

SECTION TWO

AIMS

- * To learn how and why privacy came to be valued so highly.
- * To view privacy as a human right.
- * To learn how data protection legislation emerged.

CONCEPTS

- * Rights and Responsibilities.
- * Human Dignity.
- * Law.

ATTITUDES & VALUES

- * Concern for human rights from a privacy perspective.
- * Development of empathy for people materially deprived as a result of privacy abuses.
- * To understand the value of large collections of data, appropriate safeguards and areas for potential abuse.

KNOWLEDGE

- * Plight of Jews in Germany and Nazi-occupied territories during World War II.
- * The purpose of a national census and safeguards in place to protect citizen's data.
- * Role of technological change in the emergence of data protection as a specific set of principles and body of law.

SKILLS

- * Analysis: organisation, collation, enumeration and evaluation of disparate sets of data.
- * Communications: discussion, role play, listening, acting, empathising.

SECTION 2.1

TEACHERS

THE EMERGENCE OF PRIVACY AS A HUMAN RIGHT:

Outline the context below to students.

BACKGROUND

Shortly after Hitler's Nazi regime came to power in Germany in 1933, the government began to compile card catalogues identifying political and racial enemies of the German Reich (State). In twentieth century Germany, Jews were fully integrated into mainstream German society and had gained status as lawyers, physicians, scientists, business people, writers, and professors. However, once Hitler came to power the Jewish people became key targets as one of Hitler's obsessions was the purification of the German race based upon the ideal of the traditional Aryan, blond, blue-eyed, German people. An emphasis on perfection and "The German Race Hygiene Movement"

also led to attention being focused on people with disabilities.

Five thousand children and eighty thousand adults with disabilities are estimated to have been murdered in state hospitals and mental institutions under Hitler's regime.

During World War II, as the German army fought the allied forces and civilians throughout Europe, terrible crimes were also being committed by the Nazi regime against the Jews and Roma. Six million Jews and five hundred thousand Roma are estimated to have died in Europe as a result of World War II, many of them murdered in concentration camps by the Nazis.





SECTION 2.1

TEACHERS

Discuss the following keypoints with students before distributing the information sheet on page 22.

How did the holocaust occur on such a massive scale?

How did the Nazi authorities know exactly who was Jewish?

How were the Jews captured?

How did the Third Reich identify popular Jewish residential areas?

Answer = DATA

DATA WAS USED BY THE NAZIS TO CREATE SOPHISTICATED POPULATION IDENTIFICATION SYSTEMS

CENSUS OF POPULATION

A census is an official count of the population of a country.

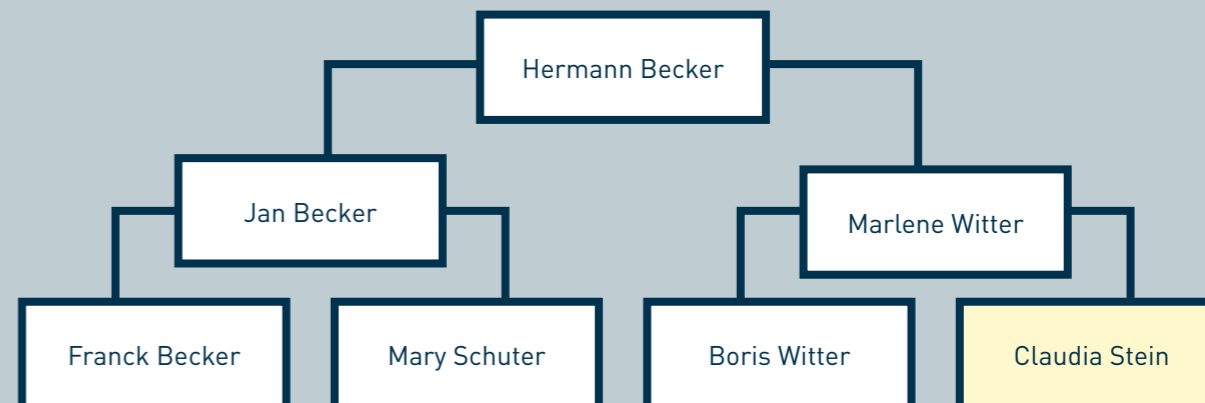
One of the key tools used to identify citizens of Jewish race or descent was the National Census.

The 1939 German census required citizens to identify themselves by both religious affiliation and race. In addition, citizens were asked to provide the religion of all four grandparents so people with any trace of Jewish ancestry could be identified.

SECTION 2.1

STUDENTS

Information sheet for students.



Ultimately, the 1939 census became the basis for a national register of Jews. Within three years, the completed national register

of Jews and Jewish 'Mischlinge' (mixed-breeds) was to provide the basis for Nazi deportation lists.

Population Register

Name	Address	Religion	Racial Jew
Becker, Hermann	11 Weiss Strasse	Lutheran (Paternal grandmother, Claudia Stein, Jewish)	25%

MISCHLINGE

POPULATION IDENTIFICATION SYSTEMS: IDENTITY CARDS:

A combination of data from several different government sources resulted in the distribution of photo identity cards to all inhabitants of the Reich, mandatory under the law of 10

September 1939. Special regulations of 27 September 1939 resulted in the distribution of the now infamous 'J-Cards' for Jews.



SECTION 2.2

STUDENTS

Read the account below.

DEPORTATION

Most of those deported to concentration camps perished in the Holocaust. Similar methods of collecting data on Jews were used in occupied territories such as the Netherlands. Anyone identified as Jewish was subject to a severe curtailment of their freedom on many levels.

A Jewish girl, Anne Frank, was thirteen years old when she wrote in her diary:



After May 1940 good times rapidly fled: first the war, then the capitulation [the surrender of Holland to the Nazis], followed by the arrival of the Germans, which is when the suffering of the Jews really began. Anti Jewish decrees followed each other in quick succession. Jews must wear a yellow star, Jews must hand in their bicycles, Jews are banned from trains and are forbidden to drive, Jews are only allowed to do their shopping between three and five o'clock and then only in shops which bear the placard "Jewish shop." Jews must be indoors by eight o'clock and cannot

even sit in their own gardens after that hour. Jews are forbidden to visit theatres, cinemas, and other places of entertainment. Jews may not take part in public sports. Swimming baths, tennis courts, hockey fields, and other sports grounds are all prohibited to them. Jews may not visit Christians. Jews must go to Jewish schools, and many more restrictions of a similar kind. ... So we could not do this and were forbidden to do that.

Anne Frank: The Diary of a Young Girl

ELSEWHERE...

On the other side of the Atlantic, researchers have recently shown, how the US Census Bureau provided information to American surveillance agencies during World War II. The census data was used to identify people of Japanese ancestry.

SECTION 2.2

TEACHERS

LESSONS LEARNED

People saw the destructive power that information could have in the hands of an evil government and how information gathered for one purpose could be re-used for a wide range of sinister purposes. These extreme examples of census abuse and population identification systems to track minorities for extermination weighed heavily in the minds of those to whom it fell to re-build Europe and to draft declarations of human rights.

This historical background helps us to understand why privacy is today specifically noted as a human right — the post-war lesson of protecting citizens from outside interference is enshrined in Article 12 of the Universal Declaration on Human Rights (1948) (below right) and in Article 8 of the European Convention on Human Rights, (1950) both of which articulate an individual's right to privacy.

Privacy is a Human Right

IDEA FOR ACTION

From your school, library or home PC go to Amnesty International Irish Section (www.amnesty.ie) or the Irish Council for Civil Liberties (www.iccl.ie).

Invite a human rights organisation to your school to give a presentation on human rights and civil liberties. Ask them in advance for some recent examples where human rights with regard to privacy specifically have been infringed upon.

Teachers Note: A possible area for discussion could focus on journalists who attempt to file reports online from a country where freedom of expression or the right to have an opinion is not always acceptable. In such countries, often the government authorities request and receive the journalist's personal details from the internet service provider, enabling them to track down and arrest the journalists in question.

Everyone...
12. Has the right to privacy.

ACTIVITY 1 STUDENTS

Complete the task below

BACKGROUND

All types of data, even your name can reveal aspects about you and your background. Personal data can include:

Name, address, date of birth, parents' names, parents' occupations, religion, ethnic or cultural background, credit union / bank balance, health details, school record, PPS Number, video image, photograph, fingerprint, prescription, record of telephone conversation, exam results, CAO application, mobile phone number, wages, membership of a political party.

Circle items of data requested that you think are unnecessary and not relevant to the situation being described...

1. Job application to work as a part-time lifeguard in local swimming pool for the summer.

Name:
 Address:
 Phone Number:
 Date of Birth:
 Parents Occupations:
 Hobbies:
 Previous Work Experience:

2. A free mobile phone holder offer! Simply complete the label on the back of a well-known mineral drink. The holder will be posted to you as long as you send the correct amount of labels with your entry.

Name:
 Address:
 Mobile Number:
 Email Address:
 Favourite Mineral Drink:

3. A charity is selling tickets for a raffle. You buy one and are asked to complete the following details on the ticket itself:

Name:
 Address:
 Contact Phone No:
 PPS No:
 Ethnic / Cultural Background:

4. Voluntary work in the Parish Centre Library:

Name:
 Address:
 Phone No:
 Religion:

SECTION 2.3 CENSUS IN IRELAND

TEACHERS

AIM

- * To enable students to critically evaluate how the census is conducted in Ireland today.
- * To emphasise the safeguards in place and the duty of confidentiality and anonymity enshrined in legislation.
- * To raise awareness of the dangers of inadequate safeguards or how abuses could occur in situations where extreme conditions prevail.

The organisation that conducts the census in Ireland is the **Central Statistics Office (CSO)**. The **Statistics Act, 1993** constituted the CSO as a statutory body in the Civil Service.

Population statistics are necessary for planning the provision of health care, education, employment, development of critical infrastructure. In addition, the census is also the only means of accurately measuring the exact extent of migration. In terms of personal data supplied there are many safeguards in place in Ireland today to protect the individual and maintain confidentiality.

- * Data gathered on individuals or households cannot be passed onto other state agencies or bodies.
- * Data cannot be used for other purposes e.g. passed onto commercial third parties who wish to contact citizens for direct marketing purposes based upon an analysis of their demographic profile.
- * Information about you and your family's race, religion, lifestyle etc. is uploaded onto the CSO database separately. Names and addresses are not retained as part of the computerised information.

SECTION 2.3 TEACHERS

FOLLOW UP ACTIVITY

Role Play: Devise a scenario in class where it is census night and a citizen is sitting down to fill out the census form. Choose a student to play the citizen and another student to take on the role of the person responsible for collecting the completed forms; the census enumerator. Aside from questions on religion and race, the citizen has issues with some of the other questions being asked, such as the

nature of the occupancy of the household, whether its rented, local authority or owner occupied — see Question H3 on 2006 census form below.

When the census enumerator arrives to collect the form, the citizen and enumerator engage in a debate on the doorstep of the citizen's house. The enumerator must persuade the citizen to complete the remaining questions reminding them of their legal obligations in this respect and reassuring them of the safeguards in place to protect their privacy.

H3 What is the nature of occupancy of your household's accommodation?

✓ one box only.

- 1 Owner occupied where loan or mortgage repayments are being made
- 2 Owner occupied where no loan or mortgage repayments are being made
- 3 Being purchased from a Local Authority under a Tenant Purchase Scheme
- 4 Rented from a Local Authority
- 5 Rented from a Voluntary Body
- 6 Rented unfurnished other than from a Local Authority or Voluntary Body
- 7 Rented furnished or part furnished other than from a Local Authority or Voluntary Body
- 8 Occupied free of rent (caretaker, company official, etc.)

FOLLOW UP ACTIVITY

* From your school, library or home PC go to the CSO website and download a copy of the Census 2006 form - http://www.cso.ie/census/documents/censusform_2006.pdf

* Access the explanations provided by the C.S.O regarding the purpose behind each question — http://www.cso.ie/census/why_all_the_questions.htm Students may assess which questions they feel are the most important and which are the least important.

* Access the explanations provided by the C.S.O regarding new questions appearing for the first time in the census in 2006 - http://www.cso.ie/census/New_Questions.htm Students can decide which new question they feel is the most important or most interesting. *The page opposite contains an excerpt from this web page and explains the background to the introduction of a new question on ethnic group.*

* Ask students what would the implications be if people lost confidence in the C.S.O. and didn't provide the information sought.

IDEA FOR ACTION

* Go to the CSO website www.cso.ie/census/SAPs.htm – and examine the small area population statistics (SAPs). Locate some data relevant to your local area. Analyse what the new statistics mean for your area in terms of future needs. Write an article for the school newsletter or your local paper illustrating your findings. Address the privacy and confidentiality agenda in your analysis. Organise a venue to display the results of your research.

NEW QUESTION 2006 CENSUS

Question 14 - Ethnic group

The results of the pilot survey indicated that there was a high level of acceptance of the question from the public. The categories included in the question were developed in consultation with the Equality Authority, the National Consultative Committee on Racism and Interculturalism and Pavee Point along with relevant departments.

SECTION 2.4 DATA PROTECTION

TEACHERS

There are a number of activities on the following pages. Choose an activity(ies) that is appropriate to your students.

Nazi Germany is an example from the last century of how information on disabilities and racial identity was abused and manipulated to segregate or inflict cruelty upon vulnerable citizens. However, when the human rights declarations and privacy framework emerged in the 1950's, society also began evolving at a rapid pace on a technological scale. The sheer processing power of computers and databases to store, aggregate and manipulate data meant it was eventually necessary for legislation to be introduced to cope with the speed of technological progress. New technologies can undoubtedly create many opportunities

and improvements but they can also create opportunities for more frequent incursions into individuals' private lives.

In order to counteract such threats to privacy steps were taken to control the way in which individuals and organisations could collect and process personal information. In Ireland the principal laws that cover personal information today are the **Data Protection Acts 1988 and 2003**. Irish legislation was introduced on foot of developments in the European Union — mainly a Council of Europe Convention in 1981 and several key EU Directives in 1995 and 2002.

Important: Data Protection legislation does not apply to personal data kept by individuals for recreational purposes or concerned only with the management of their personal, family or household affairs.

What's covered	What's not covered
A company holding a list of names and numbers for commercial purposes.	A list of names and numbers in a personal mobile phone is not covered by the legislation.
A sporting organisation maintaining a spreadsheet of all team members and their contact details.	A list of names in a spreadsheet listing all members of your football team and their contact details so you can contact them to arrange match fixtures is not covered by legislation.
A diary held by a member of An Garda Síochána.	A list of names in your diary detailing names, dates and comments with regard to personal acquaintances is not covered by legislation. [However, a list of names on your web page detailing names, dates and comments with regard to personal acquaintances may be covered by legislation because a social networking site is a public forum].

ACTIVITY 1 STUDENTS

Complete the following questionnaire.

WHO HAS MY INFORMATION?

- * Divide into groups of five.
- * Each group needs to guess what type of information is held by each institution relating to an individual and why.
- * Fill in as many columns as possible .

Organisation	Information Held	Why?
Phone Company		
Bank		
Supermarket		
Department of Social and Family Affairs		
School		
Chemist		
Department of Education and Science		
County Council		
Insurance Company		
Doctor		
Department of Foreign Affairs		
Department of Health and Children		
Gardaí		
DVD Shop		

ACTIVITY 1 TEACHERS

Answers provided below and overleaf are guidelines only.

The aim of Activity 1 was for students to become familiar with institutions that hold their personal details and to try to figure out what information is held by each institution and why.

Once the students start to fill in the columns on their worksheets use the list below to provide assistance to them. Explain to students that for society to function in an organised way it is necessary for organisations to collect and store information on individuals.

Organisation	Information Held	Why?
Phone Company	<ul style="list-style-type: none"> Name Address Telephone number All calls made and received. 	Send a bill. Record of telephone calls.
Bank	<ul style="list-style-type: none"> Debit (ATM) and credit card details Name (need proof e.g. drivers licence, passport) Address Transaction details. 	Need contact details for sending statements. Must track transactions. Money laundering legislation.
Supermarket	<ul style="list-style-type: none"> Loyalty Points Card Name Address Shopping history. 	Send vouchers in the post Marketing - send details about products you may be interested in.
Department of Social and Family Affairs	<ul style="list-style-type: none"> Name Address Date of birth PPS number. 	Claim benefits (e.g. children's allowance)

Organisation	Information Held	Why?
School	<ul style="list-style-type: none"> Name Address Parents contact details Results School Reports Attendance Health details. 	Required to have record of all students. Must be able to contact parents in event of emergency.
Hospital	<ul style="list-style-type: none"> Details of birth X-Ray on file. 	Important to record details of birth, including any complications. Details of visits important to build health record and for diagnosis
Chemist	<ul style="list-style-type: none"> Prescriptions Name Address. 	Trace prescription. May be important to get a record of prescriptions taken in event of reaction.
Department of Education and Science	<ul style="list-style-type: none"> Name. 	Record of numbers in schools. Record of all results. Replacement may be provided if results lost.
County Council – Motor Tax Unit	<ul style="list-style-type: none"> Name Address Car type and registration. 	Car Tax Driver's Licence Details
Insurance Company	<ul style="list-style-type: none"> Name Address Property Insured Car reg., number, make and model Previous insurance history. 	Must have contact details. Must know what is insured. Must calculate risk
Doctor	<ul style="list-style-type: none"> Name Address Parents names. 	Doctor must be able to identify each patient. Record of illnesses helps to form diagnosis and to provide good health care.



Organisation	Information Held	Why?
Department of Foreign Affairs	Passport application form with details of: <ul style="list-style-type: none"> Name Address PPS number. If first passport: <ul style="list-style-type: none"> Birth certificate. 	Must be satisfied that passports are only issued to those that are entitled to them.
Department of Health and Children	<ul style="list-style-type: none"> Name Address Doctor. 	Department tracks immunisation programme
Gardaí	<ul style="list-style-type: none"> Registration plate Name Address. 	Crime prevention and detection
DVD Shop	<ul style="list-style-type: none"> DVD Rental Card Name Address Telephone Number 	Track DVD's

ACTIVITY 2 STUDENTS

Read the following case study and answer the question below.

CASE STUDY

The Data Protection Commissioner received a complaint from a mother who along with her 14 year-old daughter took part in the 2002 Dublin Women's Mini Marathon. A couple of months after the race, the daughter got a letter from a UK company offering her photos of herself taken on the day of the marathon. The photos also appeared on the company's website. The mother complained that she had not given permission to the organisers of the mini-marathon to supply her daughter's name, address and race number to another company or for them to take photos of her daughter.

would later offer photos to the participants. The organisers admitted that participants were not told about this when they signed up for the event.

In this case the organisers obtained the race entrants data for one purpose but then passed it onto a 3rd party who used the details for another purpose i.e. to try and sell race entrants photos of themselves. The organisers agreed to revise their procedures for future events and to give participants an option regarding photos. The photos were taken down from the company's website.



The Office of the Data Protection Commissioner contacted the organisers of the mini-marathon who agreed they had supplied entrants' details to the UK company and had allowed them to take photos on the basis that the company



Do you agree?	Agree	Disagree
The privacy of the race entrants was breached.		
Was the mother's action correct or was it over the top?		
Was the situation made worse by the fact that under 18's were involved and their pictures featured on the website?		
Would the organisers have been in a better position if they had asked entrants on the entry form could they pass their details on to a company who they had engaged to take photos on the day?		
Do you think the organisers knew the company would also publish race participants photos on the company's own commercial website?		

ACTIVITY 3 STUDENTS

You may be surprised to discover that there are a number of ways your privacy can be affected on a daily basis. It is important to be able to tell the difference between an intrusion or infringement of your privacy and a normal social interaction.

* Divide up into groups of four. Each group should read the questions below and tick which activities that could be an infringement of your privacy and which activities you think are normal (even though they may be unwanted). There are no right or wrong answers. This exercise is simply to make you think about what you consider acceptable.

Which of the following do you think could be considered to be an intrusion of your privacy?	Yes ✓	No ✓
1. A telephone company calling during dinner to try to get you to change over to their company.		
2. A mobile phone company sending you texts trying to get you to sign up for ring-tones.		
3. A telephone call from your friend's cousin to ask where you bought your new top.		
4. A CCTV camera facing the entrance to a toilet in a fast food restaurant.		
5. A text from your parents asking when you will be home.		
6. A fourteen year old receiving a letter from a bank offering her a credit card.		
7. An email from a hotel that your family stayed in 6 years ago letting you know about a special offer.		
8. A rule in another school that you must provide a fingerprint when you visit.		
9. A photograph of you alone published without your permission in a poster advertising a fun-run.		
10. Your doctor discussing your medical history in the reception area of the clinic.		

Which of the following do you think could be considered to be an intrusion on your privacy?	Yes ✓	No ✓
11. Your photograph uploaded on the internet without your consent.		
12. Your employer leaving details of the salaries of workers on the counter.		
13. Your personal details (name, address, telephone number) appearing on a website as posted by you.		
14. A travel company passing on your families details to a credit card company.		
15. A text from a friend of a friend asking you to a party.		

FOLLOW-UP ACTIVITY

When this exercise is corrected ask students to think of examples of ways in which their privacy has been affected even though they did not realise it at the time.