Index

accountants and clients 131–4
advertising 409
aerial photography and trespass 53
American Statistical Association 334
anonymization 379–80
de- 337–8, 410, 412
answering machines
messages 70, 174
anti-paparazzi laws 84, 293
apprentices 228
Aristotle 1
arrests
police: warrant to search digital information on mobile phones 99
assault 70–71
attorney
client and 22, 123–5, 126, 154, 157–9, 161
confidential commercial information and 252–3
unauthorised disclosure 363
auditors 133–4
Australia 181, 358
automatic number plate recognition 88
autonomy 54, 120, 135, 139, 163, 185, 274–5, 366, 432, 439–40
Ayers, E.L. 90–91
Bacon, F. 2
balancing rights, values and interests 26–30
banks
clients/customers 122–3, 131–4
bar associations 160–161
bathrooms, public 58–9, 79
Berlin, I. 26, 74, 272
Bible 188, 190, 227–8
bids, sealed 245
Blackstone, W. 164
blogs 283–4
blood tests 70, 71, 155–6
bodily injury 70–72, 84
Brandeis, L. 1, 271
breach of confidence 116, 159, 273
bullying 433–4
Bush, George W. 213
banks see separate entry
credit card transactions and retailers 306–7, 343
credit organizations see separate entry
data mining 283, 302, 412
driver record information 343–4
employment see separate entry
European Union 420–422
US–EU agreement: Safe Harbor principles 422–3
financial information see separate entry
 genetic 375
opt-in and opt-out mechanisms 280–281, 412, 415, 417, 420
financial institutions 392, 393, 394, 397
telecommunications metadata 399–400, 401, 402, 403
originating from transactions and Internet surfing 409–23
privacy policies 392–3, 414–15, 416

449
profiling 283, 302, 410, 412–13
social and background checks 349, 410–411
telecommunication metadata 397–405
unfair or deceptive acts or practices Federal Trade Commission 299, 415–16

celebrities 84
tort: invasion of privacy 84–5
census 332–8
changing rooms, public 58–9, 79
correspondence 332–8
character of information
communicative messages 9–10
information and sources of
information 3
general characteristics 3–4
sociocultural context 5–9
interrelation 10–12
legal perspective 12–13
children 355, 356, 359
child abuse 146
parents and 139–42, 153
personal information, protection of
280, 345
data on Internet 299–300
sexting and criminal law 425–35
pornography laws 425, 426–9, 430, 431, 432–3
choice and communicative messages 9–10
citizenship, informed 27, 188–9, 440
civil law 29, 32, 34, 150, 162, 413
banks 132
breach of confidence 116, 159, 273
harassment in public places 85
invasion of privacy 84–5
personal information, protection of
417, 419
credit card transactions 306–7
criminal records 349–50
driver record information 339, 341–2
financial information 386–7, 390
medical records 372
online 285
promissory estoppel 148

Infocrime

trade secrets 230, 233, 234, 235, 260
reverse engineering 264
trespass 47, 84
to chattels: cyberspace 101–5
clergyman and congregant 22, 143–6, 161
client and attorney 22, 123–5, 126, 154, 157–9, 161
agency theory 125
self theory 125
client and financial or economic advisor 122–3, 131–4, 153
closed-circuit television (CCTV) 85–8
cloud computing 94, 419–20
codes of practice 88, 336
UK statistics 336
Cold War 211–12
colonialism 195
commercial information, confidential
see trade secrets
common law marriage 138, 153
commons-based peer production 16
communication model 40–42, 363, 425, 445
community representatives and
individuals 142–3
congregant and clergyman 22, 143–6, 161
government agent and citizen or resident 149–52, 161–2
news source and journalist 143, 146–9
inner tier: protection against exposure by recipient 22, 112
community representatives and
individuals 142–52
intrafamilial 134–42
professional 121–34
rationale 116–21
review, examination and classification 121–62
scope of protection 152–62
intersection with other models 46, 89, 109–10, 111, 114, 122–3, 152, 162, 174, 181, 275
direct protection of personal data 318
indirect protection of personal data 290–292
medical and financial information 363–4
surrounding non-content information 177
intrafamilial 22, 110, 134–5, 161, 162
marital communication 135–9, 154, 155, 156
parents and children 139–42, 153 origins, scope and direction of development from confidence-based protection to communication protection 110–115
interpersonal communication and its control 106–8
origins and relations 109–10
outer tier: protection from external interception 112
background 163–9
expectation of privacy 170–171, 172, 176–7, 179–81
interception through a device 170, 171, 173–9
structure and scope 169–73
professional 22, 110, 121–3, 162
client and attorney 22, 123–5, 126, 154, 157–9, 161
client and financial or economic advisor 122–3, 131–4, 153
codes 110, 160–161
patient and physician 22, 107, 122–3, 125–8, 155–6, 157
patient and therapist 110, 128–31, 155–6, 157
scope of protection: inner tier 152–3
characteristics of protection 156–62
extent of protection 156–9
modes of protection 159–62
modes of transferring messages 154–6
number of confidence-based relations 153–4
communicative messages 9–10, 30, 107
financial survey 122–3
interception of limits of protection 66–70
substance of protection and space characteristics 62–6
interrelation 10–12
legal perspective 12–13
medical examination 122–3
community representatives and individuals 142–3
congregant and clergyman 22, 143–6, 161
government agent and citizen or resident 149–52, 161–2
news source and journalist 143, 146–9
competition 103, 211, 390
see also trade secrets
computer trespass 34, 72, 90–105, 291, 302, 403
commercial information, confidential 232, 256
computerized data and metaphoric space 90–94
Internet 93–4
Intranet 93
single computer shared by two users 92–3
criminal trespass contrasted with 99
unauthorized access to protected space 94–105
baseline of criminality 100
damage to data: aggravated form of 95
overcriminalization 100–101
police: warrant to search digital information on mobile phones 99
trespass to chattels 101–5
UK 96–7
use of resources of computer 95–6
Wi-Fi: unauthorized connection for surfing 98
conceptual space see metaphoric-conceptual spaces
congregant and clergyman 22, 143–6, 161
consent 318, 363, 442
children’s data on Internet 299–300
criminal records 352
driver record information 338, 339, 340, 341, 343
financial information 386, 392, 393, 394, 397
genetic testing 316–17
medical information 367–8, 369, 372, 379, 382
private sector and personal information 412–13, 415, 420
tax return information 328
telecommunication metadata 399–400, 402
corruption 294, 312
Constitution 82, 85, 86, 135, 176
First Amendment 65, 67, 148, 199, 245, 399, 401, 413, 427, 432
Fourth Amendment 65, 71, 78, 84, 164, 165, 386
Tenth Amendment 339
Fourteenth Amendment 272
national security 199, 210, 218, 221
protection of personal information 279, 339, 355, 383, 386, 387, 413
consumer protection 306–7
consumer reporting agencies 388–90
content model: information privacy 40–42, 186, 187–8, 441–3, 444, 445
identifying information 289, 298, 300, 306, 307–9, 313, 436
driver records 338–9, 340
markers 308
opt-in and opt-out mechanisms see separate entry
protection of personal information by criminal law 287–90, 447
categorizing personal data 288–9
direct see separate entry
general provisions: indirect protection 290–295
interested party 290
meaning of personal data 288
self-regulation 279, 300, 305, 385, 392, 393, 404, 414, 415, 417, 422, 438, 441
sensitive personal data 288–9, 300, 307–8
sources and concepts
computers and Internet 282–7
general 274–81
origins of privacy 270–274
summing up 439–43
various degrees of confidentiality 285–6
content model: intersection with other models 66, 68–9, 90, 109–10, 114, 122–3, 152, 162, 275, 290–295, 318
medical and financial information 363–4
surrounding non-content information 177
content model: national security and trade secrets 40–42
blurring of boundaries 231
national security information 22, 28, 35, 186, 187–8, 193–5, 292, 440, 447
espionage 184, 190, 200–207, 209, 216–22, 223–5, 440
extent of protection 216–25
fuzzy object and discretionary boundaries 216–22
laws protecting 193–215
meaning of 190–193
official secrets 184, 207–15
origins and background 188–90
prohibited conduct 222–5
treason 184, 190, 195–200, 216, 223, 440
scope and direction of development
characteristics of expansion 185–8
expansion process 184–5
general 182–3
trade secrets 184, 186, 187–8, 292, 440–441, 447
basic approaches 232–6
direct protection 254–69
Economic Espionage Act 256–69
indirect protection: extension by federal courts 237–54
interstate transportation of stolen property 237–43, 253–4
Index

obtaining property through mail or wire fraud 246–54
origins and background 225–31
scope of protection 237–69
stealing "thing of value" from federal government 243–6, 253, 254
contract law 229, 230
conversion 243, 246
convictions see criminal records
cookies 302, 412
copyrights 23–4, 32–3, 226, 240–241
counseling 153
courier services 63
credit card transactions and retailers 306–7, 343
credit organizations
credit reporting 359, 387–90, 396–7
credit risk 396–7
unauthorized disclosure of personal data 383–97
criminal records 321, 344–61, 362, 410
arrest but no indictment 347–8, 360
biometric 347
conviction, information not ending in 358–9
Europe 360–361
European Convention on Mutual Assistance in Criminal Matters 360
expunging or sealing 357–8
fingerprints 347
judicial process 345–6, 348, 350, 357
juveniles 359
law-enforcement agencies 344, 345–8, 349–50, 353–4, 356, 360–361
negative CV 348–9
presentence reports by probation officers 346
public safety 344–5, 349, 351, 353, 355, 356, 357, 359, 360
rehabilitation 349, 353, 357, 358, 359
sex offenders 351, 353–7, 360, 361
sexting 429, 431
states 347, 351, 352–4, 357–9
criminal trespass see trespass, criminal
culture
personal data and 288
personal space and 77
privacy and 73
suspiciousness of government 275–6, 329, 361, 362
cyber-bullying 433–4
hyberspace 43, 44, 72
computer trespass see separate entry
data brokers 302, 304–5, 409, 410, 415–16, 446
data mining 283, 301–5, 307, 309, 412, 446, 447
databases 14, 30, 36, 282–3, 290, 297
criminal records 345, 346–8, 349–50
data brokers see separate entry
driver record information 338
financial information 391, 395
Israel 300
private sector 409, 410, 414, 415
statistical information 331, 334, 337
Dawkins, R. 7
de-identification of medical data 379–80, 410, 412
death
attorney–client confidentiality and 159
definitions of information 3
see also character of information
democracy 189, 194, 195, 200, 220, 345, 408
Democratic administrations 212–13
Dertouzos, M. 1
detainees 66
Devlin, K.J. 7
direct protection of personal information by criminal law 295
governmental authorities and agencies: unauthorized disclosure 320, 321–62
criminal record 321, 344–61, 362
driver record information 338–44
statistical information 331–8
summing up 361–2
tax returns 323–31, 362
prohibited acquisition 296–7, 312, 435–6
acquisition 301–7
children’s data 299–300
credit card transactions 306–7
criminal component 297–301
data mining and profiling 301–5, 307, 309
genetic data 305–6, 307
identifying information 298, 300, 306, 307–9, 436
identity theft 300–301, 302, 309, 312, 313
motive 300–301, 309
phishing 297–9
summing up 307–9
summing up 435–8
unauthorized disclosure 290, 295, 435, 437, 441–2
general 317–21
governmental authorities and agencies 320, 321–62, 437–8
private sector 320, 405–35, 438, 442–3
public or quasi-public institutions, regulated entities and certain professionals 320–321, 363–405, 438
unauthorized possession or use 309–10, 435
genetic information 313–17, 436–7
identity theft 310–313
disabilities
driver records 338, 340
disciplinary codes/rules 35, 110, 113, 121, 159, 160–161, 162, 364
disciplinary measures: state employees or agencies and national security information 208–9
discrimination 315, 376, 378, 393
disorderly conduct 56
Disraeli, B. 13
DNA see genetic information
domestic violence 373
driver record information 338–44
drones, civilian 169
e-commerce 30, 276
e-mail 70, 110, 172, 174, 423
CAN-SPAM Act 2003: unsolicited commercial 103–4
unsolicited e-mails to current employees from former employee 102–3
eavesdropping 13, 21, 22, 35, 113, 163, 164, 168
intentional unmediated 170, 178
personal space 75
trespass 77–8
public nuisance 56
see also surveillance
economic or financial advisor and client 122–3, 131–4, 153
economic information, confidential see trade secrets
efficiency, economic 27, 385, 404, 438, 442
Eliot, T.S. 8
emergency, national 199, 203
employment
accidents in workplace 32
discrimination 315, 376, 378
genetic information 375, 376, 377, 378
reasonable expectation of privacy in workplace 180
sex offenders 355, 429
social and background checks 349, 410–411
Enlightenment 272
environment 192, 207
Equal Employment Opportunity Commission 151
equitable property approach 24–5
espionage
commercial or industrial 34, 226, 236, 440
criminal trespass 53
Economic Espionage Act 256–69
by state agencies 231, 257
national security information 184, 190, 200–207, 209, 440
fuzzy object and discretionary boundaries 216–22
<table>
<thead>
<tr>
<th><strong>Index</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>mens rea</td>
</tr>
<tr>
<td>prohibited conduct</td>
</tr>
<tr>
<td>rumors</td>
</tr>
<tr>
<td>ethics</td>
</tr>
<tr>
<td>ethical principles in statistical work</td>
</tr>
<tr>
<td>ethical standards</td>
</tr>
<tr>
<td>see also morality</td>
</tr>
<tr>
<td>European Convention on Mutual Assistance in Criminal Matters</td>
</tr>
<tr>
<td>European Union</td>
</tr>
<tr>
<td>client–attorney relationship</td>
</tr>
<tr>
<td>criminal records</td>
</tr>
<tr>
<td>personal data</td>
</tr>
<tr>
<td>financial</td>
</tr>
<tr>
<td>medical</td>
</tr>
<tr>
<td>sexting</td>
</tr>
<tr>
<td>telecommunication metadata</td>
</tr>
<tr>
<td>US–EU agreement: Safe Harbor principles</td>
</tr>
<tr>
<td>private and family life (Art 8, ECHR)</td>
</tr>
<tr>
<td>evidence, law of</td>
</tr>
<tr>
<td>accountants</td>
</tr>
<tr>
<td>attorney and client</td>
</tr>
<tr>
<td>auditors</td>
</tr>
<tr>
<td>community representatives and individuals</td>
</tr>
<tr>
<td>congregant and clergyman</td>
</tr>
<tr>
<td>extending privileged relations</td>
</tr>
<tr>
<td>extent of privileges</td>
</tr>
<tr>
<td>government agent and citizen or resident</td>
</tr>
<tr>
<td>journalists and news source</td>
</tr>
<tr>
<td>parents and children</td>
</tr>
<tr>
<td>patient and physician</td>
</tr>
<tr>
<td>patient and psychiatrist</td>
</tr>
<tr>
<td>patient and therapist</td>
</tr>
<tr>
<td>secret monitoring, obtained by</td>
</tr>
<tr>
<td>spouses</td>
</tr>
<tr>
<td>executive orders</td>
</tr>
<tr>
<td>fair trial</td>
</tr>
<tr>
<td>family confidence-based communication</td>
</tr>
<tr>
<td>marital</td>
</tr>
<tr>
<td>parents and children</td>
</tr>
<tr>
<td>FBI (Federal Bureau of Investigation)</td>
</tr>
<tr>
<td>Integrated Automated Fingerprint Identification System (IAFIS)</td>
</tr>
<tr>
<td>sex offender registry</td>
</tr>
<tr>
<td>Federal Foreign Intelligence Surveillance Court (FISC)</td>
</tr>
<tr>
<td>Federal Trade Commission</td>
</tr>
<tr>
<td>fiduciary relationships</td>
</tr>
<tr>
<td>financial or economic advisor and client</td>
</tr>
<tr>
<td>access to data about self</td>
</tr>
<tr>
<td>annual notice of privacy policies</td>
</tr>
<tr>
<td>bias to market needs</td>
</tr>
<tr>
<td>civil law</td>
</tr>
<tr>
<td>consent</td>
</tr>
<tr>
<td>credit: consumer report</td>
</tr>
<tr>
<td>European Union</td>
</tr>
<tr>
<td>Gramm–Leach–Bliley Act</td>
</tr>
<tr>
<td>non-affiliated parties</td>
</tr>
<tr>
<td>opt-in mechanism</td>
</tr>
<tr>
<td>opt-out mechanism</td>
</tr>
<tr>
<td>states can expand protections</td>
</tr>
<tr>
<td>financial survey: bank customer communication model</td>
</tr>
<tr>
<td>flora and fauna</td>
</tr>
<tr>
<td>forcible entry</td>
</tr>
<tr>
<td>form and substance</td>
</tr>
<tr>
<td>fraud</td>
</tr>
<tr>
<td>identity theft or</td>
</tr>
<tr>
<td>tax</td>
</tr>
<tr>
<td>trade secrets</td>
</tr>
<tr>
<td>obtaining property through mail or wire fraud</td>
</tr>
</tbody>
</table>
fraudulent impersonation/pretexting 297–9
free market 277, 330, 384, 386, 392, 440
free press 27–8, 67, 84, 147, 148, 197, 201
executive orders 210
protection of personal information 278–9, 407, 438
rape victims 407–9
FREEDOM Act 2015 167, 401
freedom of expression 27–8, 84, 447
cyberspace
trespass to chattels 103
First Amendment 65, 67, 148, 199, 245, 399, 401, 413, 427, 432
interception of postal packets 66, 67
national security 194, 440
espionage 201	
treason 197, 199
protection of personal information 278–9, 304, 438
private sector 406–7, 411, 413–14
sexting 423, 424, 427, 432–3
tax return information 323, 324
telecommunication metadata 399
freedom of information 189, 214–15, 339
criminal records 350–351, 356
executive orders 210–211
French Revolution 272

genetic information 5, 305–6, 307
de-identification 380
unauthorized disclosure 374–7, 378
unauthorized possession or use 313–17, 436–7
Germany 273
Gibson, William 90
globalization 257, 422
government authorities and agencies 386
attitude of suspicion towards federal 275–6, 329, 361, 362
confidence-based communication
government agent and citizen or resident 149–52, 161–2

personal information, protection of 280, 368
prohibited acquisition 296–7, 304, 308
record keeping 296
unauthorized disclosure 320, 321–62
trade secrets
stealing “thing of value” from federal government 243–6, 253, 254
unauthorized disclosure of personal information 320, 321–62, 437–8
criminal record 321, 344–61
driver record information 338–44
statistical information 331–8
summing up 361–2
tax returns 323–31, 362
GPS tracking 177, 291–2
Gramm–Leach–Bliley Act (GLBA) 390–391, 393–5, 397
Greek mythology 189, 226–7
grievous bodily harm 70
hacking 98, 100–102
see also computer trespass
harassment 83–4, 291, 293–5, 341
health insurance 315, 368, 376–7, 378
hearing aids 178
hieroglyphics 10
Hippocratic Oath 125
Hong Kong 358
human aura 43, 44, 73, 177
human body
bodily injury 70–72
personal space 75, 82–3
nudity 82
public upskirt voyeurism offences 80–81
human dignity 80, 272, 273, 274, 360, 382, 447
human rights 168, 192, 274, 361, 382–3, 395, 441
identity
de-identification of medical data 379–80
pretexting: false 297
Index

statistical information and re-identification 337–8
theft 289, 300–301, 302, 309, 310–313, 383, 395, 414, 418, 436
aggravated 312
individualism 275
industrial accidents 150
information age 15, 115
new socio-technological environment 13–17
response of law to changes and developments 17–19
information and media law 19–20
information theory 3–7
information workers 16
information-as-process 6, 13
information-as-thing 6, 13
informed citizenry 27, 188–9, 440
injunctions 300
insider trading 309–10
insurance 339, 343, 363, 388
genetic information 375, 376–7, 378
health 315, 368, 376–7, 378
intellectual property 14, 18–19, 23–4, 32–3, 101, 185, 226, 235, 441
ideas/expression dichotomy 226
interception of communicative messages
limits of protection 66
mailable material 67–9
time and place limitations 69–70
substance of protection and space characteristics 62–6
interests, balancing rights, values and 26–30
Internet 14, 16–17, 36, 93–5, 147, 225, 445–6
criminal record
judicial process 345
law-enforcement agencies interception by 167
marketing 302
peeping offence 58
personal information, protection of 282–7, 294–5
children’s data 299–300
credit cards 307
criminal records 352, 354
data mining 302–4
databases 297
identity theft 310
medical information 370
originating from transactions and Internet surfing 409–23
phishing 297–8
sex offenders 354
sexting 423–35
self-exposure on 169
service providers 176
terror organizations 199–200
trade secrets 257, 263
trespass to chattels 101–5
interstate transportation of stolen property 237–43, 253–4
Intranet 93
"invisible hand" 39, 104, 120
Israel
Ein-Gedi 227
personal data 289, 300
professionals 122
public employees 151–2
spying 217
surveillance in public places 181
Jefferson, Thomas 189, 278
journalist
mail fraud: stockbroker and 247–8, 249–51
news source and 143, 146–9
judicial system 408
criminal records 345–6, 348, 350, 357
juveniles
criminal record 359
knowledge and information 1, 2, 6, 7–8, 20
Korean War 199
laissez-faire 231
language 9–10
law-enforcement agencies 32, 151, 191
aerial photography 53
informers 150–151
international cooperation between
medical examination 71–2
personal information, protection of
391–2, 419
criminal records 344, 345–8, 349–50, 353–4, 356, 360–361
data mining 301
financial information 392
genetic information 316
medical information 373
tax return information 328
search of digital information on
mobile phone 99
secret monitoring 164–7, 291
conversations in police car 180
GPS tracking 177, 291–2
Internet 167
judicial oversight 166
wiretapping 164, 166
sex offenders 353–4, 356
stealing “thing of value” from federal
government 245
lawyer see attorney
lessors
sex offenders 355
social and background checks 349
letters see interception of
communicative messages
libel 304
liberty and privacy 272, 273, 278
autonomy and liberty 274–5
mail or wire fraud, obtaining property
through 246–54, 403
marital confidential communication
135–9, 154, 155, 156
marketing 302, 341, 399–400, 401, 402,
409–10, 411, 413, 421
marriage counselors 129
media 209, 215, 225, 245, 445
free press 27–8, 67, 84, 147, 148, 197,
201
executive orders 210
protection of personal information
278–9, 407–9, 438
journalist and news source 143, 146–9
mail fraud: reporter and stockbroker
247–8, 249–51
propaganda broadcasts 198–9
medical associations 160–161
medical device industry 368
medical examination 122–3, 183
medical information 21, 22, 287, 315,
363–5, 404–5, 410
bodily injury 70–72
de-identification of 379–80
driver records 338, 339, 340
general 365–74
economic value 366
federal law: baseline level
373–4
Internet 370
right to access own records 371
security breach alert 371–2
genetic information 5, 305–6, 307,
380
unauthorized disclosure 374–7,
378
unauthorized possession or use
313–17, 436–7
outcomes 377–83
memes 7
mens rea 82, 207, 217–18, 258, 297,
300, 429
mental inner-consciousness processes
7
messengers, private 63
metadata 167, 175–7
telecommunication 397–404, 405
metaphoric-conceptual spaces 43, 165
computer trespass: cyberspace
90–105
physical privacy: constructive
personal space 72–90
migration 200
Miller, G.L. 7
mobile phones 58, 80, 93, 99, 114,
171–2
sexting 423–35
see also telecommunication metadata
models of protection 2, 37, 39–42
Molière 1
morality 57, 61, 292, 432
see also ethics
motor vehicles
  automatic number plate recognition 88
driver record information 338–44
tracking 84, 177, 291–2
murder 341

National Security Agency (NSA) 401–2
national security information 22, 28, 35, 186, 187–8, 193–5, 292, 440, 447
espionage 184, 190, 200–207, 209, 216–22, 223–5, 440
extent of protection 216
fuzzy object and discretionary boundaries 216–22
prohibited conduct 222–5
meaning of 190–193
official secrets 184, 207–15
origins and background 188–90
research and scientific publication 221
treason 184, 190, 195–200, 216, 223, 440
national security and journalist privilege in UK 149
national security and tax return information 328
nationalism 200
networked information economy 16
New Zealand 126, 358
news source and journalist 143, 146–9
non-compete covenants 263
non-disclosure agreements 263
nuclear energy/materials/facilities 203–7, 208, 210
common defense and security 205, 206, 217
nudity 82
nurses 128

Obama, Barack 213
obscenity laws 425–6, 427
official secrets 184, 207–15
British approach 213–14
criminal statutes 208
disciplinary measures 208–9
executive orders 208–13, 217

changing scope of protection 211–13
Cold War 211–12
discretion 211–12
open government 188–9, 212, 213, 440, 442
tax return information 323, 324
opt-in and opt-out mechanisms 280–281, 412, 415, 417, 420, 441
driver records 341
financial institutions 392, 393, 394, 397
telecommunications metadata 399–400, 401, 402, 403
organ or tissue donations 373
overcriminalization 100–101

parents
  children and 139–42, 153
  consent
    children’s data on Internet 299–300
    patents 23–4, 32–3, 226, 441
paternalism 432
patient 183
  physician and 22, 107, 122–3, 125–8, 155–6, 157
  civil suit and criminal charges 34
  unauthorized disclosure see medical information
  psychiatrist and 22, 110, 129, 156
  therapist and 110, 128–31, 155–6, 157, 380–381
court-ordered psychological evaluation 130–131
PATRIOT Act (2001) 167, 175, 334–5, 401
peeping 34, 77, 78, 79, 89, 291, 292–3
  aims of offence 55–6
  axis of development 56–60
  hidden cameras 58
  morality 57, 292
  partition incomplete 59
two-way mirrors 58
  video and mobile phone cameras 58, 59
voyeurism 57, 58, 59
morality 57, 61, 292
protected spaces: trespass and 60–62
substance of offence 55–6
temporary guests 56
pen register 176
personal information see content model: information privacy
personal space see physical privacy: constructive personal space
pharmaceutical data centers 380
pharmaceutical industry 368
pharmacies: prescribing practices of physicians 413
phishing 297–9
photographs 21, 293
communication model 170
driver’s license 340
national security 224
nuclear installations 205–6
peeping 58, 78
personal space 75, 78
face or back 83
harassment 84
public upskirt voyeurism offences 80–81
random photographing in public domain 85–8, 301
sexual aspect 82–3
telephoto lenses 85
tort: invasion of privacy 84–5
trade secrets 259
trespass, criminal
aerial photography 53
physical privacy: constructive personal space 72–90
function and images 73–4
personal space 74–90
anonymity 76, 87
concentric circles of privacy 74
culture dependent 77
harassment 83–4
intersection with other models 89–90
intrusion and harm to privacy 83
peeping 77, 78, 79, 89
public figures 77, 84
public interest activities 77
public places 77, 78–90
public upskirt voyeurism 80–81
secrecy 76
sexual aspect to image recording 82–3
solitude 76
stalking 83
tracking motor vehicles 84
trespass 77–8, 79, 89
video cameras: random photographing of individuals 85–8, 301
voluntary assumption of risk 86, 87
voyeurism 78, 79–82
zone of sanctuary 76
physician and patient 22, 107, 122–3, 125–8, 155–6, 157
civil suit and criminal charges 34
unauthorized disclosure see medical information
physician’s prescribing practices 413
pornography laws, child 425, 426–9, 430, 431, 432–3
postal packets see interception of communicative messages
power relations 15, 16, 17, 158, 389
preference of friendship theory 154, 425
pretexting 297–9
prisoners 66, 180
privacy 14, 18–19, 20–21, 22, 184–5, 444–6
communication model 111–12, 113, 114, 115, 134, 153
government agencies 162
marital relations 135
parents and children 139
patient and physician 128
patient and therapist 128
communication model’s outer tier
expectation of privacy 170–171, 172, 176–7, 179–81
metadata 175–6
protection from external interception 163–9
complexity of 73, 270–271
content model: information see separate entry
corporations: policies on 414–15, 416
freedom of expression 28
human body 70
Index

interception of postal packets 62, 63, 66
large-scale accumulation of data 36
nature and substance of 73, 165, 270–271
origins of 73, 270–274
peeping offence 55, 57, 59, 61
physical privacy: constructive
  personal space see separate entry
property 26
spatial model 44
tort: invasion of 84–5
trespass, computer 91, 101
trespass, criminal 48, 54
aerial photography 53
private investigators 294, 343, 411
private messengers 63
private sector and personal information 277–8, 282–3, 405–9, 438, 442–3
cloud computing 94, 419–20
co-regulation 422
data mining 302, 412
driver record information 343–4
European Union 420–422
US–EU agreement: Safe Harbor principles 422–3
Federal Trade Commission 299, 410, 415–17, 422
genetic 375
notify individuals of security breaches 417–19
opt-in and opt-out mechanisms 280–281, 412, 415, 417, 420
originating from transactions and
Internet surfing 409–23
physician’s prescribing practices 413
privacy policies 414–15, 416
profiling 302, 410, 412–13
secret monitoring 164
self-regulation 414, 415, 417, 422
sexting 406, 423–35
social and background checks 349, 410–411
professional confidence-based communication 22, 110, 121–3, 162
client and attorney 22, 123–5, 126, 154, 157–9, 161
client and financial or economic advisor 122–3, 131–4, 153
codes 110, 160–161
patient and physician 22, 107, 122–3, 125–8, 155–6, 157
patient and therapist 110, 128–31, 155–6, 157, 380–381
profiling 283, 301–5, 317, 348, 383, 396, 410, 412–13, 446
promissory estoppel 148
propaganda broadcasts 198–9
property 20, 22–6, 91, 184, 444–6, 447
communication model 111, 163–4
computer trespass 104–5
DNA samples 314–15
interception of postal packets 66
legal relations between people 23
medical information 366–8
privacy and accumulation of 271
private sector and personal information 413–14
spatial model 44
trade secrets 23–5, 232–3, 236, 237, 244
interstate transportation of stolen property 237–43, 253–4
obtaining property through mail or wire fraud 246–54
proportionality 29
proprioception 7
psychiatrists 161
patient and 22, 110, 129, 156
psychologists 161
public facilities designed for private use 58–9, 79
public figures 77, 84
public goods 100
public health 191–2, 365, 378, 380–381, 404, 438, 442
and safety 328, 373
public interest 71, 77
child–parent relations 139
community representatives and individuals 142, 143, 144, 146, 150
criminal records 350
evidentiary privileges 127, 130, 134, 136, 142, 146, 150, 156
medical information 381, 382
tax return information 328
public nuisance 56
public or quasi-public institutions, regulated entities and certain professionals 320–321, 363–405, 438
medical information 363, 404–5
general 365–74
genetic 374–7
outcomes 377–83
summing up 404–5
telecommunication metadata 397–405
public safety 341, 342, 344–5, 349, 359, 360, 377, 442
public health and safety 328, 373
sex offenders 351, 353, 355, 356, 357
purpose of study 37–9

Al Qaeda 200
quasi-public institutions see public or quasi-public institutions, regulated entities and certain professionals
rape victims, disclosure of identity of 407–9
Reagan, Ronald 275
relativity of information 8–9
Republican administrations 212–13
research
disclosure of medical information 373, 379–80
scientific publication and national security 221
restrictive covenants 263
reverse engineering 24, 264
right to information: not inclusive in rem property right 35–6
right, balancing values, interests and 26–30
Roman law 228–9
Roosevelt, Franklin D. 211
rule of law 345
same-sex couples 153
same-sex marriage 138
satellite cameras 53
schools 183
scope of study 30–36
sealed bids 245
searches of body 70–73
searches of digital information on mobile phones
police need warrant 99
self-disclosure 169, 406, 445
see also private sector and personal information
self-identity 136
self-incrimination 32, 33, 124–5
self-regulation 279, 300, 305, 385, 392, 393, 404, 414, 415, 417, 422, 438, 441
sex offenders 31, 351, 353–7, 360, 361, 429, 431
sexting 406, 423–35
aggravated bullying: secondary 434
child pornography laws 425, 426–9, 430, 431, 432–3
not privileged communication 425
Shakespeare, W. 1
Shannon, C.E. 4
showers, public 58–9, 79
social capital 284
social networks 14, 16, 147, 169, 282–7, 290, 423, 445
privacy settings 285–6
social security/welfare 150, 191–2
social security number 289, 308, 309, 338, 339, 354
social workers 129, 130, 161
sociocultural context 5–9
definition 43–6
Index

intersection with other models 46, 66, 68–9, 89–90, 109, 110, 111, 114, 174, 177, 181, 275
indirect protection of personal data 290–295
metaphoric-conceptual spaces 165, 445
computer trespass: cyberspace 90–105, 232
physical privacy: constructive personal space 72–90
physical spaces 46
bodily injury 70–72, 84
criminal trespass 46–55, 77–8, 79, 89, 99
interception of communicative messages 62–70
peeping 55–62, 77, 78, 79, 89
special relationships 22
community representatives and individuals see separate entry
family confidence-based communication see separate entry
professional confidence-based communication see separate entry
specific-intent offenses 300, 309, 310, 312, 435–6
spectacles 178
spying see espionage
stalking 83–4, 293–4, 341
statistical information 32, 331–8
quality of research 337
re-identification 337–8, 410, 412
stealing “thing of value” from federal government 243–6, 253, 254
stigmatization 303, 348
student’s grades held by school 183
substance and form 37
suicide 426
surveillance 35, 89, 112, 164–9, 291–2
civilian drones 169
eavesdropping see separate entry
judicial oversight of law-enforcement agencies 166
structure and scope of protection 169–73

expectation of privacy 170–171, 172, 176–7, 179–81
interception through a device 170, 171, 173–9
trespass 77–8
video cameras in public places 303
random photographing of individuals 85–8, 301
tax files 319, 321
unauthorized computer searches of confidential 248, 249
tax fraud 323–4, 325
tax returns 32, 151, 280
unauthorized disclosure of personal information 323–31, 362
technological development 14–15, 30, 115, 166, 184–5, 334, 442, 445
national security 191–2, 200
peeping and 61
personal space 83, 85
response of the law 17–19, 168–9, 171–2, 224, 225, 287
social developments and 167–8
trade secrets 257
telecommunication metadata 397–405
business partners 399–400
changes to mobile account 400
marketing 399–400, 401, 402
mobile phone records 398, 399, 400
opt-in and opt-out mechanisms 399–400, 401, 402, 403
terrorism 401–2
third parties 399–400
unauthorized disclosure of information 400, 401, 403–4
telemarketing 276, 383, 409, 417
television reality shows 284
terror activity/organizations 167, 191, 199–200, 206, 210, 211, 212, 222
aggravated identity theft 312
criminal records: illegal activities of citizens living outside US 348
data mining 301
telecommunication metadata 401–2
theft, identity 289, 300–301, 302, 309, 310–313, 383, 395, 414, 418, 436
theft of information 34
trade secrets 232–4, 236, 243, 246
Economic Espionage Act 256–69
interstate transportation of stolen property 237–43, 253–4
state statutes 255–6
therapist and patient 110, 128–31, 155–6, 157, 380–381
court-ordered psychological evaluation 130–131
“thing of value” from federal government, stealing 243–6, 253, 254
threatening and stalking 294
tissue tests 70
tort law 413
breach of confidence 116, 159, 273
harassment in public places 85
invasion of privacy 84–5
trade secrets 230
trespass 47, 84
trespass to chattels
cyberspace 101–5
tracking
computer tracking mechanism 412
of motor vehicles 84, 177, 291–2
trade secrets 23–5, 30, 35, 184, 186, 187–8, 286, 292, 440–441, 447
aerial photography 53
basic approaches 232–6
compilations of personal information 409
direct protection
beginning of 254–6
Economic Espionage Act 256–69
Economic Espionage Act 256–69
basic terms 258–9
economic value 260, 265–6
general delimitations 259–66
mens rea 258
negative findings 268
not generally known or ascertainable 260, 263–5
owner protects it 260–263
specific delimitations 267–9
indirect protection: extension by federal courts 237
interstate transportation of stolen property 237–43, 253–4
obtaining property through mail or wire fraud 246–54
stealing “thing of value” from federal government 243–6, 253, 254
summing up 253–4
origins and background 225–31
scope of protection 237–69
state laws 229, 232, 236, 254, 255–6, 267, 269
summing up 253–4, 269
trademarks 32–3
traffic or workplace accidents 32
transparency 222, 339, 342, 345, 353, 382, 408, 411, 416, 417
executive orders 210, 212–13
transportation of stolen property, interstate 237–43, 253–4
treason 184, 190, 195–200, 216, 223, 440
trespass, computer see computer trespass
trespass, criminal 46–55, 77–8, 79, 89
common law offence 47–8
computer trespass contrasted with 99
protected spaces: peeping and 60–62
protecting possession and control of information 54–5
_cameras or recording devices
outside protected space 55
statutory provision 48–53
airspace 52–3
breach of the peace 48–9
definition of property 50–53
warnings 49–50
trespass to chattels
cyberspace 101–5
UN Economic Commission for Europe 336
unemployment allowance 150
unfair or deceptive acts or practices
Federal Trade Commission 299, 415–16
United Kingdom 18, 116
automatic number plate recognition 88
**Index**

<table>
<thead>
<tr>
<th>Term</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>banks</td>
<td>133</td>
</tr>
<tr>
<td>CCTV</td>
<td>88</td>
</tr>
<tr>
<td>computer trespass</td>
<td></td>
</tr>
<tr>
<td>unauthorized access to protected space</td>
<td>96–7</td>
</tr>
<tr>
<td>congregant and clergyman</td>
<td>144</td>
</tr>
<tr>
<td>government agent and citizen or resident</td>
<td>150, 151</td>
</tr>
<tr>
<td>interception of communication</td>
<td>173–4, 178, 180–181</td>
</tr>
<tr>
<td>interception of letter or parcel</td>
<td>64, 65</td>
</tr>
<tr>
<td>mailable material</td>
<td>68</td>
</tr>
<tr>
<td>journalists: qualified privilege</td>
<td>148–9</td>
</tr>
<tr>
<td>Law Commission</td>
<td>97, 178, 234–5, 236</td>
</tr>
<tr>
<td>national security</td>
<td>149, 194, 225, 336</td>
</tr>
<tr>
<td>courts and</td>
<td>220–221</td>
</tr>
<tr>
<td>espionage</td>
<td>200, 201, 202–3, 204, 205, 206</td>
</tr>
<tr>
<td>nuclear energy</td>
<td>204, 205, 206</td>
</tr>
<tr>
<td>treason</td>
<td>195, 198–9</td>
</tr>
<tr>
<td>personal information, protection of</td>
<td></td>
</tr>
<tr>
<td>criminal records</td>
<td>356, 358</td>
</tr>
<tr>
<td>genetic testing</td>
<td>316–17</td>
</tr>
<tr>
<td>identity fraud</td>
<td>310</td>
</tr>
<tr>
<td>meaning of personal data</td>
<td>288</td>
</tr>
<tr>
<td>medical information</td>
<td>380</td>
</tr>
<tr>
<td>privacy</td>
<td>272–3</td>
</tr>
<tr>
<td>private sector</td>
<td>421</td>
</tr>
<tr>
<td>sensitive personal data</td>
<td>288–9</td>
</tr>
<tr>
<td>sex offenders</td>
<td>356</td>
</tr>
<tr>
<td>statistical information</td>
<td>335–6</td>
</tr>
<tr>
<td>tax returns</td>
<td>328–9</td>
</tr>
<tr>
<td>public employees</td>
<td>151–2</td>
</tr>
<tr>
<td>sex offenders</td>
<td>356</td>
</tr>
<tr>
<td>trade secrets</td>
<td>229, 233–6, 269, 441</td>
</tr>
<tr>
<td>trespass</td>
<td>48, 50–51</td>
</tr>
<tr>
<td>unmarried couples</td>
<td>138, 153</td>
</tr>
<tr>
<td>upskirt voyeurism offences, public</td>
<td>80–81</td>
</tr>
<tr>
<td>user-generated content on Internet</td>
<td>16</td>
</tr>
<tr>
<td>value of information</td>
<td></td>
</tr>
<tr>
<td>balancing rights, values and interests</td>
<td>26–30</td>
</tr>
<tr>
<td>information age</td>
<td>15, 115</td>
</tr>
<tr>
<td>new socio-technological environment</td>
<td>13–17</td>
</tr>
<tr>
<td>response of law to changes and</td>
<td>17–19</td>
</tr>
<tr>
<td>developments</td>
<td></td>
</tr>
<tr>
<td>legal protection of information</td>
<td></td>
</tr>
<tr>
<td>nature of protection</td>
<td>19–20</td>
</tr>
<tr>
<td>rights, values and interests</td>
<td>20–26</td>
</tr>
<tr>
<td>involved</td>
<td></td>
</tr>
<tr>
<td>video cameras: random photographing</td>
<td></td>
</tr>
<tr>
<td>of individuals</td>
<td>85–8, 301, 303</td>
</tr>
<tr>
<td>video voyeurism</td>
<td>58–9, 79, 293</td>
</tr>
<tr>
<td>Vietnam War</td>
<td>199</td>
</tr>
<tr>
<td>voice mail messages</td>
<td>70</td>
</tr>
<tr>
<td>voyeurism</td>
<td>57, 59, 78, 79–80, 82, 278, 292–3</td>
</tr>
<tr>
<td>media</td>
<td>278</td>
</tr>
<tr>
<td>public upskirt</td>
<td>80–81</td>
</tr>
<tr>
<td>video</td>
<td>58–9, 79, 293</td>
</tr>
<tr>
<td>see also peeping</td>
<td></td>
</tr>
<tr>
<td>war</td>
<td>203, 216, 222</td>
</tr>
<tr>
<td>executive orders</td>
<td>211</td>
</tr>
<tr>
<td>propaganda broadcasts</td>
<td>198–9</td>
</tr>
<tr>
<td>whistleblowing</td>
<td>215</td>
</tr>
<tr>
<td>Wi-Fi: unauthorized connection for</td>
<td></td>
</tr>
<tr>
<td>surfing</td>
<td>98</td>
</tr>
<tr>
<td>Wiener, N.</td>
<td>14</td>
</tr>
<tr>
<td>wire or mail fraud, obtaining property</td>
<td></td>
</tr>
<tr>
<td>through</td>
<td>246–54, 403</td>
</tr>
<tr>
<td>workplace see</td>
<td></td>
</tr>
<tr>
<td>World War I</td>
<td>198</td>
</tr>
<tr>
<td>World War II</td>
<td>198–9, 211</td>
</tr>
<tr>
<td>X-ray examinations/images</td>
<td>70, 155–6, 366</td>
</tr>
</tbody>
</table>

**Eli Lederman - 9781785361265**
Downloaded from Elgar Online at 03/11/2019 11:11:16AM
via free access