

Grey area between public and personal information - not prohibited, therefore permitted?

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Abstract:

The right to privacy is an expression of the right to one's own person. As a result of known profit seeking corporate behaviour enabled by information technology this right is undermined. This behaviour is legal in most jurisdictions. This paper argues that the regulatory response should expand the sphere of privacy in order to meet the ethical criteria of well justified law.

Alarmingly, there are many ethical problems concerning digital information and privacy without breaking any law. Many corporations claim the rights to information which users put in to their systems. The main purpose of corporations is to create profit for shareholders, which drives them to exploit the user information.

The Grey Area exists between the regulatorily set limits of spheres of private and public information regarding an individual. The limits are penetrable, but noticeably in only one direction, from private to grey area or even public information. The individual is enticed to make their private information enter the grey area without full understanding of the implications. The service provider may and have used such information in their own business without the user fully realizing the extent of such exploitation.

This paper proposes that the correct response, vis-a-vis Habermas, is to expand the sphere of privacy to minimize the grey area. The proposed solution is to grant the individual *Datenherrschaft* (mastery over information) over their private information. Thus it is the individual, not the service provider, who retains the mastery over their own information.

Key words: Privacy, Information, ethic, Law, Habermas, Datenherrschaft, Right to Privacy