

## Contents

---

	<i>List of Figure and Tables</i>	<i>page</i> x
	<i>Acknowledgements</i>	xi
1	Introduction	1
1.1	The Book's Thesis	2
1.2	The Book's Coverage	5
1.2.1	Part I: The Collected World	5
1.2.2	Part II: Information Privacy Law's Concepts and Application	7
1.2.3	Part III: Information Privacy Law for a Collected Future	8
1.2.4	A Smart, Collected or Modulated World?	11
	<b>Part I The Collected World</b>	
2	The Smart World Is the Collected World	15
2.1	Introduction	15
2.2	Smart Individuals	18
2.3	Smart Buildings	25
2.4	Smart Environments	30
2.5	Conclusion: Smartness Means Data Collection	34
3	The Smart Home: A Collected Target	39
3.1	Introduction	39
3.2	Key Smart Home Developments	41
3.3	Sensing: The Infrastructural Anatomy	50
3.3.1	Controllers	50
3.3.2	Sensors	52
3.3.3	Smart Home Communication Protocols	53
3.3.4	Protocol Hub	54
3.3.5	Wi-Fi Router	55
3.3.6	Smart Home Platforms	55
3.4	Reasoning: The Analytical Processes	56
3.5	Intervening: The Prescriptive Outcomes	61
3.6	Conclusion	65

## viii Contents

4	Commercialising the Collected	67
4.1	Introduction	67
4.2	The Emergence of Smart Home Insurance	69
4.2.1	Mutual Product Promotion	70
4.2.2	Smart Home Monitoring and Prevention Services	72
4.2.3	Data Acquisition Partnerships	74
4.3	Smart Home Data Exchange Partnerships	76
4.3.1	The Partnered Data Acquisition Model	77
4.3.2	Partnered Intermediary	82
4.3.3	Platform Entity	89
4.4	Conclusion	95

## Part II Information Privacy Law's Concepts and Application

5	What Information Privacy Protects	101
5.1	Introduction	101
5.2	Individual Control over Personal Information	104
5.3	Informational Access and Personal Autonomous Growth	113
5.4	The Social and Relational Context	121
5.5	The Structural Problem of Power	127
5.6	Conclusion	138
6	How Information Privacy Law Protects	140
6.1	Introduction	140
6.2	Different Regulatory Perspectives	143
6.2.1	The Three Founding Instruments	144
6.2.2	Jurisdictional Approaches	152
6.3	Regulated Information: PII, Personal Data and Personal Information	155
6.3.1	Conceptual Differences	156
6.3.2	Judicial Considerations	163
6.4	Principled Protection: Notice and Consent versus Collection Principles	170
6.5	Conclusion	183

## Part III Information Privacy Law for a Collected Future

7	Collected Challenges	187
7.1	Introduction	187
7.2	The Limits of Identified Privacy Concerns	189
7.3	Sensor Collections are Different	193
7.4	Fragmented and Contested Environments	202
7.5	Control in Boundary-Dispersed Environments	208
7.6	Conclusion	212

Contents	ix
8 Conceptualising the Collected	216
8.1 Introduction	216
8.2 Moving from Control	218
8.3 Moving to Interruptions of Modulation	229
8.3.1 From Autonomy to Situated Intersubjectivity	231
8.3.2 From Power Vacuums to Modulation	234
8.3.3 From Transactional Operation to Boundary Management	241
8.3.4 From Information Asymmetries to Social Shaping	247
8.3.5 From Balancing Mechanisms to Exposing Modulation	252
8.4 Conclusion	255
9 Using Information Privacy Law to Interrupt Modulation	257
9.1 Introduction	257
9.2 Some Design Points for Future Legal Reform	260
9.2.1 Interstitial Gaps and Spaces	260
9.2.2 Seamful Interruptions	261
9.2.3 Boundary-Building Options	263
9.2.4 Exposure Mechanisms	264
9.3 Information Privacy Law Interruptions	266
9.3.1 New Legal Vocabularies	268
9.3.2 Relational Forms of Personal Information	271
9.3.3 A Greater Emphasis on Fair Collections	276
9.3.4 Incentivising Institutional Value Exploration	282
9.4 Conclusion	287
10 A Smart, Collected or Modulated World?	289
10.1 The Dangers of a Modulated World	292
10.2 Institutional Tinkering	294
10.3 Playful Weaving	296
<i>Bibliography</i>	299
<i>Index</i>	314