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ON PRIVACY IN A COMPUTER AGE

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What is the Point of Gossip?

By David H. Flaherty

Why do people gossip among themselves about others? What, if any, privacy interests of individuals are at risk in the process? What drives gossip? Is it always bad? Can gossip ever be legitimized? Is it in fact a human right, or at least a customary human practice, established since time immemorial? We need a dialogue about gossip in order to establish its role in human existence.

Are there limits to what can be rightfully defined as gossip? Spouses and partners, friends, family members, and work mates are prime participants in the process. They have established relationships with one another; the presence of a stranger discourages gossip among such intimates because the requisite element of trust is absent – and needs to be established after a period of initiation.

Gossip is thus a companion of intimacy, which is an important condition for the enjoyment of a certain type of personal privacy. A person who is alone, enjoying or enduring solitude, cannot

gossip. Persons with a strong sense of reserve, and thus a heightened desire for this component of privacy, tend to avoid and discourage gossip, especially about themselves. The more reserved an individual is, for whatever accident of personality, the more sensitive he or she is to the privacy of others and about their own.

Those Reserved Ones Among Us

It's impressive to know reserved persons who are quite clear about the boundaries that they expect friends and acquaintances to maintain about their privacy and, indeed, personal intimacy itself. The sanction is a denial of further intimacy. Sensitivity (and gossip) about those with whom one can safely gossip is especially important in a hierarchical organization, where the risks of the uncontrolled re-dissemination of gossip are high.

The concept of personal boundaries strikes us as a very important one for the preservation of pri-
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Federal Mandate Counter to Protective Trend

By Chisheng Li

Financial regulators are seeking access to employees' social media sites to investigate suspected violations of securities laws or regulations, or suspected misappropriation of trade secrets.

This is in spite of the fact that since April 2012 an estimated 12 states have enacted laws and several more are actively considering legislation to restrict employer access to employees' social media accounts.

The Financial Industry Regulatory Authority (FINRA), the largest self-regulatory organization for brokerages, has expressed concerns about how financial firms utilize social media to interact with potential clients, promote advisory services, educate investors and recruit new employees. According to a 2012 American Century Investments study, 89 percent of financial

services professionals have a social media account, while 59 percent use social media for business purposes at least several times per week. With increasing numbers of financial professionals interacting with investors through LinkedIn and Twitter, the federal Securities and Exchange Commission (SEC) and FINRA have set forth various guidelines on social media communications.

In January 2012, the SEC alerted investment advisers that their social media participation must comply with federal antifraud and record-keeping provisions codified within the 1933 Securities Act, 1934 Securities Exchange Act and the 1940 Investment Advisers Act. The SEC recommended that investment firms implement and review policies that cover conducting com-
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What is the Point of Gossip?

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vacy. It is learned behavior in the Western world with a significant cultural and class component. But gossip is and has been ubiquitous in human societies.

In pre-literate and/or pre-industrial, agricultural societies, gossip, as a form of conversation, was a primary activity during work, family, and social life.

When travelling in early America, Benjamin Franklin would attempt to satisfy the inquisitiveness of locals at the first encounter by telling them all the "news" he knew before expecting food and drink to be served.

We Learn About Boundaries

With respect to boundaries, most of us learn how to reject or deflect questions from various categories of others that strike us as intrusive in either written or oral forms. Hence the sensitivity of a government statistical agency even proposing confidential surveys on the sexual experiences of various categories in the population. "My sex life is no one's business" is one form of non-response, especially from older people. Children are famous for asking inappropriate and intrusive questions, much to the chagrin of better socialized parents.

Most of us in the Western world tread cautiously when initiating private conversation on sensitive topics such as religious or political affiliations, age, sexual preferences, and income. The more experienced among us know strategies and approaches, including sympathetic listening, in

order to elicit personal information that may interest us or that we wish to learn.

Counselors and health-care professionals normally have developed special skills in this regard.

Clients and patients normally recognize the virtues of candid responses for therapeutic purposes but with an expectation of confidentiality (including legal protections) for what they disclose.

Mere Conversation and Gossip

Is there a distinction between conversation of any sort and gossip? Our intuition is that gossip can become a component of any conversation, whether personal or professional, for reasons that say much about various categories of, and motives for, the practice. We are all familiar with the negative connotations of being perceived of as a malicious gossip, where there is a self-evident effort to harm the reputation of another by spreading rumors. This can be either speculation or, even more harmfully, convey accurate information that may be damaging. Gossip about sexual identity tends to be the most tightly controlled information yet avidly consumed when proffered.

Fueled by Curiosity

Our sense is that much gossip is in fact fueled by a healthy curiosity about others, a desire to know what someone is really like in order to develop or maintain a friendship or a working relationship.

A prospective employee values being able to learn about the atmosphere in an office and/or



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
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