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THE PRIVACY RIGHTS OF CYBORGS

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Schultze and Mason claim that they are studying the privacy rights of cyborgs. For most people, attributing privacy rights to cyborgs probably seems a little weird – at best. ‘Aren’t cyborgs those part-human, part-computer things?’. A dictionary or wikipedia definition of a cyborg will be a little more precise and refer to people into or onto whom prostheses and orthoses have been variously attached, embedded, integrated and included (with or without their consent, informed or otherwise). For details of that kind of cyborg, and the associated rights, see Clarke (2011). Recognising this opportunity for confusion, Schultze and Mason hasten to explain that they have adopted what they term a more McLuhanesque definition of cyborgs, which is ‘based on a dialectic synthesis between the individual and technology such that the users’ bodily senses are extended across space and time’. That seems a rather vague definition to me, but as they go on to explain, what they are really looking at is people who maintain both online and off-line identities, often indistinguishably. According to this definition, they suggest that an increasing number of Internet users are cyborgs – perhaps most of Facebook’s 900 million registered users, and several hundred million others elsewhere.

On the whole, I tend to agree with Schultze and Mason that one should err on the side of caution. Perhaps my view is reactionary and conservative, but I feel that all forms of data that describe identifiable, living individuals should be subject to privacy protection. Whether the data are obtained from face-to-face interactions or Web 2.0-mediated interactions seems irrelevant. It may not be necessary to contact people/cyborgs directly in order to conduct research. Lurking in the background, which we could easily term cyber-ethnography (Ward, 1999) or netnography (Kozinets, 2002), provides the researcher with the opportunity to collect data – from living individuals, with or without their consent. When one conducts ethnographic research, I believe it is customary to gain the consent of the people whom one is studying. Why should the same not be true in a virtual community, using cyber-ethnographic methods? Just because people choose to cyborgise themselves with external orthotic online personae (cf. Clarke, 2011) that modify both the quality of their lives and their interactions with others, there is no reason to assume that their innate right to privacy should be curtailed. The fact that individuals may have multiple online personae, and that it may be difficult to connect an online persona with a living individual, is irrelevant to the fundamental principle of privacy. Finally, the inability of individual people to distinguish or separate their online and off-line lives, or their real and cyborg identities, simply underlines the same principle: privacy protection is paramount.

There are clear research implications. Researchers must be aware that the very act of lurking in a virtual community, if there is an intent to collect data, has the potential to violate the privacy of the community members. Therefore, I would assume that those same researchers should identify themselves as soon as practically possible, and certainly before they start to collect data. They should also obtain what I would call affirmative consent from all those from whom they wish to collect data. Unlike the principle of informed consent, which Schultze and Mason refer to, affirmative consent suggests that not only must the researcher inform data subjects of his/her presence and intent, but in addition must obtain

their explicit consent to do so. If an individual fails to provide that consent, the researcher cannot assume that consent has been granted – silence does not mean ‘yes’. An actual affirmative response is needed. Only those individuals who explicitly agree to be studied can be studied. This sets up a very tight set of requirements, but I believe that it is necessary if we are to be serious about protecting the privacy of individual people, whether as off-line humans or online cyborgs. A corollary of these arguments is that Research Ethics Committees must revisit their requirements for research that involves human subjects – and extend the protections to people who choose to present themselves as cyborgs in online spaces. I agree with Schultze and Mason that we need more debate and more research about what they term cyborg rights to privacy. This article should open up a new field of research that we can and should explore. Global reactions to the notion of cyborg privacy rights can be expected to vary, so cross-cultural studies will be interesting to pursue. Diary-based confessional analyses of the lives of cyborgs that employ critical epistemologies in order to demonstrate the potential for empowerment in their alter egos would be fascinating reading. I look forward to these new contributions to our discipline.

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Robert M Davison is a Professor of Information Systems at the City University of Hong Kong, and Programme Leader of the M.Sc. in E-Business and Knowledge Management. His research, published in over 60 journal articles and a similar number of conference papers, currently focuses on knowledge management practices in China, often informed by an interpretive epistemological perspective. He is a Charter Member (and Chair of the Research Ethics Committee) of the AIS, an organisation which he has strived to internationalise. For further details see: <http://www.is.cityu.edu.hk/staff/isrobert>.