Chapter 1
Rethinking Information Privacy in a "Connected" World

Ufuoma Akpojivi
University of the Witwatersrand, South Africa

ABSTRACT

The emergence and usage of Information Communication Technologies (ICTs) by states, institutions and individuals has challenged and created a shift in the normative idea of privacy from rights to solitude. Consequently, this chapter sought to ascertain if emerging democracies and economies such as South Africa and Nigeria have privacy frameworks that adequately guarantee and protect the privacy of their citizens in this globalized era. Using policy analysis, this chapter argues that although the privacy provisions in South Africa are comprehensive, the privacy framework fails to address the privacy leak associated with the usage of these ICTs. Whereas, in Nigeria, it was observed that the privacy framework is inadequate as there are no specific privacy provisions, thus the assertion that Nigerians have no privacy in this globalized era of connectivity.

INTRODUCTION

There is no doubt we are living in a global village facilitated by the connectivity of people across the globe with the help of the internet, and this has facilitated the constant sharing and receiving of information amongst individuals and across borders. The African continent is tapping into this connectivity through information communication technologies (ICTs) and smart mobile devices that have helped in bridging the gap in information flow between the global north and south. Consequently, the ever-increasing embrace of ICTs and smart mobile devices in the continent has empowered vast majority of the public to participate in societal discourses (Schmidt and Cohen, 2010). Schmidt and Cohen (2010) while extending this thought, further held that the rise and usage of these information communication technologies across the globe has made us all connected or live in an 'interconnected estate'. In this 'interconnected' estate, ordinary citizens who were once disempowered are now empowered as they can easily access information and participate in both socio-economic and political discourses. However, despite the euphoria of this connected space and the numerous benefits accruable to the development of societies, Assange (2014) warned that there is a serious concern over privacy issues as multinational corporations like Google, nation states, and individuals could easily invade the privacy of others.

DOI: 10.4018/978-1-5225-7113-1.ch001

For this reason, the issue of privacy has become a salient and controversial debate in this 21st century. Many political, economic and social factors have made the dichotomy between private and public space slim or difficult to distinguish. Politically, many governments with assistance from multinational corporations such as Google, Yahoo, Bing etc. have started monitoring the activities of their citizens online in order to ensure that national security and public lives are not compromised. This process entails the collation and storage of individuals' data (see Assange, 2014). For instance, the United States and United Kingdom run a mass surveillance program. According to them, the 'fight against terrorism' justifies this invasion of privacy. Furthermore, in this global information and competitive business age, many businesses thrive on the collation of personal information through mechanisms of loyalty programmes, mobile advertisement, and client history tracing as a means of improving business activities (see Akpojivi, 2014; Akpojivi & Bevan-Dye,2015). For example, Amazon has publicly acknowledged that they collect and gather consumer information every time they search for products online, and they use consumer search history for recommending products to consumers. Not only does this confirm that Amazon develops a profile for each consumer (Hochhauser, 2000), they could also pass these profiles or data to other associates who could use them for economic purposes. Likewise, socially, millions of people are always disclosing and sharing information with their friends and loved ones via new media platforms (Bevan-Dye & Akpojivi, 2015). For example, in 2014, "Facebook recorded an average of 864 million daily active users, an estimated 300 million photographs uploaded per day and 4.75 billion pieces of content shared per day" (see Bevan-Dye & Akpojivi 2016). Consequently, it can be reasoned that information sharing on Social Networking Sites (SNS) has become a ubiquitous part of many individuals' lives in our contemporary society (Gross & Acquisti, 2005).

It is therefore established that the privacy within this connected world is problematic and difficult to enforce. This is more worrisome in emerging democracies like South Africa and Nigeria that are regarded as the fastest growing economies in Africa, as they are currently witnessing a rapid integration of information communication technologies in all spheres of society, and so constantly shifting the boundaries of privacy. In addition, there is a growing concern that the mass media or digital media in the form of citizen journalism could easily breach or invade the privacy of individuals in their attempt to broadcast news and meet the ever increasing demand for breaking or soft news by the public. Pretschner, Hilty and Basin (2006) while buttressing the above point, further held that the great potentials of these information technologies in this connected world has made privacy and regulation of these tools a significant debate for emerging democracies. More so, social critics and scholars are concerned that African countries are lagging behind in terms of keeping and meeting international standards in ensuring and promoting privacy of their respective citizens. These concerns are evident in the fact that African countries have recently started to think about the need to protect the privacy of their citizens through the formulation of policies. For instance, South Africa formulated policies such as the privacy provis'ons in the 1996 Constitution, Electronic Communications and Transaction Act 2002, Consumer Protection Act 2009. Likewise, the Nigerian government formulated and implemented the 1999 constitution, cybercrimes prohibition, prevention Act 2015, National Action Plan for the Promotion and Protection of Human Rights in Nigeria 2006, and Nigeria: Personal Information and Data Protection Bill 2013. This chapter therefore seeks to examine the adequacy and applicability of privacy from the policy perspectives of both South Africa and Nigeria in this era of interconnectivity.

This is particularly relevant because there is an increasing difficulty in differentiating a private space from the public space in this interconnected world, and this has posed serious challenges to the normative concept of privacy. For instance, in 2015, the president and vice president of the Student Representative