# Negotiating Privacy in the 21<sup>st</sup> Century: The Millennial View

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ABSTRACT: Traditional philosophical and legal understandings of privacy are not sufficient for appreciating how people think about privacy today. Radin's "contested commodities" and Westin's "circles of intimacy" offer a bridge between positive and negative constructions of liberty and privacy. From this starting point, this study examines views of privacy held by college freshmen on topics ranging from medical records to social networking sites and finds that young people are concerned about intrusions into privacy in a variety of realms, expressed here through factor analysis. While protecting themselves from invasions of privacy, young people are also interested in creating "spheres of belonging," in which they grant different levels of access for different social, economic and political benefits.

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#### Introduction: theorizing about privacy

For most of the history of the term, theorizing about privacy has been done in the abstract, the philosophical approach, or post hoc, the legal response. This project takes a different tact. It takes seriously the admonitions of feminist philosophers such as Noddings (2003), Kohen (1998) and Gilligan (1982) that philosophical thinking needs to arise from lived experience. It evaluates the responses of people, in this case 180 freshmen at a large, Midwestern university, in light of theory to examine existing approaches and couple them with new insights that have some modest empirical support.

## The philosophical approach

Philosophy approaches privacy positively; it articulates what having privacy will allow individuals to achieve primarily through the concepts of human dignity and human autonomy. What philosophers say is that individuals need privacy in order to flourish—to become psychologically whole human beings who can interact in many ways with others in a community with the result that both the individual and the community prospers. In philosophy, privacy is deeply bound up with the concept of personhood (Fischer 1980). The **need** for privacy, the compelling philosophical claim, is foreshadowed as early as western medieval law. "Only citizens who respect one another's privacy are themselves dignified with divine respect" (Rosen 2000, 19).

Retaining individual control over information relies on what Westin (*Dietemann v. Time*) calls "circles of intimacy" where the innermost ring is the individual and each successive ring including progressively more people with progressively less control exercised by the central individual. Invasion of privacy occurs when the circles of intimacy are penetrated by the larger community in ways that strip the individual of control over access, context or both. Central to these notions of control and access is power: society needs privacy as a shield against the power of the state. Limitations on the power of the state, such as the Bill of Rights, were established in order to protect private life (Neville, 1980). Throughout history, totalitarian regimes have used extensive government

surveillance—the near absence of privacy—as a major component of any attempt to create a uniformly subservient citizenry, a subject that dominates Orwell's 1984. Contemporary empirical work (see Larson, 1990) supports what fiction writers have long understood. However, there has been little discussion of the same need for privacy as a shield from the power of large economic organizations. Ann Wells Branscomb in *Who Owns Information? From privacy to public access* (1994) notes that decisions about what entities (both government and corporate) have access to what sorts of information is most likely a matter for regulation and litigation.

Communitarian philosophy takes a different approach. "A credible ethics or privacy needs to be rooted in the common good rather than individual rights" (Christians, in press). "Communitarians see the myth of the self-contained 'man' in a state of nature as politically misleading and dangerous. Persons are embedded in language, history, and culture, which are social creations; there can be no such thing as a person without society" (Radin, 1982). In the communitarian view, the community itself—the larger society—benefits from maintaining individual privacy. That maintenance, however, is in some modest tension with the needs of the community. In communitarian thinking, corporate demands would be every bit as subject to restriction as government for the same reason—the health of the community which, in turn, supports the flourishing of individuals. Christians considers control over commercial data banks, along with government surveillance and invasive news coverage of victims of tragedy, as the most important privacy questions emerging in the 21st century.

Historically, it has been almost impossible to think about privacy apart from community. Responsibility for keeping things private is shared; individuals have to learn when to withhold information, and the community has to learn when to avert its eyes completely or to narrow its gaze (Rosen 2000, 18-19). The same questions emerge in the virtual courtyards of Myspace and Facebook or the postings on YouTube. Although privacy is related to human experience, the concept itself is not relative. Perhaps the best example of this is Article 12 of the Universal Declaration of Human Rights, which states that "No one shall be

subjected to arbitrary interference with his privacy...Everyone has the right to the protection of the law against such interference or attacks."

The legal understanding

Privacy is what the law calls a prima facie right that can be negated by other, more compelling, rights. This notion of privacy-as-informed-by-experience actually explains the development of the concept in U.S. constitutional law beginning with a 1890 *Harvard Law Review* article written by Samuel Warren and Louis D. Brandeis. Legally privacy is guarded in four distinct ways:

- 1. Intrusion upon a person's seclusion or solitude, or into private affairs, such as invading one's home or personal papers;
- 2. Public disclosure of embarrassing private facts, such as revealing someone's notorious past when it has no bearing on that person's present status;
- 3. Publicity that places a person in a false light;
- 4. Misappropriation of a person's name or likeness for personal advantage.

This legal definition focuses on what people or institutions should **not** do; at least two of the four ways the court defines invasion of privacy have economic, specifically market, roots. This negative approach to defining privacy—which is intellectually consistent with the negative construction of liberty enshrined in the U.S. Constitution and Bill of Rights and much legal theory—is essentially silent on what it is that "having" privacy will allow the individual to accomplish. The legal contradictions also raise some important policy concerns, including the potential state censorship of the watchdog (Alger 1993, 119.) European scholars have linked privacy with a capitalist market economy on the one hand and the interventions of the welfare state on the other. "What does privacy mean to the homeless and the unemployed?...Is there a point to privacy if people do not have the means and the power to enjoy freedom?" (Gutwirth 2002, 52). The central role of technology also influences contemporary theory. Scholars note that individual control over the bits and bytes of private information is much more difficult to accomplish (some assert impossible) for the

average individual, particularly if that person is coerced by economic or political necessity (Marx 1999).

This research, thus, begins with the assumption that privacy itself is an important component of human dignity and the construction of community and that it has global applicability. Privacy itself can be understood as both freedom from (the legal understanding) and freedom to (the philosophical approach). The media, defined broadly, are implicated in this development; technology can also be considered an important component in understanding and evaluating how privacy is understood and employed.

#### Understandings of Online Privacy and User Behavior

Some outside of academia have suggested that in modern society the very notion of privacy is impossible. "Privacy is dead" headlines have been appearing since the 1990s. In 1999, Scott McNealy, then CEO of technology developer Sun Microsystems, called consumer privacy issues a "red herring," according to Wired Magazine. "You have zero privacy anyway," he said. "Get over it." McNealy's company was and is a member of the Online Privacy Alliance, an industry coalition that campaigns for self-regulation rather than government-imposed privacy regulations. And Donald Kerr, deputy director of the U.S. Office of National Intelligence, told Newsday in 2007: "In our interconnected and wireless world, anonymity—or the appearance of anonymity—is quickly becoming a thing of the past."

In these conceptions, technology simply makes it unrealistic to expect any serious protection from intrusion by government and corporations alike. The most recent literature on the intersection of privacy and technology paints a picture of chaos. One study (Turow & Hennessy 2007) indicates that many U.S. Internet users believe that their privacy is subject to both protection and invasion by corporations and government. Users feel contradictorily that their personal data is just as likely to be exploited as kept secret. This confusion among users is

commonly expressed in the literature, but there are several clear themes that arise.

O'Neil (2001) found that little research has been published relating individual differences expressed through demographic information with privacy concerns. O'Neil found that all demographic groups expressed similar concerns about Internet privacy and were said to prefer privacy to convenience. The 2001 study also revealed concerns that personal wealth would make privacy easier to maintain. "One key concern is that, as free Internet services become increasingly available, poorer consumers will sacrifice their privacy to receive free Internet access, whereas wealthier consumers will pay for Internet access and realize better privacy protection" (29).

This concern about a digital divide based on wealth (as opposed to gender or computer access as was more common in the early literature about the web) is thematic in literature regarding privacy and the Internet. Some have even predicted that as privacy continues to erode users will be able to purchase their own privacy (Kannan & Peng 2002). "[A] market for privacy will emerge, enabling customers to purchase a certain degree of privacy, no matter how easy it becomes for companies to obtain information, but the overall amount of privacy and privacy-based customer utility will continue to erode" (455).

Another major concern expressed in the literature is that most people simply are not aware of the storage and use of their personal data online (Raab & Mason 2004). As a result, Internet users have little interest in regulatory policy regarding online privacy; they are instead focused on the benefits of their online transactions and believe they can take necessary precautions to minimize any anticipated risks.

Users are likely to ignore any privacy concerns they may have when choosing among competing alternatives (Nehf 2007). In a study involving

personalized music recommender services, researchers found a strong discrepancy between user attitudes toward privacy and behavior (van de Garde-Perik et al. 2008).

On the other hand, there is some evidence that teenagers consistently employ risk and benefit appraisals, as defined by Rogers's (1975, 1983) protection motivation theory (Youn 2005). Higher levels of risk perception made teenagers less willing to provide information on the web, and lower risk perception meant a greater willingness.

Despite growing privacy concerns, Internet users seem to view disclosure differently in social contexts such as blogs (Lee et al. 2008) and social networking sites. Blog sites and social networking sites generally allow users to control who gets to see what. But in a now-famous example of user outcry over privacy concerns, Facebook faced resistance from thousands of users after the 2006 launch of the News Feed feature. Even though the information that appeared in News Feeds was already available on each individual profile, users were alarmed by the uninvited exposure and the apparent loss of control created by the News Feeds (Boyd 2008). The News Feed feature, however, remained, and is still an integral part of the site today.

In 2007, Facebook users protested again, this time over a feature called Beacon, which tracked user actions on dozens of outside websites and revealed information about users' actions and purchases to their Facebook friends ("Facebook Users Protest Online Tracking," Nov. 30, 2007). The Beacon feature was removed from News Feeds, and users now have opt-out control over whether their data is sent to third-party applications. With Facebook, a perceived loss of control over personal data sparks considerable privacy concerns among some users. The protest of Beacon is significant because the tracking feature was

similar to tracking tactics often employed by online advertising though usually without user awareness.

Facebook faced tensions with users again this year when the site introduced new terms of service that seemed to give the company great control over user data. Chris Cox, Facebook's director of products, expressed a telling view in a March 28, 2009 article in *The New York Times*: "'It's not a democracy,' Mr. Cox said of his company's relationship with users. 'We are here to build an Internet medium for communicating and we think we have enough perspective to do that and be caretakers of that vision.'"

Some Internet users and privacy advocates have also expressed concerns about tracking tactics often employed by online advertising usually without user awareness. Many online services including Facebook make use of this "behavioral advertising," which matches online ads to user interests. This is possible through the use of cookies stored on the user's computer and transmitted to an ad network that tracks user behavior. Similarly but using a different mechanism, Gmail, Google's free e-mail service, targets advertising to users based on keywords appearing in users' e-mail messages.

According to the Center for Democracy and Technology ("Privacy Implications of Online Advertising," 2008), a Harris Interactive/Alan F. Westin study found that "59% of respondents said they were not comfortable with online companies using their browsing behavior to tailor ads and content to their interests even when they were told that such advertising supports free services. A recent TRUSTe survey produced similar results. It is highly unlikely that these respondents understood that this type of ad targeting is already taking place online every day" (6). Because users are commonly unaware of this practice, they are unable to take action to protect their personal information if they wanted to. Although websites and advertisers sometimes offer opt-out options for users,

few consumers "have been able to successfully navigate the confusing and complex opt-out process" (13).

Many forms of technology seem to default to openness rather than privacy, and require some knowledge and action on the part of the user to enhance privacy and security. When a user opens a new Facebook account, the privacy settings default to complete openness. Similarly, in an article titled "Software defaults as de facto regulation," Shah and Sandvig (2008) find that because many Internet users do not know how to configure security and privacy settings on wireless routers (passwords, network names, encryption settings), many users tend to follow the default settings which result in lower levels of privacy. This is particularly true for the poor and poorly educated. The researchers conclude: "When regulatory decisions are left to individuals, for the unskilled the default settings are the law" (25).

For now, privacy concerns generally do not seem to dictate consumer choice (Nehf 2007). Consumers who are concerned about privacy either don't know how to protect themselves or don't bother to, despite what they tell researchers. Norberg et al. (2007) found that consumers' levels of disclosure online significantly exceed their stated intentions to disclose.

Many researchers call for increased government regulation that creates better accountability for use of personal data and better notifies users of their rights and options for protecting personal information. "A focused effort is needed, starting now to give a shape to these new technologies and really empower the individual and give him or her a higher level of protection and control over his or her data" (Gadzheva 2008, p.71).

The U.S. Senate Committee on Commerce, Science and Transportation held a "Privacy Implications of Online Advertising" hearing on July 9, 2008, to discuss concerns about behavioral advertising and hear from a variety of

regulators, industry experts and industry leaders. Senator Daniel K. Inouye (D-Hawaii) expressed this concern: "I fear that our existing patchwork of sector-specific privacy laws provides American consumers with virtually no protection." Inouye added that Internet users abroad receive more protection from the same companies that freely collect user data in the U.S.

For now, it remains the official position in the U.S. that a laissez-faire approach is best suited for dealing with these concerns, as expressed by Lydia Parnes, Director of the Federal Trade Commission's Bureau of Consumer Protection: "At this time, the Commission is cautiously optimistic that the privacy concerns raised by behavioral advertising can be addressed effectively by industry self-regulation."

The foregoing is both confusing and contradictory, but a few themes emerge:

- People do not consider privacy a monolithic category or good.
   They appear willing to negotiate its use under some conditions;
- 2. Entities that ensure privacy, whether they are government or corporate, may reap the benefits of increased trust—which could be expressed in multiple ways;
- 3. The lack of transparency embedded in the technology itself may be a problem—one that government as opposed to individual consumers may be called upon to deal with despite the current trend for corporate self-regulation;
- 4. The context in which privacy occurs, for example the networked world or the doctor's office, may have some impact on how people understand it.

A conceptual bridge: Contested commodities and human development

As the foregoing indicates, privacy is most often taught and understood as either the province of law or the province of philosophy. Technology is incompletely connected to both. Scholars appear to pick a "domain" and stick to it.

Legal scholar Margaret Radin is one of few who employs understandings from law and philosophy and develops new theory. Radin has developed the concept of contested commodities to explain how the concept of personhood, as articulated by philosophers Hume, Thomas Hobbes, Kant and J. S. Mill, and by feminist philosophy, can critique and inform traditional market economics where the concept of personhood and private property which can be bought and sold are inextricably joined. "When the self is understood expansively so as to include not merely undifferentiated Kantian moral agency but also the person's particular endowments and attributes, and not merely those particular endowments and attributes, either, but also the specific things needed for the contextual aspect of personhood, then this understanding is a thick theory of the self. A thick theory of the self correlates with an expansive role for inalienability because things that are understood as inside the self, or as bridging the boundary between inside and outside, cannot simultaneously be understood as readily detachable from the self they constitute" (1982, 60).

Radin uses this thick theory of the "self" to provide a thorough critique of traditional laissez-faire and free market economics. In an argument that is too detailed to replicate in its entirety here, Radin (1996) builds on the work of feminist philosopher Martha Naussbaum to explore the functions of private property in the capitalistic market. Radin notes that contemporary American culture employs the language of economics, particularly laissez-faire market economics, to explain a variety of human interactions, for example sex within marriage, which are probably neither best described nor understood in exclusively market-oriented frames. Radin asserts that a thick theory of the self and the traditional concepts of market-driven economics do co-exist within contemporary culture, but that there is a group of "goods" for which neither view provides complete explanatory power. Radin includes some understanding of free expression within the concept of contested commodities. It is within the language of her work to assert that private information which emerges from the

human self acting within a cultural context constitutes another contested commodity, one which market forces may intrude upon but which are incompletely accounted for by examining only market transactions.

Take this example: the iPhone. One of its most useful features is a map function. Plug in an address, hit the button, and the iPhone will draw a map on how to get from where the current location to another. The iPhone accomplishes this task by tracking the users whereabouts (when the phone is on). By buying the technology and turning on the phone, the user—as a participant in the market—has given both access and control over context about a certain category of information to a mechanical device. Does this raise ethical questions? Well, for the writers of the screenplay for the latest Batman movie, *The Dark Knight*, it did. Batman's technical guru, played by Morgan Freeman, so objects to the invasion of privacy the technology represents that he quits (temporarily) after he has successfully tracked the Joker using this technology. Film audiences, of course, accept this invasion in terms of the plot—the context of the film narrative. But, if the Joker had been more technologically adept and used the same technology to track Batman, audiences might have reacted differently.

In the context of contemporary intellectual and entertainment worlds (a semi-thick theory of culture and context) private information would seem to be a contested commodity, one that has equal footing in the worlds of philosophy and law and which a market-oriented view can only incompletely account for. When psychologists consider a "thick" theory of the self, several have focused on the concept of human needs, among them belongingness (Maslow 1950) and intimacy (Erikson 1958). More contemporary research on intimacy asserts that openness, privacy and intimacy are interlocking concepts—ones that make little sense without reference to the other (Hosman & Siltanen 1995). In a long tradition of psychological theory, with substantial empirical support, learning to be private can also implicate learning to be intimate. Thinking about privacy regulations must include interpersonal relationships and intimacy (Haggard & Werner 1990; Hosman & Siltanen 1995). It is impossible to review the literature about privacy, either from the legal, philosophical or psychological view, without acknowledging that emotion plays a role in understanding the concept. People file law suits because they are hurt (Alderman & Kennedy). Journalists

are emotional when they discuss the ethical choices in the realm of privacy (Wilkins & Coleman 2005). Intimacy, in contemporary English, implies an emotional attachment; empirical work supports this. In neuroscience Hauser (2006) documents that ethical action requires a "firm handshake" with the emotions. In the realm of privacy, such a dynamic system also suggests the potential efficacy of a "conservative" approach to the acquisition of personal information and a vigorous effort to protect it once it is acquired.

The concept of contested commodities, the lines of reasoning that emerge from the past 3,000 years of philosophical thinking and the more recent contributions of law, particularly U.S. Constitutional law, provide the intellectual context for this research effort. In addition, research from the field of psychology suggests that privacy and intimacy may be connected in important ways, a connection seldom discussed by philosophers or legal scholars. Furthermore, the emotional nature of privacy suggests that it will continue to be an important ethical issue, despite advances in technology, some of which appear to outstrip the technological understanding of the "average" person.

Based on the foregoing, one obvious over-arching research question is: how would the public evaluate this "thick" notion of contested commodities as it applies to a range of activities involving privacy?

Within this, the following specific questions emerge:

- How do individuals define privacy in their lives? What range of activities are included in that term?
- How is that definition applied to and employed in the networked world?
- Is personal information exchanged in the networked world a contested commodity?
- Does experience with certain sorts of technology, or other sorts of life experience, influence how individuals define privacy in the networked world?
- Do decisions about privacy generate emotional responses for those making them?

A privacy inventory and the millennial generation

Since privacy involves a range of human activities, a privacy inventory that focused specifically on many common activities of 18-year-old college students was developed (see appendix 1). Students were asked questions ranging from whether they had ever had to give a urine sample to obtain employment and whether they had ever had to provide income tax records to obtain financial aid, to whether they had ever provided misleading information to obtain access to websites. Students also were asked whether they would be willing to "trade off" private information for certain goods or opportunities. Many questions also asked the respondents how they "felt" about the requested action. The inventory was approved by the campus IRB; most students took about 30 minutes to complete it.

The inventory was administered to a purposive sample of 180 freshmen attending a large Midwestern university late in the fall and early in the spring semester of the 2008-2009 academic year. In order to complete the survey, the students had to be non-journalism or non-pre-journalism majors who also were members of Freshmen Interests Groups (FIGs), groups of between 20 to 30 students who live on the same dorm floors and take at least three classes together. FIGs focus on each of the university's 11 colleges that admit freshmen majors or pre-majors. Non-journalism majors were selected because freshmen journalism majors at this campus do take a journalism class that, among other things, discusses privacy and some legal conceptual implications of the term. What millennials think: Context matters

In the past five years, there have been a number of surveys that indicate the millennial generation is more than willing to "let it all hang out" when it comes to private information. The results of this study refute that contention. In fact, for these respondents, privacy matters a great deal, and how privacy is viewed depends on the context in which the individual participant finds herself.

When the respondents were asked how comfortable they were with providing certain kinds of private information—everything from their Facebook page to a urine sample—the following pattern emerged: if there was a clear personal benefit, for example getting a job or boarding an airplane, respondents said they were either neutral, very comfortable or entirely comfortable with the following activities: being searched at the airport to board a plane (75%),

providing a urine sample to obtain a job (64%), undergoing a criminal background check (87%), providing medical records to an insurance company (87%), filing federal income tax (77%), providing a birth certificate to obtain a driver's license or passport (82%), and providing medical records to a doctor in an emergency room to ensure proper treatment (89%). In all cases except obtaining a driver's license or passport and being searched at an airport before boarding a plane, fewer than half of the students said they actually had engaged in this particular activity. However, it should be noted that in almost every category, there was a substantial minority that was either uncomfortable or very uncomfortable with revealing a particular kind of private information.

The exceptions to these trends were the online communities of Facebook and MySpace, particularly Facebook. Here, 60% of the students said there were uncomfortable with providing access to their Facebook pages and 42% responded the same way about MySpace. (It is important to note that this survey took place more than a year after Newscorp had purchased MySpace.) E-mail was similarly guarded: almost half of those responding (45%) said they were very uncomfortable with employers having access to their e-mail, the university having access to their e-mail, and friends having access to their e-mail.

In the foregoing responses, control over providing information rested in the hands of the respondents. But, when the students were asked about placing that control in the hands of government or corporate entities, there was an entirely different response, one that mirrored the responses about e-mail access. This idea of protecting some sorts of privacy in digital space included allowing the government access to the websites one visits, cell phone records, movie rental records, and on-line purchasing records. In every case, more than half, and sometimes as high as 80% of the students, were either uncomfortable or very uncomfortable providing the government with this type of information. The level of discomfort increased when the entity seeking access was a corporation.

Commerce was viewed somewhat differently. About 63% of the students were uncomfortable or very uncomfortable with websites that took personal data in the form of usage records and sold it to other sites. There were two exceptions: only about 38% of the students said they were uncomfortable or very uncomfortable with a store they patronize keeping a record of their purchases.

And, as has been previously noted in the literature, more than half the students were comfortable with iTunes keeping track of purchases and recommending additional ones.

The students were not nearly as willing to exercise discretion when it came to finding information about others. About 51% of them said they were comfortable or very comfortable looking into the private lives of celebrities, and 75% admitted they had sought such information; more than 80% said they were comfortable or very comfortable seeking information about the private lives of political public figures and 67% said they had done so. And 60% were comfortable making similar inquiries of fellow students with 49% admitting they had done so. Discretion moved a bit more to the forefront when gossip websites such as juicycampus.com were the focus: 56% said they were uncomfortable or very uncomfortable with such postings and only 33% admitted they had visited such sites.

Perhaps most importantly, these students were willing to provide personal information only in specific instances and in return for goods that had clear monetary and personal value. When asked if they would trade personal information such as their medical records, cell phone records, e-mail address, or the results of a urine test for certain goods and services, the majority of students agreed to such a trade only to be linked with someone who might have a job for them, to receive a job offer or to obtain an accurate medical diagnosis. Students were willing to provide their birthdate in a few more instances: finding others with whom they had gone to high school, boarding an airplane, or getting news or advertising content. But, when the domain became the networked world of Facebook and Myspace, a majority of the students were unwilling to trade access for any good or service. Again, it should be noted that this leaves substantial minorities of students willing to undertake such a trade-off.

Finally, and in some contradiction to the previous results, a majority of the students (55%) said they only infrequently provided bogus information about themselves to gain access to a website, 67% said they had searched for information about themselves online and 61% said they had searched for information about others online. About 72% of the students said they did online banking. Phrased less positively, more than half of the students surveyed said

they had deliberately provided inaccurate information about themselves in order the gain access to certain websites.

These descriptive and sometime contradictory results suggest that these students understand privacy in multiple dimensions. Emotion, sometimes strong emotion, is clearly attached to many of the choices.

Certain sorts of life experiences did not appear to influence these decisions, despite some of the literature about internet use. General media use, including the amount of time students spent on the computer, had no statistically significant impact on how the students viewed privacy, specifically their comfort levels with providing certain sorts of information. Neither did whether the student had actually engaged in a particularly activity. The notion that once students adapted to a particular technology or were required to perform a specific task (for example, providing a urine sample in order to obtain a job) which would "condition" them to accept the process received no support. Engaging in an activity did not impact how comfortable or uncomfortable the respondent felt about revealing certain sorts of private information.

A factor analysis of the responses also revealed that student responses differed significantly for different—but related—activities. In a factor analysis, providing tax records, medical records, filing income tax, and undergoing a criminal background check provided one factor (Cronbach's alpha .768) while activities regarding Facebook and MySpace loaded into a separate factor (Cronbach's alpha .768) and providing medical records to insurance companies and to other doctors for treatment a third (Cronbach's alpha .719). The students also viewed getting information about the private lives of celebrities and public people as a separate factor (Cronbach's alpha .763), but that factor did not include posting information about themselves or the private lives or other students.

Student thinking about commercial activities involving the web also constituted a separate factor: online purchases, sales records being shared with other websites, storing cookies on a computer, iTunes history, and having both the U.S. government and corporations "see" a web shopping history loaded on to one factor (Cronbhach's alpha .802) while giving government and corporations access to all net and phone history another (Cronbach's alpha .798), while

providing various entities, from friends to employers with e-mail access yet another factor (Cronbach's alpha .763).

Finally, a thematic analysis to the open-ended questions suggested that the most common ways of defining privacy included notions of both control and sharing. For example, 37 of those who responded said that privacy was personal and confidential, involving issues of safety, harm and secrecy. An additional 25 students defined the term as "control" and another 23 defined the term as including "knowledge". Other students defined privacy as something they granted to others, using words such as "share" (15 respondents), access (13 respondents), approval, attention, belong and trust (1 each). These lay definitions certainly match the traditional philosophical approach to the concept, focusing as they do on control over information and the context in which it is understood. Connecting theory to real life: The millennial view

The results of this privacy inventory should provide both comfort and consternation to scholars with a traditional view of the term. The respondents to this instrument clearly saw privacy as something valuable to them. Despite the fact that many of them have had to "give up" some measure of privacy in certain contexts—for example, getting employment—they were still uncomfortable with some of the tradeoffs. Control of information about the self—and a self defined robustly to include economic, political and social activities—remains the core of the concept, at least for these young people.

The respondents were willing to engage in deceptive activities, providing incomplete or erroneous information about themselves to gain access to websites, to maintain some measure of control. While such deceptive activity could be analyzed solely as a form of "bad behavior", when coupled with the levels of emotional comfort and discomfort some activities provoked, a more realistic interpretation may be that, in some cases, respondents may have found privacy important enough to them that they chose to act in ways they normally might not in order to protect it. This level of "bad behavior" replicates the findings of other studies. And, it certainly has implications for any web-based activity, for example behavioral marketing, that is predicated on accurate information being provided in order to profile potential consumers. Finally, since more than half the students rated themselves as "web savvy", the deception may also reflect that

some of these students understood the technological predisposition for openness and concluded that the only way to protect themselves in this "open" environment was to provide some inaccurate information about themselves on the web. In a survey of this sort, it is impossible to know precisely what the students were thinking, but the notion of protecting themselves from institutions they perceived as powerful also has ethical implications. For example, Bok (1978) has noted that one justification for lying is the protection of self or others from entities that have the power to do great harm.

The fact that for these students privacy was not readily "given" away also lends support to the notion of privacy as a contested commodity. Students were willing to trade away privacy for some goods and services—particularly those related to employment or potential employment. But, they remained leery of providing private information, for example their e-mail addresses, for many, many potential benefits, including some social networking activities. Thus, for these students, privacy was only incompletely valued by a market transaction. Some elements of private information were simply too valuable to relinquish; others sorts of information were given up only for significant monetary return.

In addition, corporations were generally viewed as skeptically as government when it came to obtaining private information. Since the concept of contested commodities is one way of thinking about the demand for and potential need for government regulation of certain activities, the responses from this group of students would suggest that some regulation of corporate activities in regard to the collection and sharing of private information about individuals might not meet with a great deal of opposition. The students had relatively little faith in a corporation's ability to self-regulate; similarly, they wanted control over when and how their private information was used. Indeed, corporations and government were viewed as very similar, and equally problematic, on the question. The student responses provide evidence of a "thick" conceptualization of the self that needs some protection from both government and corporate intrusion. Acceptance of potential regulation, particularly regulation that might address the default standard of "openness" on the web or a requirement that individuals be consulted before their private information is sold or shared is a real possibility for this generation of students. These findings set up a real

conflict with many in web-based activities who have asserted that privacy no longer matters and that corporations particularly should be allowed to self regulate.

But, intrusion was really only one element of thinking about privacy. The students expected different qualities of privacy for different sorts of activities. Thus, placing private information on Facebook was viewed very differently—and much more positively—than providing records of various sorts to government or corporate entities. Protection from intrusion does not as readily explain these responses—nor the qualitative responses that suggested privacy could be defined as "belonging" and "sharing".

To explain this second element of thinking about privacy—one which arises somewhat organically from the results of the factor analysis paired with the qualitative responses—we have developed the concept of spheres of belonging. While not a radical departure from Westin's concept of "circles of intimacy", spheres of belonging has a communitarian, as opposed to rightsbased, theoretical foundation. It is meant to connote that in daily life, privacy is something that people grant one another just as much—and perhaps more often—than they seek to protect it from powerful outside entities. What people create from this approach is human intimacy and connection. Spheres of belonging places communities of interests and activities at the center of the privacy concept. Furthermore, individuals can expect varying qualities of privacy—and hence protection—in differing spheres. Some spheres may be more closely held, and hence under more individual or regulatory control, than others, but all intersect in some area of the privacy web the activities of daily life creates. Furthermore, belonging has a deliberately emotional quality. It is emotion that sustains both intimacy and the desire to protect it. Finally, spheres is meant to connote an individual within a community—a literally holistic portrait of the self.

Just as in the networked world where users move in and out of a variety of structures—Facebook to RSS feeds to face-to-face conversation—with ease, the respondents in this study appeared willing to move among spheres of belonging depend on individual interests and needs. The spheres cohere around certain common activities for this group, and the understandings about what constitutes

privacy within each sphere appear to be somewhat broadly shared. Technology plays a role here, but not a deterministic one. Instead, technology becomes one element in how an individual creates and sustains a sphere of belonging.

For the millennial generation, privacy has become a far more complicated concept than the notions of rights-based privacy invasion that dominated law and regulation during the 20<sup>th</sup> century. In this century, privacy is negotiated—among individuals and institutions—for different goods and benefits. But privacy is also negotiated in the sense of navigating a complicated path to a specific end. That navigation, despite commercial interests, could certain include some sorts of government regulation. A thick theory of the self suggests that protection from invasion and the ability to create spheres of belonging are two sides of the same privacy coin. The concept of spheres of belonging places philosophy on an equal footing with law and regulation when it comes to understanding the term.

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# 

Please respond to the following questions by circling the answer that most closely reflects your opinion. Your answers will remain confidential—in fact, we are not asking for your name. You may stop completing the questionnaire at any time. Results of this inventory will be reported in the academic literature. If you have questions about this study, please contact {Name withheld for purposes of blind review}.

People differ in how they feel about sharing information about themselves when it is appropriate. Sometimes they feel very uncomfortable about sharing such information, other times they feel very comfortable. On a scale of 1 to 5 with 1 being very uncomfortable and 5 being entirely comfortable, please tell us how you feel about the following situations:

Putting a lot of information about yourself on your Myspace page:								
	1	2	3		4		5	
Putting a lot of information about yourself on your Facebook page								
	1	2	3		4		5	
Providing ye	our income ta	x records to o	btain fii	nancia	l aid			
	1	2	3		4		5	
Have you ev	ver been in thi	s situation:		yes		no		
Providing ye	our parents' i	ncome tax rec	ords to	obtain	financi	al aid		
	1	2	3		4		5	
Have you ev	ver been in thi	s situation:		yes		no		
	ned (either you	ı or your lugg	gage) at	the air	rport be	fore bo	oarding a	
plane	1	2	3		4		5	
Have you ev	ver been in thi	s situation:		yes		no		
Providing a	birth certifica	te to obtain a	driver's	licens	se or pas	ssport		
	1	2	3		4		5	
Have you ever been in this situation: yes no								

Providing a	a urine sample	e as a job requ	irement			
	1	2	3	4	5	
Have you e	ever been in th	is situation:		yes	no	
Go through	n a criminal ba	ckground che	eck:			
	1	2	3	4	5	
Have you	ever been in th	is situation:		yes	no	
Sharing yo	ur medical rec	ords with you	ır insura	nce company	?	
	1	2	3	4	5	
Have you e	ever been in th	is situation:		yes	no	
Releasing r personal pl	nedical record nysician?	s in cases of e	mergen	cy to doctors	who are not y	our
	1	2	3	4	5	
Have you e	ever been in th	is situation:		yes	no	
Allowing y	our health rec	ords to be pla	ced onli	ne:		
	1	2	3	4	5	
Filing (eith governmer	er electronical ıt	ly or in hard o	сору) уо	ur income tax	with the	
	1	2	3	4	5	
	out the details gnancy or Mil			f celebrities sı	ıch as Jamie l	Lynn
	1	2	3	4	5	
Do you rea	d/watch/liste	en to stories of	this sor	rt?	Yes	No
Hearing the or Sarah Pa	e details of the llin?	e private lives	of publi	c people such	as Michelle	Obama
	1	2	3	4	5	
Do you rea	d/watch/liste	en to stories of	this sor	't?`	Yes	No

Learning the details of the private lives (not involving sex) of your fellow students, for example treatment for mental health issues, embarrassing financial situations, etc.								
	1	2	3	4	5			
Do you read	/watch/liste	n to stories or	web posts of	this sort?	Yes No			
Sites where people post information about themselves or others anonymously, such as PostSecret or juicycampus.com?								
	1	2	3	4	5			
Do you visit	these sites?		Yes	No				
How do you	ı feel about er	nployers havi	ng access to y	our e-mail?				
	1	2	3	4	5			
How do you mail:	ı feel about th	e university h	aving access	to the content	s of your e-			
	1	2	3	4	5			
How do you mail?	ı feel about yo	our parents ha	ving access to	the contents	of your e-			
	1	2	3	4	5			
How do you	ı feel about yo	our friends ha	ving access to	the contents	of your e-mail?			
	1	2	3	4	5			
How do you home?	ı feel about th	e university n	nailing inforn	nation to your	parents'			
	1	2	3	4	5			
How do you phone recor		ving the US g	overnment ha	aving access to	o your cell			
	1	2	3	4	5			
	ı feel about gi ur cell phone	ving a corpor records?	ation other th	an your phon	e company			
	1	2	3	4	5			

How do you sites you vis		ving the US g	overnment ac	cess to record	s of the web				
	1	2	3	4	5				
		ving the US g ie rental reco		cess to your o	nline shopping				
	1	2	3	4	5				
			ation (such as veb sites you		newspaper or				
	1	2	3	4	5				
How do you feel about a website that stores cookies on your computer. (Cookies let a website know when you've visited, allow you to log in, and keep track of your preferences.)									
	1	2	3	4	5				
	feel about in where you bu		out your onlin	e purchases b	eing recorded				
	1	2	3	4	5				
			information al sic they can se						
	1	2	3	4	5				
			lected about v the corporatio						
	1	2	3	4	5				
customers so and needs. I information willingly sha not give out	o they can tar n return, wha People feel c are informatic personal data	get them with it people have lifferently abo on if they can a. For each of	ng more direct advertising not that companiout sharing the get something the examples uld be willing	nost relevant is per les want is per eir information g back, others below, for exa	to their wants rsonal n. Some would rather ample your				

## Your birthdate

I'd accept a small monetary award	
I'd agree to get linked with those who might have a job for me	.1
I'd agree to get linked with those who graduated from my high school	the
vear I did	
I'd agree to get a job offer I'd agree to be able to board an airplane	
I d agree to be able to board an airpiane	
I'd agree to get news about topics that interest me	• •
<ul><li>I'd agree to get advertising about products and services of interest to m</li><li>I'd agree to be informed about future sales at stores you patronize</li></ul>	ie
I'd agree to be informed about future sales at stores you patronize I'd agree to make sure my doctor can properly diagnose and treat me	
I d agree to make sure my doctor can properly diagnose and treat me	
Access to your medical records	
I'd accept a small monetary award	
I'd agree to get linked with those who might have a job for me	
I'd agree to get linked with those who graduated from my high school	the
vear I did	
I'd agree to get a job offer	
I'd agree to be able to board an airplane	
I'd agree to get news about topics that interest me	
I'd agree to get advertising about products and services of interest to m	ıe
I'd agree to be informed about future sales at stores you patronize I'd agree to make sure my doctor can properly diagnose and treat me	
I'd agree to make sure my doctor can properly diagnose and treat me	
Taking a urine test for drug screening	
I'd accept a small monetary award	
I'd accept a small monetary award I'd agree to get linked with those who might have a job for me	
I'd agree to get linked with those who graduated from my high school	the
vear I did	
I'd agree to get a job offer	
I'd agree to be able to board an airplane	
I'd agree to get news about topics that interest me	
I'd agree to get advertising about products and services of interest to m	ıe
I'd agree to be informed about future sales at stores you patronize	
I'd agree to make sure my doctor can properly diagnose and treat me	
Taking an on-line survey where you shop	
I'd accept a small monetary award	
I'd agree to get linked with those who might have a job for me	
I'd agree to get linked with those who graduated from my high school	the
rear I did	
I'd agree to get a job offer	
I'd agree to get news about topics that interest me	
I'd agree to get advertising about products and services of interest to m	ıe

I'd agree to be informed about future sales at stores you patronize I'd agree to make sure my doctor can properly diagnose and treat me
Your e-mail address
I'd accept a small monetary award I'd agree to get linked with those who might have a job for me I'd agree to get linked with those who graduated from my high school the
year I did
<ul> <li>I'd agree to get a job offer</li> <li>I'd agree to be able to board an airplane</li> <li>I'd agree to get news about topics that interest me</li> <li>I'd agree to get advertising about products and services of interest to me</li> <li>I'd agree to be informed about future sales at stores you patronize</li> <li>I'd agree to make sure my doctor can properly diagnose and treat me</li> </ul>
Your phone number (either land line or cell)
I'd accept a small monetary award I'd agree to get linked with those who might have a job for me I'd agree to get linked with those who graduated from my high school the year I did
I'd agree to get a job offer
I'd agree to get a job offer  I'd agree to get news about topics that interest me  I'd agree to get advertising about products and services of interest to me  I'd agree to be informed about future sales at stores you patronize  I'd agree to make sure my doctor can properly diagnose and treat me
A link to your Facebook page
I'd accept a small monetary award I'd agree to get linked with those who might have a job for me I'd agree to get linked with those who graduated from my high school the year I did
<ul> <li>I'd agree to get a job offer</li> <li>I'd agree to be able to board an airplane</li> <li>I'd agree to get news about topics that interest me</li> <li>I'd agree to get advertising about products and services of interest to me</li> <li>I'd agree to be informed about future sales at stores you patronize</li> <li>I'd agree to make sure my doctor can properly diagnose and treat me</li> </ul>
A link to your Myspace page
I'd accept a small monetary award I'd agree to get linked with those who might have a job for me I'd agree to get linked with those who graduated from my high school the year I did I'd agree to get a job offer
I d agree to get a job offer

I'd agree to be able to bound i'd agree to get news about i'd agree to get advertising i'd agree to be informed i'd agree to make sure means in the sure in the su	out topics that interes ng about products an about future sales at	nd services stores you	u patronize	
Do you do on-line banking?		Yes	No	
Have you ever provided false in	nformation about you	arself to a	ccess a webs	ite:
Never	Infrequently			Often
Have you ever searched for info	ormation about yours	self online	??	
Never	Infrequently			Often
Have you ever searched for info	ormation about other	s online?		
Never	Infrequently			Often
If you answered infrequency kind of information about contact info, photos, profiprofile, public records su	ıt others have you se fessional accomplishi	arched for ments, soo	r? (for examp cial networki	ole,
Do you maintain more than o your computer or yourself?	ne e-mail address to	o control	electronic ac	ccess to
Yes		No		
Have you ever used software to	hide your identity o	on-line?		
Yes		No		
Before you came to college, did	you parents monitor	your on-	line activity?	,
Yes		No		
If you answered yes to the you felt about that?	ne previous question,	could yo	u please tell	us how

# On a scale of 5 being strongly disagree and 1 being strongly agree, how do you feel about the following:

Government (either Congress of my state legislature) should require corporations to tell me anytime they collect personal information about me:

1 2 3 4 5

Corporations will police themselves about sharing the personal information they collect about me:

1 2 3 4 5

I should be able to control how my personal information is gathered and used by people who want to sell me things.

1 2 3 4 5

I think of myself as pretty savvy about how my personal information is used on the web.

1 2 3 4 5

Please tell us, when you think about the concept "privacy" what does it mean to you?

Please tell us, when you think about the concept of "privacy" on the internet, what does it mean to you?

What should we have asked about in this survey that we did not?

Now we'd like to know how often you consume the following types of media content (see examples below). For each type listed, tell us how many days you use media in that way in a typical week by placing an "X" in the appropriate box.

"X" ONLY ONE BOX FOR EACH STATEMENT	OX FOR EACH STATEMENT NUMBER OF DAYS IN THE TYPICAL Y			WEEK				
	None	<u>1</u>	2	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	7
News satire programming (Daily Show, Colbert Report)	<b>O</b> 0	<b>O</b> 1	<b>O</b> 2	<b>O</b> 3	O 4	<b>O</b> 5	<b>O</b> 6	<b>O</b> 7
National nightly news on CBS, ABC, or NBC	<b>O</b> 0	<b>O</b> 1	<b>O</b> 2	<b>O</b> 3	O 4	<b>O</b> 5	<b>O</b> 6	<b>O</b> 7
Local news about your viewing area (5 pm, 6 pm, or 10 pm)	<b>O</b> 0	<b>O</b> 1	<b>O</b> 2	<b>O</b> 3	O 4	<b>O</b> 5	<b>O</b> 6	<b>O</b> 7
Cable news programs on CNN, FOX, MSNBC	<b>O</b> 0	<b>O</b> 1	O 2	<b>O</b> 3	O 4	<b>O</b> 5	<b>O</b> 6	<b>O</b> 7
Radio news (NPR/Local stations)								

## Negotiating privacy

A print copy of a national newspaper (New York Times, USA Today	<b>O</b> 0	<b>O</b> 1	<b>O</b> 2	<b>O</b> 3	O 4	<b>O</b> 5	<b>O</b> 6	<b>O</b> 7
National newspaper websites (nytimes.com, usatoday.com)	<b>O</b> 0	<b>O</b> 1	<b>O</b> 2	<b>O</b> 3	O 4	<b>O</b> 5	<b>O</b> 6	<b>O</b> 7
A print copy of a local newspaper	<b>O</b> 0	<b>O</b> 1	<b>O</b> 2	<b>O</b> 3	O 4	<b>O</b> 5	<b>O</b> 6	<b>O</b> 7
Local newspaper websites	<b>O</b> 0	<b>O</b> 1	<b>O</b> 2	<b>O</b> 3	O 4	<b>O</b> 5	<b>O</b> 6	<b>O</b> 7
Getting news on your cell phone or other mobile device	<b>O</b> 0	<b>O</b> 1	<b>O</b> 2	О 3	O 4	<b>O</b> 5	<b>O</b> 6	<b>O</b> 7

For <u>each</u> of the following, please place an "X" in the appropriate box to indicate how much time you spend doing each activity <u>on the average day</u>. If you do not spend any time using one of the listed media, "X" the "Don't Use" box for that item.

	Don't <u>Use</u>	Less than 30 <u>min.</u>	30 min. <u>to 1 hour</u>	1-2 hours	2-3 hours	3-4 hours	4-5 hours	5 or more <u>hours</u>
Watching television for entertainment	<b>O</b> 1	<b>O</b> 2	О 3	O 4	<b>O</b> 5	<b>O</b> 6	<b>O</b> 7	<b>O</b> 8
Watching television to find out what's happening	<b>O</b> 1	<b>O</b> 2	О 3	O 4	<b>O</b> 5	<b>O</b> 6	<b>O</b> 7	<b>O</b> 8
Watching television to have something to talk about	<b>O</b> 1	<b>O</b> 2	<b>O</b> 3	O 4	<b>O</b> 5	<b>O</b> 6	<b>O</b> 7	<b>O</b> 8
Reading a newspaper to find out what's happening	<b>O</b> 1	<b>O</b> 2	<b>O</b> 3	O 4	<b>O</b> 5	<b>O</b> 6	<b>O</b> 7	<b>O</b> 8
Reading a newspaper to have something to talk about	<b>O</b> 1	<b>O</b> 2	<b>O</b> 3	O 4	<b>O</b> 5	<b>O</b> 6	<b>O</b> 7	<b>O</b> 8
Using the internet for entertainment	<b>O</b> 1	<b>O</b> 2	<b>O</b> 3	O 4	<b>O</b> 5	<b>O</b> 6	<b>O</b> 7	<b>O</b> 8
Using the internet to find out what's happening	<b>O</b> 1	<b>O</b> 2	<b>O</b> 3	O 4	<b>O</b> 5	<b>O</b> 6	<b>O</b> 7	<b>O</b> 8

Gender		Male					
Age							
Do you own a personal computer? Yes							No
Do you keep any sort of blog/or social networking cite?							No
How many tin	nes a day do	you check yo	our Facebook	page?			
C	)-2	3-5	5-10	10+			
How many tin	nes per day o	do you check	your e-mail?				
C	)-2	3-5	5-10	10+			
Do you watch	"television"	primarily on	your comput	er?		Yes	No
Do you read the newspaper primarily on your computer?						Yes	No
Thank you ver	ry much.						

Negotiating privacy