

Cambridge University Press 978-1-107-18600-2 — Privacy as Trust Ari Ezra Waldman Index More Information

## Index

Alfino, Mark, 27 Allen, Anita, 16 Armstrong, Pamela, 57 Assumption of risk, 68 Balkin, Jack, 8, 78, 79, 85, 86, 87, 88, 91, 146 Ball, Donald, 16 Bamberger, Kenneth, 86 Barrymore v. News Group Newspapers, 116, 119 Bates, Alan P., 18, 24, 27 Baxter v. COBE Laboratories, 124, 126, 129 Beachcombers v. WildeWood Creative Products, 124, 126, 129, 130 Benn, Stanley, 27 Bernhardt v. Collezione Europa USA, 126, 128, 120, 131 Bloustein, Edward, 26 Bok, Sissela, 16 Brandeis, Louis, 11, 15, 16, 18, 45, 69, 94, 95, 119, 121, 132, 139 Breach of confidentiality, tort of, 114-19 and the First Amendment, 121 Breazeal, Cynthia, 137, 145, 146 California Online Privacy Protection Act

Acquisti, Alessandro, 32, 55

(CalOPPA), 81, 82, 61
Calo, Ryan, ix, 135, 136, 137, 138, 140, 141, 143
Children's Online Privacy Protection Act
(COPPA), 80, 81
Citron, Danielle Keats, ix, 86, 108, 109, 110, 113, 139
Coeckelbergh, Mark, 142
Cohen, Jean, 20, 29, 124
Cohen, Julie, 19, 25, 27, 32, 38, 139
Culnan, Mary, 57

Darling, Kate, 143, 145, 146 Dey v. Sunovision Pharmaceuticals, 126, 129 Diekema, David, 24 Doe v. Methodist Hospital, 98–99, 106 Duran v. Detroit News, 98, 104, 105 Durkheim, Emile, 23, 68, 109

Egbert v. Lippmann, 125 Eli Lilly & Co., 82 Elizabeth v. Pavement Company, 123 Eolas Technologies v. Microsoft, 129 Etzioni, Amitai, 70

Facebook

and cues of trust, 56-57 and data collection, 32 study of user sharing behavior, 58-60 Fair Information Practices Principles (FIPPs), 30,80 Family Educational Rights and Privacy Act (FERPA), 20 Federal Trade Commission (FTC) and enforcement of notice-and-choice, 82-83 and social robots, 147 and trust, 92 Foucault, Michel, 6 Fourth Amendment and misplaced trust, 150 and the spatial analogy of privacy, 18-19 and the Third Party Doctrine, 150 Franks, Mary Anne, 19, 108, 110 Fried, Charles, 30

Gavison, Ruth, 18, 27 Gerety, Tom, 21

Future of Privacy Forum, 50



Cambridge University Press 978-1-107-18600-2 — Privacy as Trust Ari Ezra Waldman Index More Information

206 Index

Gerstein, Robert, 20 Gill v. Hearst Publishing Company, 68, 138 Gilles, Susan, 120 Goffman, Erving, 17, 18, 22, 23, 24, 30, 34, 35, 37, 38, 39, 40, 41, 43, 44, 105, 117, front stage/back stage, 17-18 Presentation of Self in Everyday Life, 23-24 Gramm-Leach-Bliley Act, 80, 81 Granovetter, Mark, 54, 102 Grimmelmann, James, 56, 89, 119 Grindr, 53, 118 Griswold v. Connecticut, 21 Grossklags, Jens, 55 Harcourt, Bernard, 67 Hartzog, Woodrow, 61, 62, 69, 74, 75, 83, 89, 92, 114, 115, 137, 138, 142, 146, 151 Health Insurance Portability and Accountability Act (HIPAA), 21, 80, 81 HIV, 3, 20, 24, 44, 53, 98, 100, 103, 105, 106 Honeywell v. Universal Avionics Systems, 130 In re Frostwire, 82, 83, 147 In re GeoCities, 82 In re JetBlue Privacy Litigation, 18 In re Northwest Airlines Privacy Litigation, 68 In re Snapchat, 88-89 In re Sony BMG Music Entertainment, 83, 147 Information fiduciaries, 85-88 Inness, Julie, 20, 21, 30, 124 Ishiguro, Hiroshi, 141, 143 John, Leslie, 32, 55 Johnston v. Fuller, 98 Jourard, Sidney Marshall, 57 Kant, Immanuel, 6, 14, 15, 25, 26, 27, 29, 135 Kateb, George, 27, 159 Kerr, Orin, 19 Konvitz, Milton, 17 Korsgaard, Christine, 15 Laufer, Robert, 16 Lawrence v. Texas, 21 Lessig, Larry, 18, 112 Litman, Jessica, 62, Locke, John, 6, 14, 15, 18, 20, 25, 26, 27, 29, 135

MacDorman, Karl, 141, 143 MacKinnon, Catherine, 71 Martin, Kirsten, 50, 150 Matthews, Steve, 30, 124 Maxwell, Robert, 17 Mayes, Randolph, 27 McClurg, Andrew, 117 McCormick v. England, 111 Merton, Robert, 6, 35, 37, 38, 40, 41, 43, 44 MIT v. Harman International Industries, 126 Mourey, James A., x, 143, 144, 145, 150 Mulligan, Deirdre, 86 Multimedia WMAZ, Inc. v. Kubach, 100, 103 Nader v. General Motors, 98 Nader, Ralph, 22, 98, 99, 124 National Research Development Corp. v. Varian Associates, 131 Nissenbaum, Helen, 6 Notice-and-choice, 30-31, 62, 79, 80, 82, 83, 84, 85, 88, 139, 146 critiques of, 83-85 O'Brien, David, 16 Obergefell v. Hodges, 21 Olmstead v. United States, 18, 19 Pasquale, Frank, 28, 41 Pavesich v. New England Life Insurance Company, 95 Posner, Richard, 24, 71 Post, Robert, 3, 35, 39 Privacy and data analytics, behavioral targeting, 62-64 and social networks, 41-43, 101-5 and social value, 35-37 and trust, 61 as a social form, 37-39 as autonomy, 29-33 as contextual integrity, 43-44 as freedom for, 26 as freedom from, 13 as intimacy, deviance, 19-24 as personhood, 26 as separation, exclusion, 15-19 critiques of, 70-71 from a social perspective, 34 rights-based definitions, 13-23 Privacy torts, 94-96

Loewenstein, George, 32, 55, 57

129, 131, 192, 197

Lough v. Brunswick Corporation, 124, 125, 126,



Cambridge University Press 978-1-107-18600-2 — Privacy as Trust Ari Ezra Waldman Index More Information

Index 207

Pronova BioPharma Norge As v. Teva Stephens v. Avery, 116 Pharmaceuticals, 127 Strahilevitz, Lior, 35, 42, 43, 93, 97, 98, 101, 103, Prosser, William, 95, 96, 109 104, 105, 106, 107, 111, 130 Public use bar, 122 Strandburg, Katherine, 135 Sunstein, Cass, 70 Rachels, James, 40, 41, 42 Rawls, John, 29 Target, 63, 64, 84, 138 Trust, 164, 165, 168, 170, 175, 201, 202 Reiman, Jeffrey, 18 Revenge porn and Apple, 49 and copyright law, 112-13 and Facebook, 49, 56-57 and information fiduciaries, 85-88 and experienes of victims, 109-10 and the LGBTQ community, 110, 118-19 and previously disclosed information, 107 and privacy law, 75 and the tort of breach of confidentiality, 114-19 and reciprocity, 53-54 and trust, 113-14 definitions, 108 and revenge porn, 108, 113-14 Richards, Neil, 27, 61, 62, 69, 74, 75, 95, 114, 115, and sharing, 58-60 and sharing on Facebook, 58-60 116, 121 Right to Financial Privacy Act, 20 and social cues, 52-53 Roberson v. Rochester Folding Box and social robots, 147 and the public use bar, 122 Company, 94 Roe v. Wade, 21 and transference, 54 Rosen, Jeffrey, 17, 20, 28 and use by Facebook, 92 Rykwert, Joseph, 17 definition of, 51-52 development of, 52-54 Sandeen, Sharon, 96 Turkle, Sherry, 140 Sanders v. American Broadcasting Tverdek, Edward, 41, 42 Company, 99 United States v. Jones, 65 Scheppele, Kim Lane, 22 Secrecy paradigm, 22, 40, 41, 72, 73, 93, 97, 125 Shils, Edward, 16 Vaughan, Diane, 22, 158 Simmel, Georg, 17, 34 Video Protection Privacy Act (VPPA), 20 Sipple v. Chronicle Publishing Company, 97 Sipple, Oliver, 22, 97, 99, 124 Warren, Samuel, 11, 15, 16, 18, 45, 69, 94, 95, Skinner-Thompson, Scott, 20, 69 119, 121, 132, 139 Smith v. Maryland, 65 Westin, Alan, 30, 87, 124 Snapchat, 89 Westlund, Jacqueline Kory, 145, 146 Social robots White, Howard, 16, 20 and rights-based definitions of privacy, Williams, Raymond, 17 Wolfe, Maxine, 17 137-39 as information collectors, 138-39 definitions, 136-37 Xerox v. 3Com, 129 Solove, Daniel J., 18, 20, 22, 28, 30, 32, 35-37, 40, 43, 72, 83, 86, 89, 92, 95, 97, 111, 115, 116, Y.G. v. Jewish Hospital, 100, 103, 106, 107 121, 125, 139, 146 Spokeo v. Robins, 70 Zittrain, Jonathan, 8, 30, 87, 88, 122, 124, 132