

Ideas & Trends

Remember Big Brother? Now He's a Company Man

By JOHN MARKOFF

BURLINGAME, Calif. — George Orwell's "1984," Big Brother is the dictator of an all-powerful government that systematically monitors the lives of its citizens. But now many computer professionals and civil liberties specialists say they fear that if a Big Brother finally arrives he may be wearing not a police uniform but a business suit.

It has been 17 years since Congress passed the Privacy Act of 1974, which restricts Government agencies from exchanging information, regulates the information that agencies may collect and gives citizens rights to inspect their files. But the act doesn't apply to businesses. With the development of increasingly powerful computer and communications technologies, some experts say, corporations may pose a greater threat to privacy than does big government.

Since the privacy act was passed, companies have begun using a range of technological advances to gather information on employees and potential customers. By merging the information from several computer data bases, direct marketing companies can compile detailed profiles on consumers. Caller identification services now being introduced by telephone companies allow businesses to "capture" the phone numbers of people who dial toll-free information lines and 800 numbers. Computer systems also allow managers to monitor how quickly employees field telephone calls and perform other tasks. The result of all this is the emergence of what some social scientists call a surveillance society.

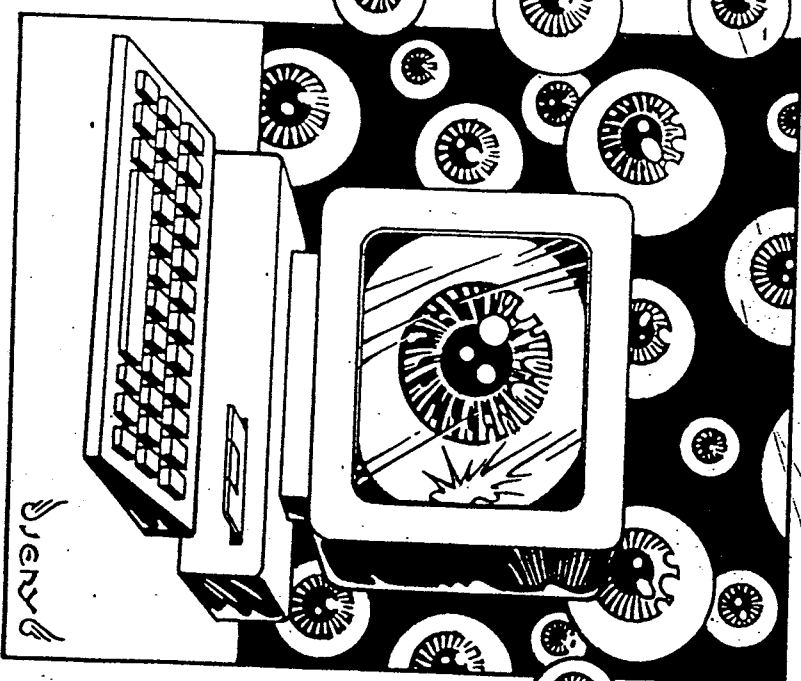
"Information is gathered with laser-like precision and sponge-like efficiency," said Gary T. Marx, a sociologist at the Massachusetts Institute of Technology who tracks new surveillance methods. "It's like a fish in water. We're not even aware of most monitoring."

At a conference held here last week by the Computer Professionals for Social Responsibility, several hundred civil liberties experts, law-enforcement officials and computer scientists considered new dangers posed by technology. While some called for a constitutional amendment to guarantee privacy from electronic surveillance, others believed the problem could be kept in check by the mechanisms of the marketplace.

While some information, such as credit reports and video rental logs, is protected by Federal law, the United States has not gone as far as six European countries that have made personal privacy a constitutional right.

Watching Workers

Karen Nussbaum, executive director of 9 to 5, the National Association of Working Women, said the worst abuses take place in the workplace, where the performance of a growing number of employees is tracked with split-second accuracy. "The workers we hear from feel harassed and under the gun," she said. "Computer surveillance is not a necessary part of the workplace." She said that in the United States 26 million employees have their work tracked electronically, while 10 million other people at the conference said they worried about satellite and video technology: a proposed security



not be held to the same standards. "The particular technology makes a great difference," said Mark Rasch, a Justice Department attorney who prosecuted the computer-science student Robert Tappan Morris for introducing a software virus into a national computer network. "You have a very different expectation of privacy if you are speaking on a telephone rather than a microphone."

Some legal experts said that instead of an amendment, Congress should pass laws that would allow the courts to interpret existing constitutional rights in a way that applied to privacy-invasive technology. "In an age of conservative judiciary and complex technologies we need to fashion and enact laws to embody our constitutional principles," said Jerry Berman, director of the Information Technology project of the American Civil Liberties Union.

Other legal scholars suggested that the marketplace itself might ultimately offer a corrective to the misuse of data bases. In response to public fears, the American Express Corporation, for example, is completing a strict privacy code of conduct for governing how the company deals with personal information. Other companies like Equifax Inc. are experimenting with new products called "consensual data bases." In such systems consumers would be asked whether they wanted their names to appear in a data base made available to direct marketing companies. In exchange for the consumer's consent, Equifax would act as a filter to screen the companies that could purchase the information.

"Ten years from now the great majority of consumer data bases will be consensual," said Alan F. Westin, a Columbia University political scientist. "The real question is how we get there."

system would use television cameras on public roads to monitor who enters Palm Beach, Fla.

Laurence H. Tribe, a constitutional scholar at Harvard University, proposed a constitutional amendment to help the nation cope with the thorny legal challenges presented by new computer and communications technologies. He suggested a 27th amendment that would read: "This Constitution's protections for the freedoms of speech, press, petitions, and assembly and its protections against unreasonable searches and seizures and the deprivation of life, liberty, or property without due process of law, shall be construed as fully applicable without regard to the technological method or medium through which information content is generated, stored, altered, transmitted, or controlled."

But some maintained that all technologies should