A socio-legal analysis of the conceptions of privacy and information security in relation to the laws of encryption

Michael Dizon, PhD

Background of the problem

People in NZ recognise the values of privacy and information security

Believe values protected by law and technology

Disconnect between social conceptions versus legal protections

Research question and method

What are people's conceptions and expectations of privacy and information security in relation to encryption and how do these compare or contrast with the protections provided by law?

Focus group interviews: general public, businesses, and government

Social conceptions and expectations

Privacy and information security most important values in relation to encryption

People use and rely on encryption

Assume protected by law – NZ Privacy Act

Criminal procedure rights deemed least significant

Do not correspond with current laws

No general right to privacy in NZ

NZ Privacy Act – general exemption for law enforcement

Disclosure of passwords and encryption keys

Technical assistance to intercept encrypted communications

Most significant legal protections

Values considered least important offer the most significant protection

Right against unreasonable search and seizure

Right against self-incrimination

Better concurrence

- Awareness of relevance of criminal procedure laws and rights
- Recognition of importance of rights against self-incrimination and unreasonable search and seizure
- Greater scrutiny of law enforcement powers and procedures

Questions and comments