

The Ethics of Privacy on Facebook

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Monday, April 4, 2011

DMBA6246: Global Digital Media

Abstract

Due to the increasing use of computer technology, privacy is an issue of great importance today. One of the largest sources of privacy-related discussion in recent years has been Facebook. The concept of privacy can be defined in several ways, both legally and philosophically. Also, privacy has been found to be culturally relative, based on economic and cultural factors. However, the simplest definition is “the right to control one’s own information.” By this definition, Facebook has infringed upon this right on several occasions. Some of the company’s most noteworthy privacy incidents include the introduction of the News Feed, the creation of Beacon, progressively more open default settings, consistent use of opt-out rather than opt-in for changes, a lack of informed consent from users, and lastly, Mark Zuckerberg’s public comments. Examining the broader ethical and global implications of these privacy incidents reveals a number of important considerations. Some scholars believe that a lack of privacy will compromise our sense of liberty, harm society, and endanger political opposition movements in foreign countries. Other authors defend the movement toward more openness, believing it holds benefits for society and individuals. Lastly, I outline my case for why it is important for Facebook to address these privacy concerns, from both a business and ethical standpoint.

The Ethics of Privacy on Facebook

Over the past several decades, the use of computer technology has increased dramatically. Today, average citizens share personal information online every day using PC's and smartphones. This data, along with credit card purchases, medical records, and other material is stored in numerous powerful databases. As a result of this tectonic shift, the importance of privacy protection for consumers has grown substantially. In addition, the issue of privacy holds great importance for citizens of foreign countries, especially those where citizens are subject to electronic surveillance by repressive regimes or other abuses of government power.

One of the largest sources of privacy concerns in recent years has been Facebook. Since the company's founding in 2004, it has grown rapidly and today has over 500 million users from around the world. However, as you will see below, the company has enacted many privacy policies that are ethically questionable. I believe Facebook has an ethical responsibility to provide its users with a high degree of privacy. In order to ensure this, the users should have full control over the use of their personal information, well-designed privacy settings, detailed notification and consent, and opt-in procedures for new features and changes. This ethical responsibility especially applies to Facebook users outside the United States, who may live in countries with vastly different political situations, social norms, or legal systems.

Basics of Privacy

Definition of Privacy

Before examining the privacy issues of Facebook, it is important to define and understand the meaning of the concept. There are many different definitions of privacy. One definition that seems especially applicable to this paper is the one put forth by Alan Westin in his 1967 book *Privacy and Freedom*. He defines privacy as "The claim of individuals, groups or institutions to determine for themselves when, how, and to what extent information about them is communicated to others." (Westin, 1967) It has also been defined variously as "the right to be left alone", "the right to control self-presentation", and "the right to control one's own information". (Gavison, 1980) These definitions of privacy are based in both legal and philosophical thought.

Legal Basis of Privacy

Over the past 150 years, there have been many important legal arguments about the right to privacy. The first notable argument was a paper written in 1890 by Samuel Warren and future Supreme Court Justice Louis Brandeis. They believed that the common law already included a basic protection of privacy (related to the notion of one's home as one's castle). However, Warren and Brandeis also believed that the development of new technologies, such as photography and newspapers, created a need to explicitly recognize a privacy principle in the law governing the publication of information about oneself. For many decades after this paper was published, federal and state courts endorsed the right to privacy and various legal thinkers expanded upon the concept.

In 1965, the Supreme Court recognized a constitutional right to privacy in the *Griswold v. Connecticut* case. The right was described by Justice William O. Douglas as creating a zone of privacy surrounding issues of marriage and sexual relations. This right has generally been interpreted as protecting one's ability to make important personal decisions about family and lifestyle. On the other hand, some scholars have argued that there should be no legal right to privacy. Judith Jarvis Thomson argues that all privacy cases can actually be explained as violations of other, more basic rights (such as property rights or the right to bodily security). Also, Robert Bork argues that the Supreme Court engaged in judicial activism when it defined a right to privacy, since the word "privacy" never appears in the Constitution or the Bill of Rights. (DeCew, 2006)

While these legal interpretations of privacy are important to consider, this paper will instead focus on the ethical dimensions of privacy. Therefore, it is worth examining the philosophical basis of the concept.

Philosophical Basis of Privacy

Many scholars have written about the meaning and value of privacy. For example, Edward Bloustein argued in 1967 that privacy is an essential requirement for human dignity and that it protects against violations of personal autonomy or independence. Also, a number of thinkers have argued that intimacy would be impossible without privacy. Charles Fried believed that having control over information about oneself, and choosing to reveal varying levels of information to different people, is essential for forming meaningful relationships.

Similarly, James Rachels believes that privacy is important for forming and maintaining a variety of social relationships, not just intimate ones. Meanwhile, Robert Gerstein argued that privacy allows us to fully experience our lives with spontaneity and without shame. Also, Ferdinand Schoeman believed that controlling information about oneself benefits the development of one's personality and inner self.

However, some scholars have also made philosophical arguments against privacy. For example, Richard Posner believes that individual privacy is economically inefficient. He argues that the concealment of information is usually designed to mislead others for the purpose of personal economic gain, and thus does not maximize wealth. Also, feminists such as Catharine MacKinnon have argued that privacy can be used to cover up the domestic abuse of women or other harmful activities. (DeCew, 2006)

Cultural Relativity of Privacy

Another question that theorists have discussed is whether privacy is relative to one's culture. Most scholars agree that all cultures value privacy, but that different cultures use different methods for maintaining privacy and value it to varying degrees. These differing approaches to privacy between regions may be influenced by different economic situations, varying access to technology, or diverse cultural values. (DeCew, 2006)

Indeed, Geert Hofstede found six indices that help measure cultural values. These include concepts like small vs. large power distance, individualism vs. collectivism, masculinity vs. femininity, and weak vs. strong uncertainty avoidance. In 2000, Milberg et al. found that these four particular cultural indices had a strong influence on information privacy concerns across countries. (Bellman, Johnson, Kobrin, & Lohse, 2004) Therefore, culture clearly plays a major role in determining a country's views on privacy.

Privacy and Technology

Throughout the twentieth century, there have been numerous technologies that threatened to encroach on individuals' privacy. For example, wiretaps and electronic surveillance gave governments unprecedented options for monitoring their citizens. More recently, large databases of information have been compiled about consumers, containing medical records, credit history, and purchases. Also, GPS devices allow tracking of location via satellite and biometric scanners

can identify individuals based on physical characteristics. Meanwhile, many governments are engaged in tracking the internet activities of their citizens for law-enforcement or more nefarious purposes. (DeCew, 2006)

Against this backdrop, the appearance of online social networks like Facebook may appear relatively benign. However, as you will see below, this company represents a significant development in the history of privacy.

Facebook Privacy Issues

Since being founded in 2004, Facebook has made a number of highly controversial moves related to privacy. From these incidents, there are a number of broad trends that can be observed. Next, I will discuss and analyze some of the prominent privacy incidents and trends of that occurred over the lifetime of the company.

Permissive Defaults

When a new user initially signs up for Facebook, the site selects certain default privacy settings for them. These settings are very customizable, but many users never bother to adjust the settings. At the time of Facebook's public launch in 2004, the site had fairly restrictive default privacy settings. Only college students were allowed to register as users, and the only people who could view a profile were those in a user's network (i.e. other students at that specific school). Also, much of each user's profile, including photos and detailed information, was visible only to their friends.

These settings stood in stark contrast to MySpace, the dominant social networks of the time. On that site, every profile was completely public. In fact, much of the early appeal of Facebook lay in the notion that it provided a very private, secret gathering place for college students to interact and communicate with one another. In this way, Facebook used privacy as a key differentiator against its biggest rival. (O'Neill, 2010) Founder Mark Zuckerberg went so far as to say that privacy control was "the vector around which Facebook operates." (Atesci, 2010)

However, by 2007, Facebook's default privacy settings had been changed so that all users could see everyone's basic profile information (including their name and picture). Also, more information was visible to people in a user's network, including photos and detailed information.

In late 2009, Facebook's privacy settings underwent another major change. At that point, each user's name, picture, and basic information appeared in Google search results and was visible to the entire internet by default. Also, all Facebook users had access to even more of other peoples' profile information.

Even more alarmingly, every Facebook user was prompted to change his or her privacy settings to this new, more open default. Of course, people could choose to tweak these new settings, but many simply clicked "accept" rather than dig through pages of detailed information. In addition, Facebook presented these changes as providing more control over privacy, when in reality several widely used privacy options were removed altogether. (O'Neill, 2010) This set of changes proved to be very controversial and generated a large amount of news coverage. Many users felt they had been duped into sharing their information, only to later have their privacy options significantly reduced. In response, Facebook partially retreated and restored a few of the removed privacy options. However, the bulk of the changes remained in effect. (Tate, 2009)

Finally, in 2010, the default settings were tweaked again. Today, all information is visible to the entire internet by default, except wall posts and photos. Also, certain basic information, including a user's name, picture, and affiliations must be visible to the entire internet. There are no options to more narrowly restrict access to this information. (O'Neill, 2010) These privacy changes represent a stunning evolution over the course of 5 years and drastically change the nature of Facebook.

Privacy vs. Profits

So, why would a company that began with privacy as one of its defining features eventually come to actively discourage it? Facebook has made a number of public statements about their beliefs on privacy over the years, which I will examine below. But first, it is important to look at perhaps the overarching issue behind the privacy debate at Facebook. Put simply, information that users share publicly on Facebook is more valuable to the company than information that they limit to a small circle of friends.

There are several ways that publicly shared information benefits Facebook. First, it results in more content being widely available on the site, rather than being hidden behind restrictive privacy settings. This way, users can see profile information, photos, and status

updates for a larger number of people, even those who are not already a “friend.” This, in turn, makes the site more engaging and “sticky”, increasing the time people spend browsing.

Second, it creates social pressure for other people to start a Facebook account and share more information on their account. Studies show that people are more likely to reveal personal information when their peers are doing it. (Schneier, 2010) This creates a positive feedback loop of increasing user engagement and helps establish Facebook as the primary destination for social interaction on the web.

Third, information that is publicly posted on Facebook is indexed by search engines, and therefore gets more page views. No doubt this calculation was influenced by the growth of Twitter, which is entirely public and gains a huge amount of traffic from searches. Facebook likely felt the need to respond by adopting some of the open nature of Twitter. (Tate, 2009) Also, having every user’s name, picture, and basic information visible to the entire internet helps Facebook position itself as a sort of “white pages” for the world. Again, all this information shows up prominently in search engines, and reinforces the notion that Facebook is the preeminent source of identity online. (Atesci, 2010)

Finally, the more information a user shares, the more accurately Facebook can target ads at that user (and share valuable demographic data with marketers). This very directly increases Facebook’s revenue, since ads are its primary source of income.

User Interface Design

Another major privacy issue for Facebook is the complexity of its privacy settings. For many years, the Facebook privacy settings page contained a large number of very detailed options. This gave users highly detailed control over their privacy, but it also proved quite confusing for many users. As a result, most users simply ignored this page and left their settings at the default. Also, Facebook made frequent changes to the available privacy options over the years, making it difficult for users to keep up. Many users complained that managing their Facebook privacy settings was practically a part-time job.

Eventually, due to the loud public outcry, Facebook improved the user interface of their privacy settings and made it much easier to manipulate. Today, users can choose from several “pre-set” levels of privacy, and they only have to dig into the details if they wish. However, it’s well known that providing a poor user interface effectively deters people from interacting with

something. So, was this an intentional move by Facebook? Or is it simply the case that providing both intuitive and highly granular privacy settings is a very challenging design problem?

New Features

Another move that has proved controversial over the years with users and privacy advocates is Facebook's frequent introduction of new features that directly impact privacy. One of the first major incidents was the introduction of the News Feed in 2006. Today, the News Feed is so familiar that many can't imagine Facebook without it. It has undoubtedly been effective at increasing user engagement and time spent on the site. But at the time, many aspects of the News Feed were controversial. In particular, the notion that a user's friends were notified when they made changes to their profile was highly upsetting. For example, this meant that a user's friends were notified when he or she changed their relationship status or switched their profile photo. This effectively broadcast information many users would prefer to not to. (Zimmer, 2006)

The next major incident came in 2007 with the release of a feature called "Beacon." This allowed 3rd party websites to broadcast information to a user's Facebook friends notifying them that the user was taking an action on that site. For example, a user buying an item on Amazon, or renting a movie on Blockbuster Online, or reading an article at the New York Times might have this activity posted publicly for all his or her friends to see.

In order to avoid this, users had to manually opt-out of sharing on each of the 3rd party sites. There was no way to disable all sharing through Beacon with one selection. In addition, Facebook recorded information about a user's browsing habits on all Beacon partner sites. This allowed the company to target users with specific ads. So, if a user had purchased a particular book on the site of a Beacon partner, then that user might later see an ad on Facebook for another book by the same author. Unsurprisingly, users reacted strongly to the idea of sharing information without their permission, and of Facebook recording all their browsing habits. Due to the strong public outcry, Facebook eventually removed Beacon and apologized to their users. (Martin, 2010)

Another incident that caused a privacy stir was Facebook's implementation of 3rd party applications. These applications include games, quizzes, and other entertaining or useful

functions that users can optionally add to their accounts. They are made by outside companies (i.e. not Facebook). The level of access that these applications have to a user's personal information has been somewhat problematic from their introduction. At one point, the applications were given access to users' phone numbers and email addresses. Of course, users had to expressly grant access to this information, but the dialog box requesting permission was very unclear, opening up the possibility of abuse by identity thieves or spammers. (Melanson, 2011)

More recently, Facebook introduced its "Places" feature. This allows users to "check in" at a particular real-world location. However, they also have the option to check in a friend at a location, even without the friend's permission. This check-in is then automatically broadcast out to the friend's contacts. Of course, the friend is notified that they have been "checked in" somewhere, and they have the option of removing this from their Facebook wall. But this could be days after the check-in occurred, and it may be at a location that the user finds embarrassing and that they never actually visited. In order to prevent these check-ins from occurring, users must dig into confusing privacy options and disable it. (Zimmer, 2010)

Opt-Out and Informed Consent

Throughout the introduction of various new features and privacy settings, the overriding approach of Facebook has been to make these changes either mandatory or opt-out. In other words, many features were introduced by force and users had no choice but to accept them or leave Facebook entirely. When users were given an option, the default option was always for less privacy. If users wanted to decline the change, they had to consciously take specific, often confusing steps to make this selection. The idea of nudging users toward choosing a particular option by making it the default is a well-known technique in the field of choice architecture. Therefore, it's clear that Facebook had a specific goal in mind when it designed the options in this manner. (Cordova, 2010)

Many critics fault Facebook for taking such a cavalier and callous approach when it comes to privacy. For example, writer Robert Cringely stated that "If you can't easily determine how someone wants a particular piece of information to be treated, you should assume it is private." (Cringely, 2010) This would clearly be the most ethical approach, but it would also undoubtedly have a negative impact on Facebook's growth and finances.

A related issue to consider is that of informed consent. Many users do not seem to fully comprehend the implications of the privacy changes that are being thrust upon them. That is because Facebook does a poor job of communicating the meaning of privacy settings to users. In addition, many average users don't realize that the data they share on the site is likely to be used for marketing purposes. (Boyd, 2010) Again, the ethical approach in this situation would be to ensure fully informed consent before implementing privacy changes (or new features), but this could present a challenge to the company's financial success.

Public Comments

Over the past several years, the executives and founders of Facebook have made a number of noteworthy statements on the subject of privacy. It is worth examining those comments in more detail, in order to understand the company's perspective on this issue. First, in early 2010, Facebook founder Mark Zuckerberg said "People have really gotten comfortable not only sharing more information and different kinds, but more openly and with more people. That social norm is just something that's evolved over time." He also said that Facebook viewed it as their responsibility to update their system "to reflect what the current social norms are." (Cringely, 2010)

This statement implies that Facebook's move toward less privacy was undertaken in response to demand from their users. However, this appears to not be the case, based on the strongly negative reaction that greeted their privacy changes. So, in this instance, was Facebook really responding to changing social norms or was it actually driving the changes, based on its own financial self-interest? I believe that Mark Zuckerberg is a very intelligent individual, but I wonder if his statement is simply a form of self-justification.

The next controversial statement came in David Kirkpatrick's book *The Facebook Effect*. In an interview with the author, Zuckerberg said "The days of you having a different image for your work friends or co-workers and for the other people you know are probably coming to an end pretty quickly. Having two identities for yourself is an example of a lack of integrity." Many commentators strongly criticized Zuckerberg for this statement. They said that this ignores the complex reality of many peoples' lives. In real life, people constantly adjust the information that they reveal depending upon the context that they find themselves in. It seems absurd that someone would behave identically whether in church, at work, with family, or with

friends. In addition, it seems quite callous for Zuckerberg to question peoples' integrity if they hold a different view on this issue. (Zimmer, 2010)

Also, some writers wondered why, if Facebook believes so strongly in openness, do its executives not use the default privacy settings on their own accounts? (Boyd, 2010) Again, I believe that Zuckerberg is a very intelligent person, so I wonder if this statement is simply an example of naiveté on his part. Is it possible that he's so lacking in real life experiences that he fails to understand this basic reality? Or again, is he engaged in self-justification for pursuing the most financially beneficial course of action?

Finally, Facebook has insisted for years that more openness on their site will actually benefit the public. According to blogger Marshall Kirkpatrick, they believe that "more public information will lead to greater familiarity, understanding and empathy between people: that a change towards a public Facebook is good for world peace." (Kirkpatrick, 2010) Interestingly, there are a number of commentators who support this view. For example, journalist and author Jeff Jarvis believes that having one identity will force people to understand differences – that we will operate under a principle of "mutually assured humiliation", and therefore will be willing to overlook and forgive others' faults. (Jarvis, 2011) However, others argue that this is only true for a privileged class, which I will explore in more detail below.

Conclusion

Broader Ethical Implications

There are a number of ethical dimensions to the issue of privacy on Facebook. First, some critics contend that privacy is a basic human right, and that Facebook is infringing on that right through its abusive policies. (Roggensack, 2010) Others say that privacy is essential to the concept of liberty. For example, security researcher Bruce Scheier said "For if we are observed in all matters, we are constantly under threat of correction, judgment, criticism, even plagiarism of our own uniqueness. We become children, fettered under watchful eyes, constantly fearful that - either now or in the uncertain future - patterns we leave behind will be brought back to implicate us, by whatever authority has now become focused upon our once-private and innocent acts. We lose our individuality, because everything we do is observable and recordable." (Carr, 2010)

Also, many have argued that Facebook's push for less privacy is actually harmful to society. For example, social media researcher Danah Boyd said "Forcing people into being exposed isn't good for society. Outing people isn't good for society, turning people into mini-celebrities isn't good for society. It isn't good for individuals either. The psychological harm can be great." (Boyd, 2010) As an example, she cites people who have committed suicide after receiving too much public attention and scrutiny. But even in less extreme cases, people can feel violated if something that they intended to share with one group in a particular context is shared with another, unintended group in a different circumstance. (Kirkpatrick, 2010)

On the other hand, there may be rewards for some people in relinquishing a degree of privacy. For example, people in certain "knowledge" professions, such as journalism or technology, can use public sharing to build a personal brand and possibly gain future employment. (Solis, 2010) Also, some argue that targeted advertising, which can be better achieved if people share personal information on Facebook, is actually beneficial for users. This is because it ensures that the ads users see are more relevant to their interests. (Raybould, 2011)

In addition, the ethics of capitalism factor into this discussion. If pushing for decreased privacy is truly the most financially beneficial path for Facebook, does the company have an obligation to pursue that path? In other words, are they ethically required to maximize value for their investors (and eventually, when they go public, for their shareholders)? (Schneier, 2010)

Global Ethical Implications

Beyond these general ethical concerns, it is also important to consider the global ethical implications of Facebook's privacy issues. The impact of the company's privacy policies may be very different in a foreign country.

First, there are many countries where repressive regimes seek to gather information on their citizens through surveillance. In these countries, a system like Facebook could be a very valuable resource for a government that's attempting to stamp out opposition. For example, according to Human Rights First, "Facebook has made pages that users 'like' public by default, along with geographical data. The government of Iran might well be interested in a list of everyone living in Iran who is a 'fan' of Mousavi. Similarly, people's networks are also public. Various repressive governments might be interested in individuals within their borders who are

in contact with well known dissidents or asylum seekers beyond their borders.” (Roggensack, 2010)

Another aspect of this debate that applies to foreign countries is the question of language and computer literacy. Many people from developing nations who register for Facebook may not have a version of the site in their native language and they may lack computer literacy. These individuals would be particularly ill-prepared to navigate the complex privacy settings that Facebook provides. Therefore, the company should strive even more aggressively to provide the privacy options in a straightforward and user-friendly manner for these overseas users.

Also, Facebook has long had a policy of requiring users to register for the site with their real name. If an account-holder uses a fake name, their account can be shut down for violating the terms of service. Many claim that this practice increases trust between users and reduces rude behavior online. However, forcing people to use their real names in repressive countries can be problematic for protesters or other opposition figures who wish to remain anonymous.

Another consideration for Facebook, in regard to foreign countries, is the propensity of Western European governments to regulate corporations that fail to abide by basic consumer protections. (Boyd, 2010) For example, Google has faced court cases in various European countries for violating their citizens’ privacy. More recently, some government officials, such as German Consumer Protection Minister Ilse Aigner, have expressed concern to Facebook over privacy abuses. (Keating, 2010) Considering the history of other technology companies in Europe, including Microsoft and Google, Facebook would be wise to avoid a similar showdown.

On the other hand, Facebook has also proven to be a powerful force for good in foreign countries, as evidenced by the recent uprisings in Tunisia and Egypt. The political opposition in these countries used social networks to spread their message of protest and to communicate with the outside world. Therefore, it’s clear that Facebook can hold many benefits for people around the world. But it would be wise for the company to approach these foreign countries in a more cautious and ethical manner.

Why Facebook Should Address These Issues

So, given Facebook’s massive success in recent years, why is it important for the company to address its privacy issues? As I have discussed, there are many ethical dimensions to this question, but there are also business considerations.

First, I believe it will help the company produce a more accurate, nuanced representation of the social graph. Mark Zuckerberg says that Facebook's "social graph" should mirror the real world, but this is impossible as long as people have limited control over their information on the service. As the authors Paul Dourish and Ken Anderson note, "Privacy is not simply a way that information is managed but how social relations are managed." (Dourish & Anderson, 2006) Without complex relationships and varying levels of trust, Facebook's social graph will continue to be an inaccurate representation of the real world.

Second, I believe the company should engage in what privacy advocate Michael Zimmer calls "value-conscious design." Under this model, the company should recognize that the decisions made when designing products inherently advocate certain values. Therefore, they should take care to stand up for human rights, privacy rights, and user rights. (Zimmer, 2007) I recognize that creating both intuitive and highly configurable privacy controls is a challenge, as is evolving the platform while respecting users' rights. However, I believe that Facebook has enough smart, talented employees to effectively tackle this problem.

Third, I believe Facebook has an ethical responsibility to advance the greater social good. Corporate social responsibility is a widely accepted practice, and Facebook should embrace it on the subject of privacy. As I discussed earlier in this paper, that will help preserve people's ability to form intimate relationships, and allow people to fully experience their lives with spontaneity and without shame.

Fourth, Facebook has a responsibility to protect people in foreign countries from intrusion by repressive regimes. The company owes a huge debt of positive publicity to the revolutions in Egypt and Tunisia. The least they can do in return is help protect other political dissidents around the globe from potential harassment, torture, or death.

And finally, I believe that taking an ethical approach to privacy is the best way for Facebook to avoid potential regulatory scrutiny by governments in Europe and elsewhere. By following these guidelines, Facebook can position itself for continued business success, and benefit the world to an even greater extent than it already has.

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