

Legal Regulation & Education: Doing the Right Thing?

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Privacy in Public: "Google Glass" and "Creepshots"

This article looks at two interrelated issues that we will be confronting since the invention of "Google Glass". First, the development of a particular technology that is inevitable and sometimes autonomous and, second, potential victims of that innovation. I argue that the expansion of a technology like "Google Glass", in particular the use of this technology for taking "creepshots", blurs the line between what is considered public and private. "Creepshots" are covertly taken sexually indicative photographs, mostly of women, which are posted online without consent. In fact, it is the lack of consent that is the crucial component for a photograph to be classified as a "creep shot".

Vint Cerf argues that "Google Glass" provides 'an opportunity to experiment with what happens when you allow a computer to become part of your sensory environment. It sees and hears what you see and hear and it can apply its power and the power of the Internet to make use of information in context.' In any case a simple act of taking photographs of an individual in a public street (which can be done with a wink while using "Google Glass") will not by itself engage Article 8(1) of ECHR unless there are aggravating factors.

It is a trite law to state that the conception of "privacy in public" is amorphous and it is based on a traditional understanding of "reasonable expectation" of privacy. However, the nature of the exposure due to "Google Glass" not only invades an individual's expectation of privacy, but it also calls into question the traditional definition of privacy and interpretation of that definition. Nevertheless, question also arises as to whether the law protects the "sexualisation" of a female body or part of a body taken out of context. This article further analyses the various challenges for protecting "privacy in public" because of innovations like "Google Glass" and will map out future theoretical directions.