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ABSTRACT

In the past, society's biggest perceived threat to privacy was intrusion on the part of governments. In the 21st century, however, the largest emerging threat to privacy—specifically in the United States, but certainly to a degree around the world—is certain to be the computer-based technology used by businesses to monitor customers and employees.

This paper is a legal study examining the historical context of this issue, as well as an examination of current events, thoughts of scholars and authors on the issue, and relevant court decisions. Chapter Two consists of a detailed literature review that will demonstrate the precarious nature of the current state of personal privacy in Chapter Three. I present a legal examination of the issue of online file sharing. This issue poses a challenge in balancing personal privacy with competing interests—in this case, copyright protection. I present a four-step solution to this conflict by updating an existing law—the Digital Millennium Copyright Act—and enforcing the No Electronic Theft Act. Furthermore, I argue that the current laws regarding subpoenas need to be more narrowly tailored. I also recommend a focus on alternative methods of protecting copyrights that will remove the impetus for groups in this instance the Recording Industry Association of America to seek to abuse personal privacy through technological means. The discussion about online file sharing can provide a model on how to approach the larger general question of how to balance privacy rights with competing interests in an increasingly technological environment. Technology poses many threats to personal privacy. Moreover, many people may not be fully aware of their exposure to risk. However, pending legislation, my recommendations, and increased media coverage on the issue, bodies well for taking the necessary steps to eliminating, or at least greatly reducing, these problems and preserving personal privacy from technological threats in the years to come.