



## **Our Online Lives: Must We Trade Privacy for Convenience?**

Written on February 1, 2010 by Donna Seyle

My colleague, Gwynne Monahan, captures some important insights in this thoughtful piece about the interplay between convenience and privacy in our social networking lives. Let us know what you think: are we too willing to give away a fundamental right to make our lives easier?

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I must confess that I have started, and summarily discarded, a number of drafts of this guest post on privacy. It is a complicated issue, to be sure, and I find myself making argument and counter argument after argument and counter argument.

Two things continually pop up in my arguments:

- 1. Perception
- 2. Convenience

The perception is that privacy is a Constitutional right. And some will argue that is not perception, that it is fact. And they have a point. The Fourth Amendment gives us the right to be secure in our "persons, houses, papers, and effects, against unreasonable searches and seizures" unless, of course, there is probable cause or a warrant. This country prided itself on being the opposite of the English crown. People were granted the right to conduct themselves inside their own homes how they wished, and that right was only challenged if there was good reason.

Whether you see privacy as a "perception" or a flat out "right" is irrelevant. The impact of technology on privacy is the same.

Technology has advanced much faster than law, and over time, Fourth Amendment protection has only begun to be tested as a legal deterrent to the use of online data as evidence. As a result, the concept of privacy, whether as perception or a right, remained largely intact. Our business remained our business, and no one else's unless the government came calling with the appropriate permissions granted by a judge.

I had thought that the biggest challenge to our concept of privacy was the Internet. The Internet spawned methods that made completing tasks more convenient. No more waiting for a credit card bill to arrive in the mail, only to be sent back with a check. No more going to the library and sifting through the Dewey Decimal System to find books for a research paper. No more phone tag to set up meetings. No need to carry change to put in a pay phone to call home and say you'll be late.

So what I once saw as the external culprit (internet) in the erosion of privacy I now believe has given way to our addiction to convenience. But the result of all this convenience is an accumulation of data, all kinds of data: who we call and when, what we search for and what links we click on as a result, what we purchase and from where, when we pay our bills. In essence, our digital footprint takes ourselves, as well as others, on a journey that may not have a specific destination. The fact that a footprint exists that does not get washed away by water makes it easier to form assumptions, or predict what happens next.

The Internet has made it possible for all kinds of billboards to pop up along the journey, and even more data to better predict what happens next. Google has built its business on showing the most enticing billboards that get you to click and, if so inclined, make a purchase. Google knows, as does the business on whose link you clicked and perhaps made a purchase. Same for Amazon. It knows what you looked for recently, and makes suggestions based on your previous searches.

We initially viewed these activities as an invasion of privacy. Suddenly all these third parties knew more about us than we cared to admit, perhaps more than we even shared with family and close friends. But in return, Google, Amazon and others presented us with even more convenience. Google offers spelling suggestions, Amazon offers books by other authors it knows you like because you have purchased those author's books, from Amazon, before. Targeted Google Ads are so successful because they understand you most likely more than you understand yourself.

And it is the simplicity of convenience that has lulled us into accepting such invasions of privacy, perceived or otherwise. As cell phones change to smart phones, and invariably to mini computers, we use the same line of reasoning and accept the privacy implications in order to gain more convenience.

Our concept of privacy, however, was jarred with the passage of the Patriot Act in the wake of 9/11. All this data about us that had been accumulated now can be accessed seemingly at a whim. Search histories. Emails. Store purchases. Travel itineraries. Cell phone records. Our entire digital path, from Internet to smart phone and anything in between, can be exposed.

So as I have been writing this column, and pondering this whole issue of privacy, it has occurred to me how much we chose to ignore in the name of convenience, until the Patriot Act was made law.

Since then, the topic of privacy has been hard to escape, more so in recent years with the advent of social networking sites like Facebook, Twitter, LinkedIn and others. Yet we continue to

engage in social networking and other activities that compromise our privacy by making our lives so transparent.

Now I find myself asking: if not for our addiction to convenience, would our concept of privacy be kept more intact?

Gwynne Monahan is the founder of Lawyer Connection, a social media network with the goal of creating “a community of attorneys dedicated to assisting one another make our way through the economic downturn.