a historical approach to today's surveillance society and the theorization of the surveilled subject; the evaluation of international legal frameworks on privacy to the evaluation of privacy by design technologies; and resistant practices to surveillance.

One of the highlights of the issue is the interview with Mark Andrejevic, Associate Professor of Media Studies at the Pomona College in Claremont, California, and one of the most distinguished critical theorists of our times. Andrejevic responds to pressing questions of a surveillance society, shifting the focus of the debate to concepts of data holders' accountability. He underlines the power relations in a data driven society highlighting, the emerging challenge, 'to provide ways of understanding the long and short term consequences of data driven social sorting'.

Lindsay Weinberg opens the issue exploring the right of privacy in a post-Snowden era from a feminist approach. The author suggests that to rethink privacy, the notion of a sovereign subject should be reconsidered. Thus, Weinberg invites the reader to rethink privacy employing feminist theories of the non-sovereign subject.

Cristín O'Rourke and Aphra Kerr explore privacy legal frameworks questioning whom they protect. They investigate the European Union and United States 'Privacy Shield' framework (The EU-US Privacy Shield) that has been put in place to increase protection of personal data for commercial purposes. O'Rourke and Kerr conduct an analysis of newspapers and Twitter accounts to identify the key actors of the Privacy Shield framework and the discourse surrounding this transatlantic program.

Ally McCrow-Young discusses mass surveillance in New Zealand and explores the possibilities for citizens' resistance. The importance of this article lies in the creative ways in which citizens can intervene to expose power structures of surveillance and make them visible.

Francesca Musiani and Ksenia Ermoshina provide an evaluation framework of messaging systems based on the security they offer in terms of privacy. Focusing on the Electronic Frontier Foundation's (EFF) 2014 release of the Secure Messaging Scorecard (SMS) as a case study, the authors explore the criteria that make a privacy by design tool 'good' enough.

Doug Specht explores today's surveillance society from a historical point of view reviewing the classic book of Vance Packard's *The Naked Society* (1964). Examining the book's 1960s political climate, he offers a different understanding as to the reasons why intrusive surveillance practices would become so embedded in modern culture.

None of the issues raised by Andrejevic or the other contributors in this issue, look like being resolved definitively for the near or even foreseeable future. Both impulses – to redefine or to redesign privacy – will remain relevant considerations alongside constant vigilance and scrutiny when it comes to ensuring data holders are held accountable and likewise when considering future research agendas.

Competing Interests

The authors have no competing interests to declare.

Author Informations

Dr Shabnam Moinipour is a Visiting Lecturer at the University of Westminster. She received her MA degree in Theory and Practice of Human Rights from the Human Rights Centre at the University of Essex and her PhD in Human Rights and Media in Iran from the University of Westminster. She has recently authored 'Refugees against refugees: The Iranian Migrants' perception of the human rights of Afghans in Iran' (2017), which was published in *The International Journal of Human Rights*. She is the co-editor of this issue of *Westminster Papers in Communication and Culture*. Her research interests are multidisciplinary in nature with a focus on human rights issues and human rights law.

Pinelopi Troullinou is a postdoctoral researcher at Knowledge Media Institute at the Open University, UK. She completed her PhD at the Business School, the Open University, UK, while she has a diverse academic background (she holds a BA in Philosophy and Social Studies, an MA in Bioethics, University of Crete, and a second MA in Communications Studies, University of Leeds). Her thesis explored the subjective experience of everyday surveillance suggesting the theoretical framework of seductive surveillance as an analytic tool. In the past, she has been a visiting Lecturer at the University of Westminster and Leeds Metropolitan University and a researcher on various projects, including EU ones. Pinelopi's research interests focus on new technologies and society benefitting from a close synergy between the perspectives of both computer and social science. Her work has been presented in leading conferences and she is co-editor of this special issue of *Westminster Papers in Communication and Culture*.

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