

THE  
PSYCHOLOGICAL VIOLATION  
OF  
PRIVACY

A paper for consideration by the  
Committee of Enquiry on Privacy.

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## PREFACE

It is my purpose in this paper to draw attention to certain psychological practices which have implications for privacy, to put forward definitions and criteria against which they may be assessed and to suggest legislative and other controls.

Just as the physical sciences have given rise to the advanced technology devices which are currently causing so much concern so have the behavioural sciences generated psychological methods with implications for privacy. The behavioural sciences include disciplines such as sociology but since from the point of view of privacy it is the individual with whom we are concerned, I have designated the effect of the application of the behavioural sciences on privacy as "psychological".

It is not my wish to either commend or denigrate the behavioural sciences nor to criticise or praise the psychologists, psychiatrists, sociologists and many others who work in that field. Such considerations are irrelevant to my argument, the essence of which is that the concepts and techniques deriving from the behavioural sciences have been used and are likely to be used increasingly to invade the privacy of the individual. Moreover, it is not germane to my argument that the scientific validity of those concepts and techniques shall have been proved; we live in an age when new theorems, however inadequate, and new methods, however limited, are almost certain to be tried out by someone.

Legislation to protect privacy could be in the form of a general Right of Privacy or of protective measures with respect to specific practices, or both. In considering whether or not it is desirable and feasible to establish a general Right in Law, several important factors should be taken into account:-

1. Existing law and voluntary regulations which protect privacy or mitigate the effects of its invasion. These clearly can be regarded as lessening the need for establishing a general Right or alternatively as strengthening the case and indeed to be embraced by it. In my view, while at the stage prior to making a decision about legislation for a general Right, consideration should be given to the effect of including existing controls within it.
2. Existing practices which are invasive of privacy for which no controls have been established. It is my thesis that some uses of psychological techniques fall within this category.
3. Likely future developments with implications for privacy. If a general Right is to be long lasting, it should take into account future developments as well as those existing today. In my view, psychological techniques will become more sophisticated and constitute a far greater threat than those existing today.
4. The concept of privacy adopted. Any general survey of privacy issues should in my view be carried out against a concept of privacy that is fundamental. A suitable basis may be obtained by considering the fundamental processes involved in the use of the advanced technology devices which are at present causing so much concern. This results in an "information" view of privacy which also fits in with developments from the behavioural sciences.

These several factors are the basis of the paper.

## EXTRACTION, STORAGE AND INJECTION

The use of advanced electronic and photographic equipment is receiving considerable attention by many organisations concerned about the right of an individual to privacy. This is very much to be expected since the issues of privacy turn largely on the flow of information between an individual and his social environment and one of the main features that marks out the new devices from the old is their extremely high capability in acquiring and handling information.

Every individual moves within and around many social groups —such as his family, his club, the team at work and "the local" — generating information about himself all the time, leaving pockets of data here and there as he proceeds through life and constantly taking in information from numerous different sources. From the point of view of privacy there are three basic aspects to be considered. The first is the extraction of information from or about the individual, the second is its storage and the third is the injection of information directly into the individual or into his social environment. Advanced technology is greatly facilitating the extraction and storage aspects.

A microphone can now be concealed in a sugar cube or lapel badge. Infra-red equipment enables an observer to see and to take photographs in the apparent dark. Telescopic lenses enable photographs to be taken from hundreds of yards distance in sufficient detail to enable the time to be read from a wrist watch. With these devices, vast amounts of information can be extracted while an individual goes about his daily life. His conversations with relatives, neighbours, friends and associates, his actions, gestures and expressions, his behaviour when he thinks no-one can observe him may all be monitored with unfailing accuracy. By these and age-old methods such as discreet enquiries among his friends and acquaintances, bogus approaches with "trick" questions to the individual himself and painstaking collection of details of his past history from former employers, the societies to which he belongs and local and national authorities, an organisation can acquire nearly all the information there is to know about an individual and possibly far more than he knows or remembers about himself.

With the aid of photographic film, magnetic tape and computer equipment, all the information that has been extracted about the individual may be stored permanently, accurately and with great ease of access. Moreover, a computer can be of considerable assistance in correlating or supplementing the information that has been put into it. It may be programmed to provide rapid answers to particular questions which would take a great deal of time or would be impracticable to answer by traditional methods - questions such as "Does X know anyone in Rochester?", "Where was Y in the evening of January 13th 1966?", "Is X likely to know Y?", "What associative words could be used to remind Z indirectly of an incident that took place in his early teens?".

The fears that the advent of these devices constitute a grave threat to privacy are clearly well justified. Their use should be carefully examined with a view to establishing any protective measures required. There is, however, a considerable danger that by concentrating on the effect on privacy of the tangible products of advanced technology, the basic aspect of the injection of information is being overlooked so that a distorted view will be obtained. The effect of this distortion on legislation to protect the right of privacy could be profound.

## THE INJECTION OF INFORMATION

So far as privacy is concerned, psychological methods find their greatest application in the injection of information into the individual. The term "injection" is used in this context because it implies a purposeful act of transferring information rather than an accidental event, which most would feel is not invasive of privacy.

There are many different methods and routes by which information may be injected directly into an individual or into his social environment. Some are well known but others have crept up insidiously over the past decade or so and have not received the public attention and discussion that they warrant. All of them have some aspects or applications which most would regard as beneficial or at least not objectionable. The same techniques may, however, be misused and it is this kind of application which is especially relevant to the issues of privacy and on which attention must be focussed.

Publication of Personal Details. It is not generally realised that the publication of personal details in newspapers and magazines or on radio and television is essentially an injection of information into the social environment of the individual concerned. Numerous persons whom he knows in the many social groups to which he belongs - his family, friends, neighbours, club members, shopkeepers and so on - read or hear the details and are affected by them. Many relationships may be modified and his reputation altered quite markedly.

The injection of information favourable to the individual can be objectionable from the point of view of privacy if it is part of a campaign of image-building or influencing designed to "steer" the individual in a particular direction without his consent. Clearly, however, the most objectionable material is that calculated to embarrass, annoy, demean or disrupt. The form of such information varies a great deal. Explicit details may be given of abnormal social behaviour, there may be innuendo about his past history and bias may be introduced by selecting and emphasising particular facets of his character, activities and associations. Adverse information need not necessarily be verbal - for example, considerable damage may be caused by the publication of a series of unflattering photographs.

The effect of the publication of unfavourable information on a private citizen can be very great. The individual concerned is likely to detect undercurrents in most of his relationships and may be snubbed, insulted, harried and subjected to other forms of unpleasantness. It is as though the environment of the individual has been injected with polluting material which is reacting in many ways to his detriment so that the psychological climate in which he exists has become unpleasant or even hostile. It could be said that a public figure acquires an immunity to polluting information.

In the vast majority of cases, editors and producers take a responsible view of the publication of personal details. They usually only publicise adverse information in order to expose socially undesirable situations that would otherwise remain hidden. On the other hand they do not always know the significance of material being published, for example by columnists and scriptwriters, so that some unjustifiable invasions of privacy are likely to take place. It is interesting to note that in this context, the injection of information has a far greater effect on privacy than its extraction and storage.

Subliminal Influencing. Another possible form of injection at mass media level is subliminal influencing. There is a great deal of argument concerning its effectiveness but much of this arises from a conflict in views about the mechanisms of perception. It can be said with confidence that subliminal techniques or the methods bearing that name are not entirely ineffective. (1) What is important is that they are likely to be developed, particularly by psychological and possibly physical preconditioning, to make the messages more acceptable. If, as a result, subliminal techniques become more efficient the effect could be enormous and pressures to use them would grow. It should be noted that they are easy to use in a clandestine manner and that applications of the techniques are far wider than the advertising of products ®- they could for example be used for appeals for charities and for political indoctrination. Subliminal methods could also be used visually in cinemas, on television and in shop windows as well as aurally on radio, in airport lounges and over factory music systems.

Whatever its present effectiveness, many people when asked for their views about subliminal methods express their concern at the idea that they might be influenced in this way. Indeed, attempts at introducing subliminal advertising have so far been prevented by strongly adverse public reaction. (2) Some organisations have already written into their constitutions that subliminal methods will not be used. All this is an indication of the abhorrence a large section of the public has of the possible invasion of their privacy by the injection of information without their knowledge. It should be noted that the information imparted is impersonal, i.e. not related to any particular individual.

Sleep Teaching. In sleep teaching, educational material is broadcast to students in the wakeful period just before sleep and during the "twilight" phase leading to deep sleep. Use is similarly made of the stages of waking up. The mind is said to be particularly receptive and absorptive at these times. The method has been used experimentally on a small scale in this country. Considerable interest is being shown in the technique, notably in Russia where it is reported that over 180 educational institutions are equipped with the necessary apparatus and facilities. (3)

If students consent to the use of the process in full knowledge of the content of the educational messages, their privacy has not been violated. But what if the content is changed or supplemented without their knowledge? The technique is said to be effective only if the student is naturally disposed to accept the messages and that he rejects anything which conflicts with his personality. Development of the technique could greatly improve its efficiency so that it may become possible to inject any message with a reasonable chance that it will be absorbed. Legislation to protect privacy will probably be needed if sleep teaching comes into use in this country on anything other than a carefully controlled experimental basis.

Probe Questioning. Sometimes injection takes place in order to extract information, such as when probing questions are asked. Objections on privacy grounds may reside more in the questioning than in the information that is obtained. A particularly significant form of this practice is the delivery of a number of probing questions or comments presenting a range of alternative or even opposing views for the purpose of obtaining a reaction from which the supposed true thoughts of the person under examination may be assessed. Stress interviewing, for example for jobs or on T.V., is another questionable form of injection for the purpose of extraction.

Selling and Marketing. A few methods of selling and marketing unduly emphasise the injection of information and thus come within the scope of privacy.

A high-pressure "doorstep" salesman harasses his client with conditioning messages, observes his reaction, modifies the messages accordingly and keeps up pressure on the client until he achieves his objective. In this way, the client is prevented from keeping the "mental distance" required for judgement and decision in keeping with his own personality. One argument advanced against the proposition that such activities constitute an invasion of privacy is that the client can always insist that the salesman should leave the premises. A significant proportion of the population find it against their nature to be firm enough in the face of a relationship which has a great deal about it of the well-trained professional in psychological contest with an ill-equipped amateur. This relationship may be operative in the gaining of access to the premises by the salesman, which can be by deceit, not necessarily by giving false information but by the omission of relevant facts or the non-disclosure of true purpose. The 72-hour period of grace in which the client may change his mind is a considerable protection not least because it reduces the incentive to train and employ high-pressure "doorstep" salesmen. It is also an example of the mitigation of the effects of invasion of privacy after the event.

The broadcasting of advertisements to a captive audience against their wishes is another example. A lawsuit brought on this issue by a group of bus passengers in Washington D.C. failed but it is important to note that the fact that the action was brought indicates that there was strong feeling, among a section of that community at least, that their privacy had been invaded.

The unsolicited mailing of advertising material which may be offensive to the recipient is another injunctive practice which many regard as affecting their privacy. Sometimes their objection arises from the possibility that the material may inadvertently be seen by members of their family for whom it may be unsuitable - i.e. they do not wish the information to be injected into the immediate social environment of their home.

Manipulative Selection. One method of selecting a subordinate is to build up a relationship with him that he comes to value and then to demand some action of him that conflicts with his principles. If he accedes to the demand he will be a suitable subordinate but if he prefers his principles he could not be relied upon to carry out the superior's wishes and so should be discarded. Using this method of selection, a manipulator may build up around him in his own and other organisations, a group of collaborators who have been willing to sacrifice principles.  
(4)

The aspects that need examination from a privacy standpoint are the professional/amateur relationship between the manipulator and the potential subordinate, the deliberate and skilled bringing about of a forced-choice situation and the introduction of psychological conflict within the candidate for the purpose of changing a feature of his personality.

One of the areas in which the use of injective techniques is developing most rapidly is in what might generally be called career control.

Management Development. Studies have been made of schemes of management development and a general model of actual practices has been evolved. According to this model, a process of "unfreezing" is regarded as an essential prelude to the taking up by the trainee of a new set of attitudes required by his organisation. The "unfreezing" is effected by disrupting the trainee's routine activities, interrupting his normal sources of information and undermining his social relationships, while at the same time saturating his environment with messages about the attitudes he is required to learn. Eventually the trainee is "refrozen" with the new set of attitudes. (5).

The process is one of injecting information determined by the organisation into the trainee's social environment and directly into the trainee himself to change his behaviour and to some extent his personality so that privacy is very much an issue. Some practices carried out under the name of training would be regarded as abhorrent in other settings.

Motivation. Another practice with implications for privacy arises from the use of psychological "carrot and stick" methods. Thus, some aspects of Pavlov's experiments on the conditioning of dogs are being applied to the field of man-management. Positive (encouraging) and negative (intimidating) psychological stimuli are injected into the employee with the idea of motivating him. A wide variety of psychological wounds may be inflicted, ranging from the pinprick of a snide remark about a past failure to the trauma of relocating a man's office in a remote part of the factory while he is away on holiday. Encouraging stimuli can range from a nod or smile of approval to behind-the-scenes contriving of success in the direction in which he is required to go. The stimuli differ from those present in most everyday interactions in that they are purposeful and independent of true feelings and relationships. There is a great deal of role playing involved and the assumption of a kind of psychological "mask" conforming to the requirements of the particular task in hand. Thus, in this connection, a smile is a non-verbal signal denoting friendliness, which may or may not in fact be present. (6, 7).

Various systems of stimuli have been devised. In one, for example, positive and negative signals are presented alternately as a softening up process and in another, a massive negative stimulus is delivered to make the employee more suggestible to an accompanying encouraging hint. A feeling of euphoria may be built up by presenting a series of encouraging stimuli and then a powerful effect, leading to compliance by the individual, may be obtained by suddenly reversing the signals to intimidatory. If the employee complains about the treatment he is receiving, he can always be accused of being psychotic since he cannot in general produce any definite evidence that he is being attacked in this way.

The actual stimuli are in practice determined from a detailed knowledge of the individual concerned - his vulnerabilities, values, associations, habits and so on - and they may be injected not only in the place at which the employee works but in any situation or information input to which the employing organisation can obtain access. These can include, for example, neighbours, club members and local newspapers.

In the worst case, the employee's privacy has been violated in that he has been the specific, selected target for information, some of which is painful to him and which is intended to change his behaviour, if not his personality, without his knowledge and consent. It is in effect a technique for the clandestine coercion of an individual by the injection of information.

Discreet Enquiries. Injection can often take place as a by-product of extraction. Thus, enquiries made by prospective employers sometimes include the discreet sounding of the applicant's acquaintances and local domestic contacts. No enquiry aimed at extracting information can be made without also disturbing the individual's environment by injecting information. Whenever a question is asked, information is given by the question itself. The questioner may in this way impart information to the applicant's neighbour or acquaintance which he did not previously know. The fact that enquiries are being made in confidence creates a barrier between the applicant and his social contacts. Even more important from the point of view of privacy is the misuse that can be made of "discreet" enquiries. The wording and delivery of the questions may be such that information is given rather than extracted. The enquiries may be made the pretext for the injection of information for the purpose of disrupting relationships.

Message Networks. Within and between many types of institutions, networks exist on a well-organised basis for the purpose of passing messages to influence individuals and through them the decision-making committees on which they serve. Methods of communication range in obliqueness from the fairly obvious hint to symbolic, non-verbal signals. Indeed, a kind of "language of the grapevine" has developed in which some methods, such as allegory or association, are almost subliminal in their effect. Intermediaries are often used to convey the messages. The circumstances and occasions on which message-passing takes place can be out of the ordinary and include waylaying the individual concerned at conferences or at cocktail parties, asking a collaborator serving on a committee to which the individual belongs to make a particular point, seeing that he sits next to an intermediary at a Dinner, prevailing upon someone living in the same locality to strike up an acquaintanceship with the individual and to act as an intermediary, obtaining the collaboration of a shopkeeper or tradesman in delivering messages and publishing items in the trade paper to which the individual subscribes.

A significant factor with regard to privacy is that influence networks generally operate without the individual's consent; there has been no recognition of his right to be let alone. Moreover, because of the ambiguous nature of the communications, the recipient is unable to respond with any degree of confidence - the flow of information is in effect one-way, which is tantamount to a conditioning situation.

In the past decade or so extensive research has been carried out into the general patterns of behaviour of groups of people. Many group phenomena are still not fully understood but the concepts and knowledge already generated by the research has created conditions in which new group techniques have proliferated. Thinking in terms of groups rather than individuals has become quite widespread and a range of applications of group techniques has been opened up.

The T-Group. One recent innovation is the T-Group, which is used among other things to help people to acquire skills in personal relationships which is a part of sensitivity training and leadership development. A large number of organisations of most types have used the T-Group method for training their staff. (8, 9)

One widely used form of T-Group is to bring together a small group of people in what is called an unstructured or an unusually structured situation. Each individual comprising the group has no status within the group and the group has no assigned task - in effect the only item they have on the Agenda is to discuss their own relationships. A trainer is in passive attendance, closely observing what is taking place and at the end of the session he explains the processes that have been at work within the group.

In such a group situation, stress arises. This is widely regarded as an inevitable and indeed a desirable part of the T-Group process. The essence of the training method is that the various forms of relationship should be personally experienced as the only way of really learning about them. Thus it is held that a member of the group cannot learn about fear without being frightened and about hatred without experiencing hostility. In some T-Groups stress is deliberately heightened by pre-arranged provocation. Some members of T-Groups have been known to experience a feeling of hatred towards other members, to walk out from the group in extreme anger, to weep copiously and to have nervous breakdowns, varying from mild to complete. (10)

It should be noted that T-Groups are not intended to be therapeutic; members are advisedly in sound mental health. In some types of T-Group, skills are developed in role-playing and in communicating by non-verbal methods. T-Group membership and venue range from residential laboratory conferences in which participants come from different organisations to in-house sessions with members coming from different levels in one department. In the U.S.A., one organisation has set standards for the conduct of T-Groups but there is no legal requirement, either here or in the U.S.A., for standards to be adopted. Any person may set up and conduct T-Group sessions. Some uses of T-Groups have been identified as undesirable. (11, 12)

There is an injective element in T-Group processes which has implications for privacy under certain circumstances. Thus if a person has not consented to participate in a T-Group in full knowledge of what is involved, his privacy could be said to have been affected in that he has been coerced or inveigled into an abnormally stressful situation which disturbs his psychological equilibrium. Some organisations make a point of not telling participants what to expect, on the basis that foreknowledge would reduce the effectiveness of the method.

Other objections on privacy grounds arise from the deliberate misuse of T-Groups. An unethical trainer or member could use the vulnerability induced by the traumatic conditions to indoctrinate participants, openly or clandestinely, with a set of attitudes or with an ideology which they would not normally find acceptable. Similar considerations apply to the purposeful use of the method to change personality or to harden resistance to conflict.

Group Conditioning Another development is the use of communication processes within the group. With a tightly knit or cohesive group, a message injected at one point (i.e. through one individual) may, under certain circumstances, be relied upon to be received by a sufficient number of the group for the group as a whole to take up an attitude or state of knowledge based upon the message. The content of the message must not be in conflict with the basic purposes of the group which may be regarded as going about its normal business while acting as a carrier of the additional and unrelated information. If two members of the group are used as injection points, the process is much more effective. The technique is essentially rumour-mongering carried out on a scientific basis. Distortion of the information is bound to occur - as in the game of Chinese Whispers - but a significant response can usually be obtained to a well-chosen message. The question of privacy arises if relationships between an individual and a group are deliberately distorted by such an injection of information. (13)

Selective Group Reinforcement If a person in authority or good standing with respect to two social groups to which an individual belongs injects the message "support this person" in one group while to the other group he says "This person will fit in better elsewhere", the individual will be encouraged or reinforced in the first group while his efforts in the second will in effect be undermined. An unnatural bias has been introduced into the man's life. Whether or not this is an infringement of privacy depends on a number of factors. Social workers are justified in using reinforcement methods because of the permission implied by their relationship to the client. Selective reinforcement is, however, used by those with no such relationship for reasons ranging from a disinterested desire to "steer" a person in a particular direction to undermining a rival in a struggle for power.

Programmed Groups In 1956 a series of experiments was conducted in which it was pre-arranged with all but one member of a small group that they would give the same false answers to a number of tests based on the ability to observe straight-forward phenomena. The effect on the odd man out was at first to produce bewilderment and then later to cause distress as he struggled to relate the evidence of his own senses to the consensus of the group. Considerable insight was obtained into the effect of group pressures on the individual. In later experiments the degree of distress was measured in terms of a physiological function and it was demonstrated that the level of distress remained high for those who resisted the falsifying majority and was greatly reduced in those who yielded and gave the same false answers. (14)

The effect of publication of results of experiments of this kind is to greatly increase the impetus and confidence of those who have been using methods of a similar type on an informal and empirical basis. One application has been to pre-arrange with all but one member of a committee to give false information and to put forward untenable viewpoints of obvious falsity. The justification of such an arrangement is that it tests the ability of the odd man out to maintain role under stress and to motivate him to argue more forcibly. The method may also be used to undermine the confidence of a rival.

Privacy issues arise if the subject of the technique is not under a contractual obligation to the organisation which requires him to take part. The effect of the injection of false information by the other members of the group is to create artificial conditions where he cannot act according to his own personality. This is in a different category from the inhibiting effect of natural conflict. Another example which should be considered as a privacy issue is when a student is, without foreknowledge and with no background of general or specific consent, placed in the position of odd man out in a demonstration of the original experiments.

### The Extraction of Information

The extraction of information by psychological means is also widespread. Probe or "trick" questioning is one form. Presenting a questionnaire with apparently innocuous questions which on analysis reveal psychological traits is another. Psychological testing often takes place with regard to job applications. Much information about movements, inclinations, engagements, opinions, financial state etc. may be obtained by using intermediaries to approach the individual on a pretext not obviously associated with the true purpose. Message networks may be used to collect information, for example by observing and reporting back reactions to the messages.

The T-Group is a particularly prolific source of information since under the conditions of stress within the group and the encouragement to lower psychological barriers, most participants reveal themselves at a "deep" personal level. It only needs one member of the group to report elsewhere what he has observed of others for their privacy to be violated on a much more basic level than by, say, the use of "bugging" devices.

### The Ultimate in the Invasion of Privacy

One manifestation of group thinking which receives a certain amount of support from some institutions in this country is that of ideological totalism. The basis of the method is that a group controls an individual. Studies of the process of thought reform in China has elicited some of its features, the most basic of which is the total control of human communication. By dominating the milieu of an individual, his exchanges of information with the world at large as well as his communication within himself may be brought under control. He may be injected with information determined by the controlling group while at the same time being deprived of access to the sources of information he needs in order to test and confirm his identity. (15)

Manipulation of the individual is another feature of ideological totalism. Every possible technique is used to induce the individual to behave as required by the controlling group, an essential aspect being that the behaviour should appear to have arisen spontaneously. Totalist methods directed at the individual have been operated in China, not only in prisons but in relatively open societies such as Universities.

Here is the ultimate in invasion of privacy, namely total surveillance and total control of the information being received by the individual. It is not beyond the realms of possibility that by using a combination of practices such as message networks, selective reinforcement, programmed groups and psychological stimuli, a selected individual may be so circumscribed and constrained by a powerful and influential group that in effect he exists in a personal totalitarian environment even while he is ostensibly living at large in a free society.

### General Definitions

It is notoriously difficult to formulate rigorous definitions of long-established human activities and attributes. Attempts have been made for over two thousand years to find a precise definition of "Law" but without success. The best way of approaching the problem is to define in a manner which is useful for the intended purpose and on a conceptual basis, i.e. based on "what should be" rather than "what is". (16)

With this as background, definitions of Right to Privacy and Privacy itself should cover what most have regarded, and would in the foreseeable future regard, as matters of privacy and also be based on the fundamental phenomena which have caused the present concern. General definitions which are not too complicated and which appear to meet the requirements are as follows:-

The Right to Privacy of an Individual is the right of an individual to control the flow of information between himself and his social environment.

The Privacy of an Individual is the individual's state of being in control of the flow of information between himself/herself and his/her social environment.

The use of the word "social" is very important. It implies human relationships, which is the basis of Privacy, and excludes matters such as pollution, noise, etc. which are part of the physical and not the social environment. The words "Flow of Information" include its extraction, collection from different sources, storage, collation, dissemination, reception, injection, etc. "Control" implies that the individual knows the destination of information about himself and knows what the information is required for. He can permit the information to go to that destination or not as he wishes. He can accept or reject information coming to him.

### Discussion on Criteria

Any measures designed to give protection against psychological invasion of privacy must exclude the vast number of interactions between human beings which because of the circumstances under which they take place are socially acceptable. Parents, for example, must be free to use psychological "carrot and stick" methods in bringing up their children. Society, however, has always had to be protected from malpractices which do not differ in kind from acceptable processes but are abhorrent because of their degree and purpose. A set of criteria is needed to act as a guideline in determining whether any particular act or series of acts is invasive of privacy to an extent which is intolerable to society.

One set of criteria has been derived. In most cases the key word chosen to identify a criterion represents the limit in one direction rather than the general term covering the whole range implied in the criterion. The application of these criteria is not limited to determining the effect on privacy of psychological interactions. Examination of any specific case with implications for privacy against the set of criteria should enable an assessment to be made of whether, in military terms, an encounter has been accidental, an agreed exercise for training purposes, a policing action, a planned skirmish, a punitive expedition or a full-scale invasion.

## Criteria

A. Consideration is first given to the control exercised by the individual over the flow of information between himself and his social environment. Clearly, with any particular item of information, the individual has no control:-

1. If the flow takes place without the individual's KNOWLEDGE, not only of the flow itself but of its purpose and destination.
2. If the flow takes place without the individual's CONSENT.
3. If the individual is unable to exercise CHOICE, including the choice of stopping the flow of information to or from any particular quarter.
4. If the individual is denied MEASUREMENT of the information. An example of measurement is the verification of details contained in a data bank.

B. Then, assuming some control to have been exercised by a person or group without the individual's knowledge etc., two criteria may be established concerning the responsibility of the person or group i.e.

5. Whether the flow of information has occurred as a CONSCIOUS or unconscious act. For example if the dispensing of psychological stimuli takes place unconsciously, this would be regarded as less invasive than when they are consciously given.
6. Whether the information flow is PURPOSEFUL or accidental. An example is the deliberate eavesdropping as distinct from the chance overhearing of a conversation.

C. Next, consideration should be given to the degree or extent to which the flow of information between the individual and his social environment has been controlled. It would be regarded as increasingly outside the control of the individual:-

7. If the flow of information is ORGANISED rather than casual.
8. If control is exercised over an increasing proportion of the TOTAL flow of information i.e. control is exercised not only in the individual's place of work but in his home life etc.
9. As the duration increases or the control becomes more PERSISTENT.

D. The effect on the individual of external control yields two criteria

10. The feeling of DISTRESS or pleasure generated in the individual.
11. The LOSS or gain in terms of finance, status, reputation, opportunity to the individual and his family etc.

E. The effect of controlling the information environment of the individual on the person or group exercising the control yields:-

12. The RETURN or potential return in terms of finance, status etc. to the controlling person or group.

F. There are conditions in which control of an individual's flow of information is in effect in the hands of society or where a person or group justifies his control on the grounds of the health of society. Thus justification could be claimed:-

13. Where control is in effect assigned to a section of society by LEGISLATION which specifies the circumstances and protects the individual from the abuse of legislated power.
14. Where the motive or purpose of over-riding the individual's control is to SAFEGUARD the interests of SOCIETY in general.
15. Where society in effect exercises PUBLIC SUPERVISION of the control of the flow of information of individuals by virtue of the processes being well publicised, open to inspection etc. rather than clandestine.

### Legislative and other controls

The psychological invasion of privacy poses especially complex problems so far as legislation and other means of control are concerned. There is great difficulty in detecting when psychological methods have been employed in an organised basis. Each individual act may usually be explained away as entirely innocent. It needs skilled knowledge of such techniques to detect system or accident in the extraction and injection of information, to be reasonably certain that purposeful acts have taken place. Another problem is that the judiciary in general do not understand the concepts and techniques of the behavioural sciences. Moreover, the rules of evidence are not appropriate to a field where communication and influence take place by methods which emphasise obliqueness and informality.

From a practical point of view, what is needed is

- (1) A fundamental and generally recognised definition of Privacy which takes into account modern concepts and knowledge in the behavioural as well as the physical sciences. It would be a considerable advantage if this could be the basis of a Right of Privacy established in Law.
- (2) An investigative organisation, skilled and knowledgeable in psychological practices, to be available to the general public. Police services are not at present available to investigate complaints about psychological manipulation, which should be regarded on the same basis as physical assault.
- (3) A body with powers to make representations, initiate actions and set standards to prevent gross malpractices which invade the privacy of the individual. This could be the Courts acting under a general Right of Privacy in Law, or a special Court or some other official body such as a Council or Commission.

## Bibliography

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