Chapter XLVII

Mobile Camera Phones—Dealing with Privacy, Harassment, and Spying/Surveillance Concerns

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ABSTRACT

This chapter discusses the growing inappropriate use of mobile camera phones within our society. There are two areas of concern that are dealt within this chapter. The first concern deals with individual privacy and the use of mobile camera phones as a tool of harassment. The second concern deals with organizations seeking to prevent industrial espionage and employee protection. This chapter outlines how these devices are being used to invade individuals' privacy, to harass individuals, and to infiltrate organizations. The author outlines strategies and recommendations that both government and manufacturers of mobile camera phones can implement to better protect individual privacy, and policies that organizations can implement to help protect them from industrial espionage.

INTRODUCTION

During 2004, Samsung ran a television advertisement depicting a young man sitting in a café. He was taking photos of a young girl walking across the promenade with his mobile phone with in-built camera. The young girl was not aware that she was having her photo taken as she walked by. However, she turned to look over at the café and realized she was being photographed. She walked over to the man sitting in the café, took the mobile camera phone from him, and began to take pictures of herself rolling over a car.

During the 2004 Olympics, LG ran a television advertisement where a girl on a beach phones her friend in a shop to show her a live video feed of a muscular man applying suntan lotion next to his surfboard. It is obvious that the man is unaware that he is being videoed. The

girl in the shop receiving the images passes the phone to a male companion to view. The catch phrase for the advertisement was: "LG, Official Sponsors of Eye Candy."

In both cases, these television advertisements depict voyeurism as a legitimate activity. In the Samsung advertisement, it goes further to suggest that people like having their photos taken with or without their knowledge or consent.

It is therefore ironic that both Samsung and LG have banned the use of mobile camera phones within their operations due to concerns these devises will be used for industrial espionage (BBC News, 2003). Also ironic is that Sydney, Australia, resident Peter Mackenzie was fined $500 for using his mobile phone to photograph women sunbathing topless at Coogee Beach (The Australian, 2004). Appearing in Waverley Local Court, Mackenzie pleaded guilty to behaving offensively in a public place. He told reporters later that he regretted his actions and realized they had been inappropriate. However, his behaviour was actively encouraged by mobile phone vendor advertising campaigns. Mackenzie's actions on Coogee Beach were entirely consistent with advertising campaigns for mobile camera phone technology, but the fact that he was arrested, charged, and subsequently fined makes it clear that these campaigns are out of step with reality and public standards.

Also during 2004, Virgin ran a television advertisement depicting a game called Ming Mong. The game essentially involves sending a picture to someone's mobile phone with a caption. One such example in the television advertisement was a picture of a toilet with the caption, "your breath." This advertising campaign is out of step with community concerns over the increasing use of mobile phones to bully and intimidate others, especially within the school environment.

The past few years have seen rapid convergence within various technologies, none more so than the mobile phone. The mobile phone now has PDA functionality and the ability to send and receive e-mails, view Web pages, listen to the radio and MP3 songs, and play games. Mobile phones are now coming onto the market with one or more gigabytes of storage and of course digital camera facilities with 3-plus mega-pixel resolution. We are now starting to see the adoption of videoing facilities (enabling real-time chat), and it will not be long before these devices start incorporating global positioning system (GPS) mapping technologies (which raises all sorts of surveillance/stalking issues). In short, the mobile phone is morphing into the everyday must-have mobile information and communications centre.

This convergence in technology, while providing many benefits, also raises issues dealing with privacy and surveillance/spying. Although we have had digital photography for a number of years, people generally tend not to carry their digital cameras with them all the time, whereas people tend to carry their mobile phones with them constantly. With a digital camera, you need to go home, connect it to your PC, and transfer the images from the camera to a storage medium. You then possibly e-mailed the images or uploaded them to a Web site. However, with a mobile camera phone, you can immediately send the image to an e-mail address, another phone, or to a computer server (for display on a Web site).

This can be great if you have one of those photo magic moments that you wish your friends to share. But it is not so great if the photo being forwarded is one that has been taken without the subject's knowledge. It is not readily obvious if someone is using their mobile camera phone to take photographs, as they may appear to be just chatting on the phone. Most mobile camera phones have the lens on the back, so

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