



‘Dignity by Design’ - the Criticality of ‘Privacy by Design’

The fundamental right to privacy is enshrined in the United Nations Declaration of Human Rights (Article 12); the International Covenant of Civil and Political Rights (Article 17) and a number of other human rights treaties such as the Convention on the Rights of the Child (Article 16), the Convention of the Rights of Persons with Disabilities (Article 22). This inclusion underlies the centrality of the right to privacy for a life of dignity for all in our world.

In the digital era, privacy has been largely spoken of as ‘data protection’. Privacy is more than data. It’s pleasing to see this event and the report ‘Dignity by Design’ recognise the connection between privacy, the built environment and well being. All aspects of privacy – not just spatial privacy or informational privacy are important in the built environment, and need explicit incorporation in all stages of the built environment lifecycle, most particularly in the planning, design and management stages.

When seen from a particular perspective, the history of architecture, the history of the built environment, is also part of the history of the development of privacy. Over the period of the past six thousand years at least, we can trace how, after first achieving basic shelter, men and women almost immediately started developing private spaces both within and outside buildings. A basic desire for privacy lies behind the reason for creating separate spaces such as bedrooms, courtyards, audience halls, private dining rooms etc. Over the millennia men and women have moved relatively quickly from single-space dwellings to multi-space dwellings where the space was organised such that some rooms could be private and others less so or outright public. The wish for privacy was expressed in various forms of architecture around the world, whether in classical Greece or Rome or ancient China and most places in between. The full history of privacy as told through architectural development is yet to be written but when it sees the light of day it will probably also trace the journey into the 21st century as one based on architectural space often dominated by technologies. Access to and use of architectural space is now increasingly linked to technology. For example, CCTV not only controls urban spaces which are in the public domain but also, in some countries where agreements have been entered into between landowners associations and tenants, it watches previously private spaces in lobbies, corridors, staircases and gardens. Siting (locating) a camera is only part of the issue. Deciding on what it can do and who it can identify if equipped with face or gait recognition is just one dimension of the privacy issues involved. The value of privacy in urban spaces also needs to be re-assessed when discussing all the intrusive technology that may be deployed in so-called smart cities. Automatically identifying individuals as they move around a town or city

and trying to sell them something is at the heart of a modern discussion about re-writing the social contract insofar as privacy is concerned.

Design is at the heart of architecture and thus the built environment. Design is also at the heart of the latest approaches to privacy protection. Today, we speak of “Privacy by design” where privacy is no longer an afterthought but needs to be built into anything and everything at design stage.

Privacy by design is also inherently linked to the concept of dignity by design. Wellbeing and privacy go hand in hand. The concept of ‘Privacy and Personality’ recognises the importance of privacy as a means to ensure the individual has private space to develop and to understand their nature, and to realise a productive and satisfying expression of their potential. Privacy enables a life of dignity by providing space for the individual to develop as their true self, and, by enabling the enjoyment of other human rights – such as the rights to assembly, of faith and of freedom of expression and opinion. Rights which are all acknowledged in the ‘Dignity by Design’ report.

My mandate has invested significantly in promoting a broader understanding of privacy. It has been actively involved in the hands-on debate about plans for smart cities for many years but its broader work about the conceptualisation of privacy is equally important to the discussion about dignity by design . The mandate’s work on gender perspectives of privacy and the importance of privacy in developing the child’s capacity for autonomy, emphasise the importance of actively *promoting* privacy as a means to achieve a life of dignity. (Reports are available on UNSRP webpage.)

The concepts of ‘privacy by design’ and ‘privacy by default’ are longstanding tenets in privacy advocacy. Establishing ‘privacy by design and default’ in the development of the built environment will facilitate accommodating the needs of all groups in society, and enabling all to lead healthy, fulfilling lives.

I look forward to hearing of the outcomes of the event, and maintaining contact.

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