Designing Our Privacy Away: A Look at the Privacy in New Technologies
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"A chorus of (design) industry voices champions the promise of privacy by design, but the conversation ends when the role of the law and regulation is raised. The cry is heard loud and clear: industry vigorously opposes government regulations of the design of its products. Opponents of tech regulations contend that there are no bad technologies, only bad users."[1]

In Privacy's Blueprint: The Battle to Control the Design of New Technologies by Woodrow Hartzog advocates for new laws that will protect users and their privacy online. People interact with technologies such as social media and the internet that constantly undermine their privacy. Apps and media are set up to make it seem like they are providing more protection to the users than they actually are. Privacy law does very little to help protect the users. The law states that it is up to users to protect themselves on the internet and to be responsible for their own privacy. Hartzog pushes back against privacy law arguing that the law should require designers of these new technologies to respect the privacy of users. Popular media and apps today are created in a way to manipulate, through common psychological techniques, users to freely give up private information. Hartzog argues that the regulations for technologies and privacy need to be focused

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1 *See* Woodrow Hartzog, *Privacy's Blueprint: The Battle to Control the Design of New Technologies* at 5 (arguing the lack of regulation in privacy law).

on the designers, not the users. He demands new kinds of laws that require things such as encryption and the prevention of manipulative techniques on vulnerable users.

Woodrow Hartzog graduated from Samford University Law School in 2002 and now works as a professor of law and computer science at Northeastern University School of Law where he teaches privacy law, torts, and contracts. Hartzog also teaches at the Northeastern College of Computer and Information Science and specializes in privacy in data protection, media, and robotics.

The book largely focuses on privacy law and is broken in to three major parts: The Case for Taking Design Seriously in Privacy Law, A Design Law Gap and Applying Privacy's Blueprint. The first section, The case for Taking Design Seriously in Privacy Law introduces the reader to why design is so important to protecting privacy and the gap between the law and technology design. In the second part of the book, Hartzog notes that there is immense importance in valuing privacy in the designing of new technologies. He then sets forth boundaries and what he refers to as a "tool kit" for privacy design. This includes methods that can please both designers and users. Finally, in the last part of the book, Hartzog shows why his ideas work as he applies them to social media and the internet of things.

Hartzog fights back about the idea that the users on the internet and in apps should be responsible for their own privacy, particularly when the designers of new technology are using manipulative techniques to get users to give up their information willingly. Privacy law should focus on protecting the users by forcing designers to be the ones responsible for protecting users by designing technology that is encrypted and the banning of using manipulative techniques on users.

The book is written in a clear and logical way that sets out Hertzog's argument. He starts by addressing the problem and lack of security offered to consumers by privacy law. He then looks at manipulative techniques used in popular apps such as snapchat and twitter and addresses how the law does not protect the users. He analyzes the law as it is by focusing on "terms of use" and largely ignored parts of media that make a user's privacy vulnerable. He suggests changes to be made to the area of law and goes in to the third part of the book by applying his suggestions for the area of law as they apply to social media.

A major issue that Hertzog and anyone in the field of privacy law as it relates to technology is the slow progression of the law to keep up with technology. It is no secret to anyone in the legal field that the courts are slow to adapt laws to technology until there has been time for the technologies to fully develop and exist in society. This has helped guide the court on how to best apply laws as they relate to these new technologies. Herzog's frustration throughout his book comes from the courts and the legislatures continuing to drag their feet on privacy laws. The internet has been around for a substantial amount of time at this point, and with no laws to regulate the designs for apps, websites, or other technologies, designers have free reign to manipulate and deceive users in to signing their privacy away.

The book was clearly intended to be read by people in the legal field, but the Hertzog does a great job explaining himself and the relevant areas of law in a way that it could likely reach people outside of the field. Hartzog relies on several sources for information such as fair credit reporting, video privacy protection act, health insurance portability act, law journals on privacy and public safety, the privacy law conference, data protection conference, complaints on privacy breaches from both Amazon and Classmates Online and looks at privacy policies and terms and conditions from major companies such as Facebook and Myspace.

This book gives a clear and strong argument for why we should re-look at the area of privacy law as it pertains to social media. The law is not keeping up with the advances in technology, as the author suggests, and is compromising the privacy of users who are not familiar with how the law works. There is a major focus on how designers know the laws of privacy and have found loopholes around the law and are able to take advantage of user trust. Though there are technologies that involve security outside of social media and smartphones, this is where users are consumed. Every person today is engulfed in social media or at least in their smart phone. Hartzog points out that we are currently living in an era where we can be tracked by almost all of the smart devices that we own.2 However, the controversy still remains. While policy makers have a substantial interest in protecting the rights and the privacy of technology users, the designers of technology do not want the government to interfere with their freedom to design cutting edge technologies. 3

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2 *See id* at 234 (describing society as currently living in the "golden age of surveillance).
3 *See id* at 160 (noting both sides of the privacy law arguments from both policy makers and designers).