

Eavesdropping, privacy and face recognition, oh my!

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So many famous celebrities search for privacy.

So many private citizens search for celebrity fame.

But, after all, what is privacy and is it truly available?

There are federal statutes that protect privacy, like HIPAA, which protects the confidentiality of personal health information; the Gramm-Leach-Bliley Act that protects the privacy of financial information stored with financial institutions; and the Video Privacy and Protection Act, which protects the privacy of user's identity when using websites and mobile apps.

Europe has extraordinary data protection laws that protect the privacy of personal information and prohibits collecting and processing data related to personal information without the owner's permission.

But here in the U.S., we learned from Edward Snowden of NSA's program of intervention in private emails and phone calls. And we know there is an entire industry of data gatherers whose job it is to find, define, categorize and sell private information about each of us from searches of public records and observations of our habits. (And I am not even talking about the paparazzi.)

In March of this year, the Illinois Supreme Court, in twin cases called *People v Clark* and *People v Melongo*, invalidated the Illinois Eavesdropping Law, calling it a violation of constitutionally protected freedom of speech.

The law had required consent of all participants to a conversation, before the conversation could be lawfully recorded.

In other words, you could not record a conversation with my neighbor without his consent, nor could you record a conversation between two of your neighbors, which you overheard, without their consent.

Now, can anyone record our conversations, anywhere in Illinois? Can they record our traffic stops, our court hearings, our barroom banter, our lover's quarrels, our business meetings?

Until the Illinois legislature or courts reinstate a more limited rule to protect our rights to private conversations, it is now hard to know how safe we are from public scrutiny.

And then there is real-time, automated, face recognition, where cameras can look at our faces and determine our identities from our pictures in the public domain (from Facebook, LinkedIn, websites, media reports, photo IDs in government files, etc).

According to the May 18 edition of the *New York Times*, there are no guidelines yet on how face recognition should and should not be used. Conceivably, a stranger walking by you or me on the street with a face recognition app on his phone could identify us by name, and find out where we worked, what causes we contribute to, where we shop, what we buy, and what we own. But we are not celebrities.

In the end, I suppose there is no difference between us and Justin Timberlake. As much as people can find out about Mr. Timberlake, they can now find out just as much about us. We have surrendered our privacy, and don't even have celebrity fame.

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