Corporations, Government, in Troubled Privacy Waters

Corporations and governments are facing criticism from privacy advocates because of their online activities – again [1]. In early December, Internet activist and frequent blogger Lauren Weinstein reported that Rogers Communications Inc. had modified the Internet traffic of its users by inserting corporate messages into web data streams [2]. Specifically, Rogers had placed a message at the top of the Google search interface to warn users of their bandwidth limits. The concern was that corporations, by inserting their information onto third party websites, diminished the neutrality of Internet content.

Facebook resurfaced in the news when the corporation refused to give its users a universal opt-opt to Beacon, a web application that notifies a user's friends when the user makes a purchase at an online retailer [3]. Over 50 000 Facebook users protested that Beacon violated their privacy rights [4] because it publicly displayed private transactions without explicit permission, and prevented users from permanently opting-out of the program [5]. Although Facebook eventually changed its policy, allowing users to opt out, it is unclear whether "turning off Beacon merely prevents advertisers and Facebook [from] 'storing' purchase information" [6]. Indeed, information regarding purchases "could still be swapped in real time" [7].

Beacon is one of many online programs that monitor the surfing habits of Internet users, and corporations are not the only parties interested in such information. Both Canadian and American government agencies would like to obtain the information for national security purposes. On November 28, 2007, Toronto Police Chief Bill Blair called on the federal government to increase police eavesdropping and wire-tapping powers [8]. Blair opined that the current regime requiring judicial authorization (search warrants), combined with increasingly sophisticated technology, make it difficult for police to gather intelligence. The proposed legislation would force cellphone and Internet companies to release information to government authorities, and eliminate the prerequisite of judicial authorization.

American companies have experienced the public relations problems and exposure to lawsuits that often arise from co-operating with government intelligence agencies. In mid-December, President Bush lobbied the United States Congress to pass legislation that would immunize corporations from lawsuits that resulted from their cooperation with the National Security Agency (NSA) [9]. The NSA, known for its controversial warrantless eavesdropping program on international terrorist suspects living in the U.S, relies extensively on telecommunications corporations for information. More than 40 lawsuits were launched against government and corporations for privacy violations because of the NSA program.

The national security concerns of Canadian and American governments come in the midst of a recent report claiming the existence of over 6000 radical websites dedicated to recruiting, propagandizing, fundraising, and planning terrorist attacks [10]. The latest concern is that

such websites could coordinate and facilitate a "cyber war" – an attack on the Internet in order to "wreak economic havoc on Western economies by disabling the Internet infrastructure upon which it depends" [11].

[1] See: Martha Peden, "Privacy Rights in Crisis across Country," Centre for Constitutional Studies (15 October 2007).
[2] Lauren Weinstein, "Rogers Replies Re: Web Ambushing" Lauren Weinstein's Blog (14 December 2007); Matt Hartley, "Bloggers Cry Foul over Rogers Bulletin" Globe and Mail (12 December 2007).
[3] Andy Greenberg, "Facebook to Members: Don't Worry, Be Happy!" Forbes.com (29 November 2007).
[4] See: Martha Peden, "Guess Who's Creeping on Your Facebook," Centre for Constitutional Studies (27 June 2007).
[5] "Facebook Founder Apology Over Ads" BBC News (6 December 2007).
[6] Ibid.
[7] Ibid.
[8] "Police Seeking Wider Eavesdropping Powers" CTV News (28 November 2007).
[9] Eric Lichtblau, "Wider Spying Fuels Aid Plan for Telecom Industry," New York Times (16 December, 2007).
[10] "Cyber Wars and the West" CBC News (26 November 2007).
[11] Ibid.