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The practice of surreptitiously installing spyware on computers is not materially different from recording telephone conversations without notice or planting wiretaps illegally. As Voice over IP becomes more common, there will be in fact, no difference. Spyware of any type should be prohibited unless the owner of the computer has expressly given permission after having received clear, unambiguous and conspicuous notice. Moreover, there should be a requirement to renew the permission at least annually.

If business and individuals cannot have the presumption of confidentiality in their electronic transmissions and activities on their systems, there is a real possibility of such techniques eroding the willingness of any to connect to public networks. Moreover, it raises distrust of legitimate marketers and makes the efficient movement of information and commerce more difficult for legitimate purposes.

In short, Spyware of any type is a very real danger and should be regulated.

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