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Privacy Law and Protecting Privacy in Web Sites

In an increasingly digital world, privacy is one of the primary concerns to consumers and companies. Consumers wish to know that their information is being securely stored as reports surface of underground websites offering information obtained from web forms selling to personal information to the highest bidder. Online fraud is worrisome to most consumers. Of special concern is the safety of children online, who are at risk of being preyed upon by less-than-savory characters seeking personal information or pedophiles intent on furthering their own lascivious desires. Special precautions must be taken by the developers of Web sites in order to protect the privacy of users as well as to properly follow privacy laws enacted by the government.

A fairly lucrative market exists in the selling of personal information. For instance, the company ChoicePoint sells a myriad of information on individuals nationwide to primarily the government. According to EPIC (Electronic Privacy Information Center), ChoicePoint's compilations of data contain:

Social Security numbers; driver license numbers; address history; phone numbers; property ownership and transfer records; vehicle, boat, and plane registrations; Uniform Commercial Code filings; financial information such as bankruptcies, liens, and judgments; professional licenses; business affiliations; "other people who have used the

same address of the subject," "possible licensed drivers at the subject's address," and information about the data subject's relatives and neighbors.

The bulk of this information could easily be used for fraudulent purposes by an identity thief.

While ChoicePoint sells most of the information they've gathered to the government, there exists a large potential for hackers to get the information and sell it to those with less honorable intentions. For instance, LexisNexis (a global legal and business information business) recently had to report the fraudulent access of nearly 32,000 records on individuals living in the United States. According to a statement released by LexisNexis' parent company, Reed Elsevier, "[t]he information accessed includes names, addresses, social security and drivers' license numbers, but not credit history, medical records or financial information" ("Reed Elsevier – LexisNexis...").

Such fraudulent acts could happen to any company replete with personal information.

Consumers have every right to be concerned about the privacy of their information, as thousands of Web sites gather information regarding their users and store them in various databases every day. Consumers are less likely to make purchases if they feel their personal information will be compromised.

Law concerning privacy over the internet has focused primarily on protecting children. Concerns were raised toward the safety of children on commercial Web sites. Consequently, Congress passed the Children's Online Privacy Protection Act in 1999. Children were defined as minors under the age of thirteen. The law became effective April 21, 2000. Any site targeting children under the age of thirteen must inform parents of their information practices and obtain "verifiable parental consent before collecting, using, or disclosing personal information from children" (Smith 1). These measures have likely helped protect children's identities over the

past eight years, and have doubtlessly put many parents' concerns to rest. The Internet can be a dangerous place.

In contrast, there is no current legislation regarding the privacy of a user's information for a Web site. Self-regulation as to the privacy of adults is up to the discretion of those running and maintaining Web sites, and can generally be found in a privacy policy. Privacy policies are often full of "legalese", making the average user loathe to go through and understand what will be collected about them. W3C, the World Wide Web Consortium and establisher of standards for Web design, has adopted the Platform for Privacy Preferences (P3P). P3P "enables Web sites to express their privacy practices in a standard format that can be retrieved automatically and interpreted easily by user agents. P3P user agents will allow users to be informed of site practices... and to automate decision-making based on these practices when appropriate" (Wenning and Cranor). Users will be able to get the general gist of what a privacy policy states without laboriously reading through it. Software is required on the end-user's part in order to see the P3P compliant information provided by Web sites, shifting responsibility to the user in regards to being aware of privacy policies. This is a fairly good solution; however it does not seem as though many people know about software capable of detecting sites that are P3P compliant.

A practical web designer concerned about keeping information private for the general public can follow a few simple steps to do so. Gabrielle Gayheart, a web coordinator for the Kentucky Department for Libraries and Archives, offers some helpful suggestions specifically tailored to those responsible for maintaining Kentucky's public library sites that can easily be incorporated by any web designer—whether he is a designing a personal site or maintaining a site for a major company. Gayheart astutely observes that all web sites, at one time or another,

will be used for purposes other than “its original intent” and should therefore keep as much information confidential as possible. Images containing people with visible identifying characteristics should, where possible, only be displayed after obtaining permission of those who are in the image. Captions to an image should avoid specific names unless express permission is obtained. Once a privacy policy is created, it should be adhered to by all staff members in order to prevent mishaps or misunderstandings with users and the transference of information that should be kept private. Gayheart further counsels designers to “[r]emember,....PDF files and webpages no longer linked to [are] still accessible within the website’s file structure. Search engines, such as Google, have advanced search capabilities that can turn up even the most buried files within a website for the zealous researcher”.

In this age of rapid information exchange, Web users have every reason to be concerned with the privacy of the information they send across the Internet. Several sites selling information exist, making it quite easy for those marginally skilled at accessing information electronically to steal identities. Consequently, it is necessary for well-designed Web sites to be aware of privacy issues and laws. Any Web site catering to children under the age of thirteen are, by law, required to obtain parental consent first. Most other sites implement privacy policies to assure their users of the safety of their information. The P3P standard as set out by the W3C helps to make policies easier for the user to understand, but there is still an obligation on those designing Web sites to take care in the information available for others to see on their site. Security is of the utmost importance, whether a site is for a non-profit organization or a large banking firm. While privacy isn’t a right guaranteed by the Bill of Rights, it is still essential for a successful and ethically-sound Web site.

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