

題目	國家安全與個人隱私－數位時代的政府監控爭議
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摘要	<p>當國家面臨戰爭或恐怖攻擊等危機時，國家安全常成為政府採取緊急措施之理由，即使在和平時期國家安全亦常以各種不同理由，為法律、命令及司法院大法官解釋所援用；對於國家的反恐作為或平時對人民資訊蒐集之行動，已產生正反兩面意見。支持者認為：反恐機制與作為，可以促進國家與人民的安全，免於恐懼。然而反對者認為：反恐措施未達成抑制恐怖活動時，即已建構成嚴重侵害人權的國家權力。</p> <p>2013年美國國家安全局（NSA）外包公司(Booz Allen & Hamilton)的僱員史諾登(Edward Snowden)，揭露指NSA等情報單位，以國家安全為由，透過「稜鏡計畫」(PRISM)等方式，不當蒐集所有國人(包括外國元首)的通訊資料，並進行有系統的攔截、分類、儲存與分析等監控作業，踰越法律允許範疇，引發輿論譁然。就政治公益上的觀點來看，政府基於社會安全，對特定人員採取資訊監控，或許不能完全解讀成「違法」的行為。但公權力以「公共危險」與「國家安全」為由，要求網路服務商提供必要的個人資訊是否合理？本文擬從「倫理」觀點來解讀事件的是與非，探討政府與人們該依循哪些原則來過得更好的生活(安全與自由)？本研究經由「義務論」(Deontology)及「目的論」(Teleology)的觀點，針對真實生活中所面臨的爭議進行辯證與探討，期能取得兩者之間的平衡。</p>
關鍵字	國家安全；個人隱私；義務論；目的論
Title	National Security versus Individual Privacy- A Dispute on Governmental Monitoring in the Digital Age
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Abstract	<p>When the country faces a crisis of war or terrorist attacks, national security often becomes a reason for the government to take urgent measures. Even in peacetime, it usually used in a variety of different reasons by law, order and the Grand Justices' interpretation. The anti-terrorism act or the usual collect people's information has produced the pros and cons. Supporters argue that anti-terrorism mechanism can promote national security and people's safety and freedom from fear. But opponents argue that counter-terrorism does not suppress terrorist activities, however the national power has already seriously violated the human rights.</p> <p>In 2013, Edward Snowden, a employees of outsourcing company (Booz Allen & Hamilton) of US National Security Agency (NSA), exposed the NSA on national security grounds, improperly collected communication and information of all the people (including foreign heads of state) through PRISM program. That program systematically monitors, intercepts, classifies, storages and analyzes all kinds of information, beyond the scope permitted by constitutional law, led to a public outcry. On political views, government may be allowed, based on national security, to gather certain information and monitor certain people, it may not be interpreted as "illegal" behavior. However, the public authority uses or even abuses it's power for the reason of "public danger" and "national security" to require internet servicers to provide any personal information is just unreasonable and unlawful. This study tries to discuss this issue from "ethics" perspective, and to interpret the events what principles the government and the people that follow to live a better life (security and/or freedom)? And we want to raise a dialectical debate and discussion to work out a balance between "deontological" as well as "teleological" goals for the real-life.</p>
Key Words	National Security; Individual Privacy; Deontology; Teleology