



Future Privacy

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I want to start by paying respect to the traditional and original owners of this land the muwinina (*mou wee nee nar*) people, to pay respect to those that have passed before us and to acknowledge today's Tasmanian Aboriginal community who are the custodians of this land.

A small token, but I think it's important.

Who is this nice person anyway?



Still from *Muppets Most Wanted* (Walt Disney Pictures 2014), fair use claimed because that's how memes work. This image from Twitter user @InnerKermit.

lawyer
programmer

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I'll let you decide which of these is me and which of these is inner me ;)

Australian lawyer but not legal practitioner

→ I can't give legal advice

American programmer

→ Working for Etsy

→ Great company, let's chat about them

→ but I'm not talking for them today

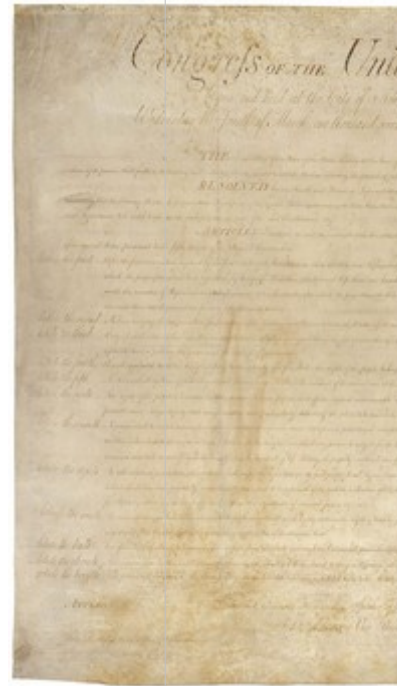
When it comes to programming, I love Haskell and I love PHP.

Some history

- Right to be let alone (solitude)
- Personal papers (secrecy)

Bill of Rights to the US Constitution

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- Anonymity
- Right to be forgotten

Photograph of security cameras by Guevaal available at https://commons.wikimedia.org/wiki/File:Surveillance_cameras.jpg
CC-BY-SA 3.0 Unported

Michael

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These are new ideas
They are potentially important ideas

Where the law went wrong

- Big change is hard
- Technology is hard
- Names aren't that important

Name	Value
PD-H-SESSION-ID	36YozWNXSJbhhaR35844PQ...
PWSEAL-GOV-C	!9BjS72z1zPKQCVOнкVsGVKF...
__utma	...1307634126.14846...
__utmb	...
__utmc	...
__utmz	...1484686081.1.1.ut...
dtCookie	B517DCCD626F67F9541B2E3...
dtLatC	376
dtPC	-
rxVisitor	...

Screenshot of cookies view in Chrome Inspector of a front page load of my.gov.au

Technology moves quickly

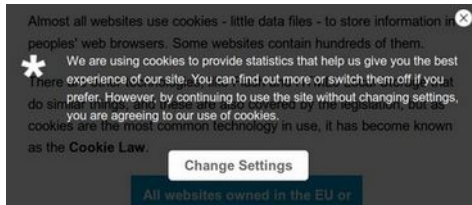
There are lots of enormous changes

And names cease to be important – it's not important that people know who you are legally, it's important they know who you are by reputation

... but there are lots of internal reputation systems

Credit systems, but for internet. But not Klout.

Some more of the law's greatest mistakes



Screenshot of <https://www.cookie-law.org/the-cookie-law/>

- Do you consent?
- When?
- To what?

What does consent mean?

→ understanding the nature and character of what's going to happen

→ consciously agreeing to that

→ being able to unagree

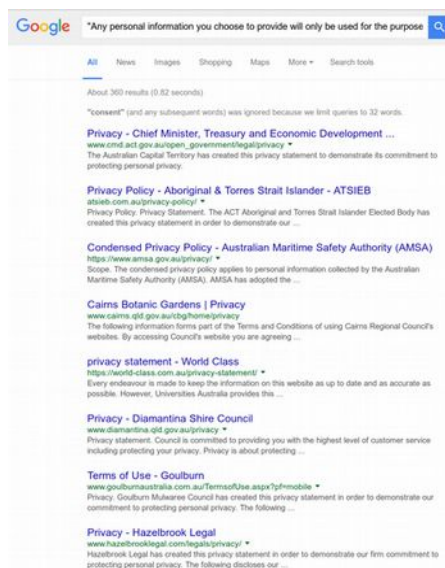
Consent needs to be in advance – but that's not how the web works

Consent is needed when what's doing is not what's reasonably expected

A quick example

Any personal information you choose to provide will only be used for the purpose for which it was provided and will not be disclosed to other persons or organisations without your prior consent or if required by law.

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The first site I looked at didn't have a privacy policy. (LCA)

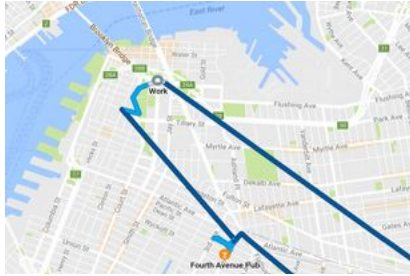
The second site I looked at didn't have a privacy policy. (LA)

The third site I looked at had this in its privacy policy, in addition to saying they would collect „your server address“ when you visit the site. (GovHack)

Does anyone else use those exact words? Yeah, everyone. Including Hazelbrook Legal and the Cairns Botanic Garden.

Global Privacy Enforcement Network (GPEN) 2014 result: 70% of apps had no pre-install privacy info.

But even if you get it, does it matter?



Screenshot of <https://www.google.com.au/maps/timeline> logged in as me

- I know this stuff
- I care about this stuff
- I have Google Location History turned on

I like the convenience of being able to look back, like at old photos, and see where I have been.

And this is just what we see

- Anonymous data
- Lots of data
- Aggregated use

Slide from Tapad at MLconf NYC by Yael Elmatad, Senior Data Scientist. Fair use claimed.
<http://www.slideshare.net/SessionsEvents/yael-elmatad-senior-data-scientist-tapad-at-mlconf-nyc-41516>





And this is just non state actors



- Government-independent infrastructure is really hard
- Nobody is immune to law

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Force people to own their own data

- Get them to grab a zip and re-upload it?
- Email it to them?
- Be Bitcoin?

Can I save an online services application and resume it at a later date and time?

Yes. You have the option of saving a draft of an application when using our online services. This option saves the draft as a zip file on your computer. Do not attempt to open the zip file directly from the location as it is saved on your computer. If you would like to make changes to a saved application you will need to resume the transaction with our online services using the "Resume a saved eService" function.

Please note: saved drafts will expire after fourteen days, at which point you will have to begin again. We strongly discourage you from relying on only these drafts to record the information they enter into your application.

Screenshot from <https://www.ipaustralia.gov.au/tools-resources/online-services/online-services-faq>

This is what IP Australia does

It's really annoying

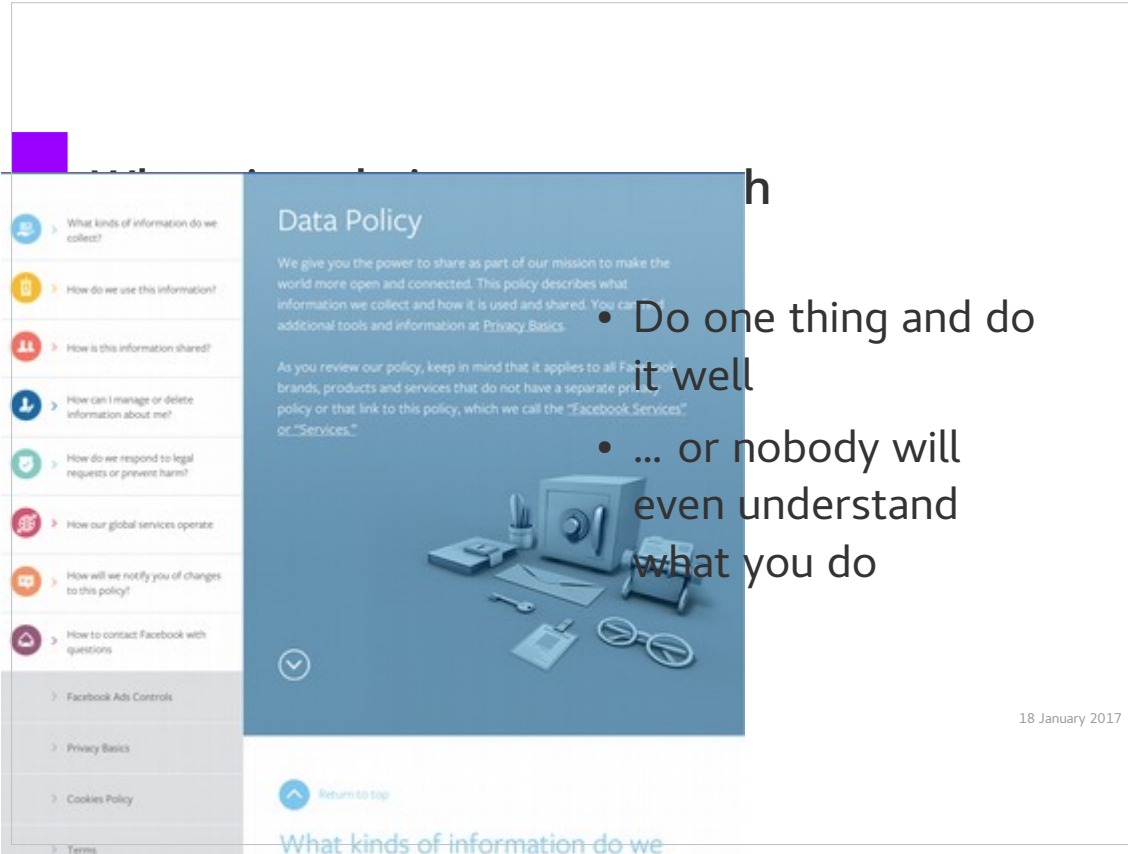
It's proprietary, encrypted and MAC'd

It expires after 14 days



So what do we do about it?

- Open systems
- Decentralization
- Federation
- Non-permissive by default



- Do one thing and do it well
- ... or nobody will even understand what you do

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What that means

- Ban Google Analytics
- Ban Facebook
- Stop doing digital by default
- Go back twenty years and don't build the web



Sorry



Questions?

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