

COMING UP TO 1984:
Notes and Readings on
Access to Information:
A Matter of Security, A Matter of Privacy

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Introduction

Technological change generates many old problems posed in new ways. These notes and readings are designed to encourage some reflection on two fundamental problems rendered sharper by the revolution in information handling, itself made possible by new developments in computers and communications. The first problem is that of mechanisms for accountability and control to prevent crime, fraud, or other abuse of systems for handling financial transactions and financial records. How secure are present computer-based systems against sophisticated forms of theft or conspiracy?

The second problem is that of procedures and safeguards to prevent harmful invasions of personal privacy, and to provide an appropriate resolution of an ancient tension between a collective "right to know" and an individual "right to be let alone". How far has computing technology tipped the balance against personal rights to privacy?

Both problems are discussed in the readings for the telecourse. They are both serious: as a society, we are coming rapidly up to nineteen eighty-four, and technology is right on - or even ahead - of schedule. But these problems are not new, nor are they necessarily unmanageable. Discussions of these readings, representing a wide range of views, should help both professional administrators and other citizens to set the essential features of these issues in perspective, without sensational exaggeration or unnecessary fear mongering.

The Telecourse Format

Both television programs center on a film lasting approximately 60 minutes. The films have been selected because they raise some compelling questions about personal rights to privacy and the fraudulent use of computers. Following each film, a brief panel discussion focuses on some of the issues, and then viewers are invited to join the conversation via telephone. Please consult the program summaries for details and questions for consideration.

The Readings

The readings begin with a brief sketch of technological possibilities - the growth in the capacity of computing and communication facilities which has added new dimensions to problems of financial accountability and invasion of privacy.

Reading #1 (Chapter 26 of the report of the Williams Commission, titled Public Government for Private People) sketches the way in which computing capabilities have increased, but emphasizes the distance yet to go before the threat of the Orwellian environment is fully realized. Some important cautions against complacency on this score are also highlighted, however.

With this brief outline of the present state of play in terms of technological possibilities, it is possible to go on to consider the social concerns and the need for social controls arising out of these technological possibilities. Reading #2 (excerpts from a two-part series from The New Yorker, August 22 and 29, 1977, titled "Dead Souls in the Computer") sketches a disturbing picture of the world of computer fraud, while Reading #3 (Watkins) provides a professional's calm reassurance that the crisis in computer crime is overstated.

A different sort of apprehension - about universal identity cards - is voiced in the Safire story (Reading #4). And a closely related concern appears in Chapter 28 of the Williams Report (Reading #5). It was also the driving force behind a study by Canada's Privacy Commissioner on the use of the Social Insurance Number for identification and for record linkage.

Responses to fears about such abuses take many forms. Mechanisms for control of administrative systems, or schemes to establish accountability in the exercise of administrative discretion, have been debated for decades. The brief excerpt from a recent paper by Prof. Ted Hodgetts included here as Reading #6 outlines a four-way structure of accountability. The vertical or formal mechanism finds expression often in auditing and review processes.

More pervasive, but more tricky, is the appeal to personal ethics (the inward accountability mentioned by Prof. Hodgetts). Reading #7 illustrates some of the difficulties of appeal to ethical principle as a guideline to the exercise of administrative discretion in general, or particularly in difficult judgements balancing organizational loyalties against concerns for privacy.

Drucker's article, and Hodgetts of course, lead to much more sweeping and fundamental concerns with possible conflicts between individual values, organizational loyalties, professional codes of conduct, and overarching social goals. While these are not new, the reach and growth of computing capabilities has accentuated possible tensions between criteria of professional expertise and accomplishment, on the one hand, and individual norms of right conduct on the other.

Thus, there are many distinct issues caught up in the phrases "freedom of information", "rights to privacy", "security", and "access". The next group of papers attempts to sharpen the concepts and clarify the basic principles. In Reading #8, Sharp reviews the impact of privacy rights for the public servant, and suggests the outline of a legislative response. A sceptical view of the whole concept of rights to privacy, and a strong argument for stringent limits to any legislation intended to guarantee rights to privacy, is set out by Marshall in Reading #9.

It is against that backdrop that we can move, in the next group of readings, to an outline of the present legislative setting. Excerpts from Bill C-43, as passed by the Federal Parliament in June 1982, provide a summary of the Access to Information Act and the Privacy Act (this latter being Part IV of the old Human Rights Act). These are set out in Reading #10.

The final group of readings brings these issues down to specific areas of administration or specific ministries. One topic - the confidentiality of health records - has been selected for emphasis. Consideration of problems arising in this area illustrate well the difficult and sensitive issues arising in many administrative systems involving detailed individual records. Moreover, the question of medical records illuminates the two fundamental underlying - and ultimately unresolvable - tensions inherent in large scale information systems: the pull toward efficient handling and processing of data as against prohibitions against record linkages, matching or disclosure of identifiable records; and the public interest in full disclosure of information as opposed to individual interest in rights to privacy.

In the readings selected here, two short excerpts deal with privacy in the medical context. The introduction to the report of the Krever Commission (Reading #11) discusses the background to a legal enquiry and the motivation behind it. Denis Protti's note (Reading #12) reviews the possible impact of the Krever Commission on hospital administrators.

To suggest the existence of comparable issues in other fields, McLaughlin's article (Reading #13) deals with educational records.

Summary

Program I: A Matter of Security

Wednesday, November 10, 1982

7:00 to 9:00 p.m.

KNOW, Converter 18 in the lower mainland and Victoria.

In other areas, check local listings for KNOW.

Film: Billion Dollar Bubble (BBC)

Program Host: Rod Dobell

Guests: Hart Will, Associate Professor, Faculty of Commerce and Business,
University of B.C.

Program Contribution: Computer audit and fraudulent practice;
the role of the auditors.

John Langford, Associate Professor, School of Public
Administration, University of Victoria

Program Contribution: Ethical problems in computer applications;
conflict of organizational and personal loyalties.

The Billion Dollar Bubble deals with the story of the Equity Funding scandal which brought sensational coverage to the possibilities for computer fraud, or computer crime more generally. The film raises two particularly interesting issues. The first is the more technical question of the systems failure. How, despite all the normal internal and external control mechanisms, did this scam slip by for so long? Professor Will, an expert in the use of computers for audit purposes as well as the audit of computer-based systems, will discuss some of the control mechanisms in coming to some judgment on how serious a threat of computer fraud or computer crime we face. Should we worry about anone Equity Funding incident happening here, or should we simply concentrate on strengthening the roles of auditors, managers and others in dealings with computer-based financial systems? Whose role is it anyhow? Attention to this question throughout the film could lead to some interesting discussion.

It might, of course, be assumed that the failure depicted in the Billion Dollar Bubble is more an organizational failure or moral failure than a systems failure. What lies behind the apparent willingness to accept the ripping-off of big computer-based systems? Professor Langford, a long-time student of bureaucratic politics, may develop some of the possible conflicts among the different forms of accountability identified by Hodgetts. Could criteria of professional accomplishment among computer experts come to dominate older standards of conduct? You will want to watch the film carefully for clues as to the sources of the organizational or personal lapses central to the scheme and its success for some time.

Summary
Program II: A Matter of Privacy

Wednesday, November 24, 1982
7:00 to 9:00 p.m.

KNOW, Converter 18 in the lower mainland and Victoria.
In other areas, check local listings for KNOW.

Film: Computer Spies and Private Lives (PBS, Nova series)

Program Host: Rod Dobell

Guests: Eric Lee, Assistant Professor, School of Public Administration,
University of Victoria.

Program Contribution: Computer systems for office automation;
Telidon; the human aspects of the office of the future.

Denis Protti, Director, Health Information Science Program,
University of Victoria.

Program Contribution: Security of medical records and disclosure
of personal information.

T. Murray Rankin, Professor, Faculty of Law, University of
Victoria.

Program Contribution: Corporate disclosure problems; confidential
business information; update on Bill C-43.

Computer Spies and Private Lives introduces a vast range of questions about the issue of personal privacy and the extent of the threat to individual privacy posed by the development and spread of computing power.

You will probably want to put the treatment of the so-called "smart cards" against the concerns expressed by Safire and Williams about universal identity cards, unique personal identifiers, and record matching. You may want to examine what the films says about codes and security measures in light of concerns about unauthorized access to records, or abuse of access privileges by authorized users. And in light of all the technological developments outlined in the film, you will want to reflect upon the adequacy of the legislative measures to assure privacy discussed in readings by Sharp and Marshall and as outlined in Bill C-43. Indeed, you may wonder how far contemporary society should attempt to assure an alleged right to privacy when administrative purposes appear to require even greater and more comprehensive data processing capabilities. Does participation in government programs imply informed consent to any exchange of data necessary for administrative purposes or audit?

Which brings discussion back almost to the previous program: whose responsibility is it to assure that fraud or abuse does not occur in financial systems, administrative systems or broader social programs? What powers are necessary to provide such assurance, and can they be compatible with a lively sense of individual privacy on the part of people who voluntarily plug themselves not only into a maze of social programs, but also growing two-way communication networks and "wired cities"?

As you watch these films, look for a variety of clues about answers to these questions (or, more likely, questions about these answers.)

