YOU ALREADY HAVE ZERO PRIVACY:
GET OVER IT!  (1/26/99) SCOTT MCNEALY, FORMER CEO OF SUN MICROSYSTEMS

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AGENDA

- Right to Privacy
- US History
- EU Data Protection Laws
- Gamesmanship
- Social Networking
- Testing
- Identity Theft
Right to Privacy

Samuel Warren

Louis D. Brandeis

dissent in Olmstead v. United States (1928)

and now the right to life has come to mean the right to enjoy life, -- the right to be let alone;
The Fourth Amendment forbids "unreasonable searches and seizures" and that provision guarantees the privacy, dignity, and security of persons against arbitrary or invasive acts by officers of the government. The Court's precedents have not definitively established how to determine when and whether an employee has a reasonable expectation of privacy in the workplace. Cell phones and text messages -- and their related communications are so pervasive that some persons may consider them to be essential means or necessary instruments for self-expression, even self-identification. That right strengthens the case for an expectation of privacy.

On the other hand, one could counter that employees who need cell phones or similar devices for personal matters can purchase and pay for their own and employer policies concerning communications will of course shape the reasonable expectations of their employees, especially to the extent that the employer policies are clearly communicated.

We need not explore these matters further in this case however. That is because even on the assumption that Quon had a reasonable expectation of privacy in his text messages, the search was reasonable.
Right to Privacy

Right to Be Forgotten

PERSONAL DATA:

- Processed fairly & lawfully
- Obtained only for specific lawful purposes
- Relevant, adequate, not excessive
- Accurate
- Not kept longer than necessary
- Not transferred outside of the EEA (European Economic Area) unless adequate protection in place

95/46/EC DIRECTIVE

EU - US Privacy Shield

EU GDP
EU General Data Protection Regulation (EU GDP)

- Regulations have uniformity across 28 member nations
- EU GDP replaces 95/46/EC in 2018
- Significantly higher fines for non-compliance
- Organizations must have a DPO (Data Protection officer)
- Must have explicit consent by consumer to use and transfer data
- Private information right to erasure
PROTECT YOUR DATA

SKIMMERS