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IDENTITY PROJECT

Aadhaar debate: Why you should care about privacy even if you have absolutely nothing to hide

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The discussion on privacy and mass surveillance that started with the passage of the controversial Bill must continue.



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On March 11, the Aadhaar Bill was **passed** by 73 of the 545 members of the Lok Sabha, the lower house of Parliament, after three hours of discussion. It sanctions the bulk collection and centralisation of biometric and demographic data by the government and private businesses. Many people argue that the controversial Bill contains inadequate provisions to protect the privacy of Indian citizens.

The **debate** around Aadhaar highlights the need to evaluate what privacy means to us in the face of continual technological change and to inform our elected representatives of the balance we

want to achieve between surveillance and security. Here are my thoughts on the frequently asked questions about surveillance that I have encountered and that have been debated in the media.

1. What does surveillance have to do with being free?

American abolitionist Wendell Phillips said: “Eternal vigilance is the price of liberty”. The right to live freely with dignity and self-determination has been won and lost repeatedly through history. Monarchs, dictators, the military and democratically elected governments have exploited and even oppressed the citizens of their states for thousands of years. I am only the second generation of India’s citizens born free.

So freedom needs to be constantly defended and protected every time a government changes and every time a new technology appears. This is the first reason why we should care about unfettered surveillance. Unfettered, it provides individuals, governments and businesses the opportunity and technology to monitor and interfere with how we spend or don’t spend our money, where we go, whom we visit and talk to, what information we seek, even when we wake and sleep.

2. I have nothing to hide so why should I care about surveillance?

You may not be making bombs, hiding weapons, selling illegal drugs or participating in other unlawful activities in your home, but that doesn’t mean you are willing to let the police enter and search it at any time of night or day without your permission, or a good legal reason and a search warrant.

The reason we don’t allow the state and its representatives to enter and search our homes and offices at will is because, one, this is an invasion of our privacy and two, this gives them unrestricted power to interfere with our lives and potentially misuse their authority. Most people would agree that many injustices are witnessed in military states or times of Emergency when these privacy laws are relaxed.

Your phone, your computer, the many private accounts you set up online are an important part of your private home and work life. There is no reason why the same rules of privacy should not apply to these relatively new parts of your personal life as they do to your home and land. The decision is yours to take and you can say “no” to the state and to businesses.

Another way to think about this is as US National Security Agency whistleblower and privacy campaigner Edward Snowden **puts it**:

“Arguing that you don’t care about the right to privacy because you have nothing to hide is no different than saying you don’t care about free speech because you have nothing to say”.

The fundamental right to freedom of speech is yours and is protected whether you exercise it or not. "Nobody needs to justify why they 'need' a right," said Snowden. "The burden of justification falls on the one seeking to infringe upon the right." He added: "You can't give away the rights of others because they're not useful to you... the majority cannot vote away the natural rights of the minority."

3. The government will not bother me because I am unimportant to them. I can say whatever I like on Facebook, Twitter or WhatsApp and I am still a free citizen. The government is only interested in monitoring certain types of people such as terrorists, anti-nationals and international spies.

Let's hope that this remains true. Let's hope that the government remains uninterested in us. Let's hope that we never say or do anything that unsettles the government or any of their friends. But if this means that we need to censor what we say so as not to upset the government and its friends, then giving up our privacy will in effect curtail our right to freedom of speech. So how sure are you that the government will not interfere with you no matter what you say? And to what extent are you willing to give up your fundamental right to free speech in order to avoid interference (in the absence of privacy laws)? These are the questions that face every one of us.

4. What does surveillance have to do with the right to dissent? Why would I need to dissent?

Dissent is not confined to signing public petitions or marching together. Dissent is every time you disagree with something in thought or action. And sometimes that disagreement means taking action that is more personally costly than signing public petitions or expressing your views via social media. Sometimes dissent means that you have to take the government or a business to court for denying you your legal rights. Land disputes when the government acquires land, discrimination at educational institutions, tax and pensions disputes are only a few examples.

With unfettered surveillance, every time you disagree with the state, they can take advantage of the huge imbalance of information between them and you. They can put you under pressure to concede or use information that you did not even know they possessed to embattle you in court. And their story need not be true. The availability of mass data does not automatically reveal the truth. The truth has to be extracted from it. The details of your phone calls, movements, purchases, demographics and social interactions can be used to construct any number of different truths. So how comfortable are you with having the intimate details of your life in the hands of unknown people who can interpret them as they wish?

5. Governments need to monitor some citizens for reasons of national security so surveillance is necessary, isn't it?

There are cases where governments might surveil people but to do so they need to provide good

reason and obtain time limited warrants. If governments are surveilling us illegally, without good reason and warrants, then they should be held accountable just like anyone else who breaks the law.

This need not be an all or nothing game. Just like the state needs a warrant to enter our homes, we can have laws that say that they should need one to also enter our phones, computers or any other private online accounts. Surveillance can be made a legal option once the state provides good evidence that someone is suspected of wrongdoing. And it can be made time-limited. At the moment we could be subject to mass surveillance indefinitely whether or not we have ever broken the law or been suspected of it.

6. How come I have never felt the effects of surveillance on my personal life if it has been going on for years?

We are increasingly comfortable assuming that we are being monitored on CCTV cameras or that our movements can be traced via the **metadata** our mobile phone activity. Have you ever thought twice about performing an innocent educational Internet search on a controversial topic (for instance, on how to make explosives) because you fear attracting the attention of the powers that be? Is such self-censorship an effect of surveillance?

Besides the use of personal data by the state, there is also the question of how our data is used by private businesses. Think of the number of times you have seen a personalised advertisement online, experienced increases in your junk mail when you signed up to a website or made an online purchase, or received unsolicited phone calls or text messages from unknown businesses. Your personal data is already being shared amongst many businesses and organisations. Much of this data may not be used to individually target you but it is being used to analyse and understand large-scale patterns of behaviour and subtly manipulate the information you receive.

Surveillance is becoming more powerful and frequent. The introduction of biometric data collection such as with Aadhaar and the ongoing attempts to legalise and expand surveillance by many governments including in the **USA**, **UK** and **India** attest to that. Surveillance is increasing, not disappearing. The belief that the debates around it do not apply to us and are led by conspiracy theorists and fantasists may prove to be costly self-deception.

7. Governments have been monitoring citizens for a long time so what does it matter whether I care or not, they are going to do it anyway.

Yes, governments will continue to **legally** employ mass surveillance if we do not tell them that they cannot. But if we say “no” and demand privacy laws that make their activities **illegal** then that is the beginning of change.

Just like we have created laws that stop the police from entering our homes without our permission or legal justification, there is no reason to think that we cannot achieve the same with the new technologies we use. The technology to stop the government from snooping on us exists and the more we demand it, not only from the government but also the businesses to which we give our information, the more such encryption and security protocols will be developed and strengthened. Recent **reports** suggest that Facebook, Google and WhatsApp plan to increase the encryption of user data in light of Apple's recent conflict with the Federal Bureau of Investigation in the US.

Sure, it is tiring to maintain freedom, but it will be even more tiring to wrest it back once it is lost. The choice is between investing a little of our time and energy into maintaining the rights we have now versus having little control over our time and energy in the future.

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