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Should you own your own data?

Net privacy bill causes panic

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Privacy campaigners have long advocated that we should own our data, and we should be able to do what we like with it. So why has an attempt to put this into law caused a minor panic?

A Michigan Senator has introduced a Bill giving individuals the right to request the removal of personal data from websites. Last week, Facebook unilaterally exposed the "interests" - the likes and dislikes - of hundreds of millions of its users, data they had previously thought was private. The Cyber Privacy Bill ([HR 5108](#) (<http://thomas.loc.gov/cgi-bin/query/z?c111:H.R.5108:>)) would give users some redress. In fact, Facebook wouldn't even have dared try it.

HR 5108 is as brief as it gets. It obliges websites to remove "personal information" which it defines as "any information about an individual that includes, at minimum, the individual's name together with either a telephone number of such individual or an address of such individual".

Somewhat surprisingly the libertarian Cato Institute doesn't regard this as a property or a privacy matter.

Cato's Jim Harper [suggests](#) (<http://www.cato-at-liberty.org/2010/04/25/mccotters-plan-to-expand-dmca-style-take-downs/>) that malicious commenters would use it to post personal information about others - which would then require web hosts to demand authentication from every commenter. This is a strange basis on which to object to the Bill. A bigger problem, surely, is that personal information is so weakly defined in HR 5108 that it would be used to censor reporting.

European privacy legislation is already used in this way: it's had a chilling effect as celebrities use it to keep even established, previously reported facts from being reprinted.

Others object to it because of its similarity to provisions in the Digital Millennium Copyright Act, that put obligations on publishers regarding infringement requests. The DMCA is indeed a major pain for publishers (like us), as a mischievous takedown request causes panic down the distribution chain - a nervous or poorly informed ISP will block access to a site rather than question the validity of the request.

But the DMCA does what it sets out to do. It makes publishers think twice about creator's rights

- the default being respect: don't use something if it isn't yours. And the DMCA is one of the few tools in which the little guy can get redress without needing to hire an expensive lawyer. Google's [continuing misinformation campaign](#) (http://www.theregister.co.uk/2007/10/02/google_orkut_dmca/) about the DMCA shows what it really thinks of creator's rights. It makes a mockery of the idea that Web 2.0 "empowers" individual creators.

So while I'm with Cato in being against laws that regulate the internet, it's clear that it's a more complicated picture. I can envisage a "benign" CPA doing something to bring the Googles and Facebooks into line. Today, these companies regard the privacy of their users with contempt - as we saw with Buzz. Do individuals have any rights on the Intertubes, or are we just here to generate marketing information for large web companies? ®

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