



April 20, 2009

We're losing our right to privacy

By Victoria Middleton

Police surveillance cameras have begun to appear in the Charleston metro area, and more are promised as soon as funding is secured. Medical databases at South Carolina hospitals are expanding, in some cases, without sufficient security or data sharing protections. A state law recently passed will allow police to collect DNA from arrestees, sanctioning the presumption of guilt rather than innocence.

A gradual weakening of our Fourth Amendment privacy rights has been under way for decades, speeded up in the name of security in recent years. We may not be on the verge of becoming a surveillance society like that envisioned by George Orwell, but a combination of lightning-fast technological innovation and the erosion of privacy protections threaten to insert the pervasive presence of Big Brother into our daily life. In South Carolina, surveillance cameras, linked medical databases and "criminal" DNA databases are the latest examples of this trend, and we as individuals should be vigilant about the threat they pose.

Lowcountry police have been working to install surveillance cameras in key urban areas for over a year. They claim the cameras will be a vital tool for pursuing suspects and solving crime, despite the evidence that they don't deter it. The impulse to blanket our public spaces and streets with video surveillance is misguided both because it will make us no safer but it will make us less free. Surveillance systems, once installed, rarely remain confined to their original purpose. Once in place, the imperative to make the pricey systems work will become overwhelming, and the monitoring of citizens in public places will become pervasive.

The expansion of medical databases is another worrying trend in our state. Medical information is arguably the most personal and private source of data about us. The ability of an individual to exercise control over the collection, maintenance and use by the government or commercial entities of his or her sensitive personal information is central to personal integrity and human dignity.

The relentless commercialization of health information through the health IT industry has also led to the breakdown of some longstanding traditions, such as doctor-patient confidentiality. Citizens share some of their most intimate and embarrassing secrets with their doctors, believing that their conversations are confidential. Yet those details are routinely shared with insurance companies, researchers, marketers and employers, particularly if patients are not fully aware of what they have signed away "consent" to.

Last year, the South Carolina Legislature passed a bill to dramatically expand the power of police to collect and store DNA from persons merely arrested for, and not yet convicted of, a crime. DNA databanks across the country are expanding unchecked to include innocent persons and relaxed standards for profiling and matching. These practices turn the fundamental tenet of "innocent until proven guilty" on its head while doing nothing to make us safer. This trend is resulting in increased backlogs at crime labs, diminishing returns to law enforcement, and threats to privacy and civil liberties.

South Carolina was astute enough to be one of the first states to opt out of the Real ID Act in 2007, but 38 less fortunate states must face the real nightmare of implementing a national ID card starting in 2010. Their residents can look forward to huge administrative burdens and higher fees at the DMV, an increased risk of identity theft, and the expansion of a "show us your papers" society.

The Fourth Amendment is in desperate need of a revival. The reasonable expectation of privacy is becoming increasingly narrow as technology advances to allow more convenient and more expansive government surveillance. We as individuals bear the responsibility of ensuring that our values and our way of life remain intact, and we owe it to future generations to preserve the right of privacy that keeps our society free.

Additional Facts

Victoria Middleton is executive director of the ACLU South Carolina National Office that is based in Charleston. Write to her vmiddleton@aclu.org.
