

Interpreting Privacy Harms from a Non-Economic Perspective

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Abstract : With increased Internet Communication Technology(ICT), the virtual world has become the new normal. At the same time, there is an unprecedented collection of massive amounts of data by both private and public entities. Unfortunately, this increase in data collection has been in tandem with an increase in data misuse and data breach. Regrettably, the majority of data breach and data misuse claims have been unsuccessful in the United States courts for the failure of proof of direct injury to physical or economic interests. The requirement to express data privacy harms from an economic or physical stance negates the fact that not all data harms are physical or economic in nature. The challenge is compounded by the fact that data breach harms and risks do not attach immediately. This research will use a descriptive and normative approach to show that not all data harms can be expressed in economic or physical terms. Expressing privacy harms purely from an economic or physical harm perspective negates the fact that data insecurity may result into harms which run counter the functions of privacy in our lives. The promotion of liberty, selfhood, autonomy, promotion of human social relations and the furtherance of the existence of a free society. There is no economic value that can be placed on these functions of privacy. The proposed approach addresses data harms from a psychological and social perspective.

Keywords : data breach and misuse, economic harms, privacy harms, psychological harms

Conference Title : ICTIL 2022 : International Conference on Technology and Internet Law

Conference Location : London, United Kingdom

Conference Dates : January 21-22, 2022