

OPEN PEER REVIEW

# Privacy as Resistance: Legal Strategies Against State and Corporate Surveillance

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## 1. Round 1

### 1.1. Reviewer 1

Reviewer:

The sentence “...creating intricate networks of monitoring that blur the line between public and private oversight” would benefit from a citation or empirical example illustrating the blurring effect (e.g., facial recognition in public retail environments).

The transition between Foucault’s panopticism and Zuboff’s surveillance capitalism could be improved by highlighting the conceptual shift from state-centric to market-centric surveillance.

The reference to “Watson and Lupton” is compelling, but lacks a clear link to legal mobilization. Elaborate how affective digital practices tie into formal legal resistance strategies.

The sentence “privacy may be deemed subversive...” is powerful. However, it needs further nuance to distinguish legal systems where privacy discourse is legally restricted versus culturally discouraged.

The authors claim “surveillance practices are... embedded within broader strategies of political control” but do not name any countries. Carefully include at least one example (e.g., China’s social credit system) with appropriate citation.

Authors revised the manuscript and uploaded the document.

### 1.2. Reviewer 2

Reviewer:

The citation “According to Swanlund...” introduces a key conceptual framing. However, the cited work could be better contextualized within the broader literature on digital resistance (e.g., how this compares to Zuboff’s or Lim’s frameworks).

The sentence “Legal frameworks play a central role in enabling and legitimizing such acts of resistance” is compelling, but needs clearer delineation between enabling (e.g., granting rights) and legitimizing (e.g., codifying actions as lawful).

The research questions are well-posed, but the authors should clarify whether they will address both legal theory and empirical application equally, or if the emphasis is primarily conceptual.

The mention of “strategic litigation by civil society organizations” should include one non-U.S. example to diversify the geographical scope (e.g., litigation by Privacy International in the UK or India’s Internet Freedom Foundation).

The sentence “These legal responses often materialize through local ordinances...” should be expanded with an example of a city-level ban (e.g., San Francisco’s facial recognition ordinance).

The comparison of GDPR and CCPA is informative but incomplete. Include a brief mention of other emerging frameworks (e.g., India’s Digital Personal Data Protection Act 2023 or Brazil’s LGPD).

The discussion of “consent fatigue and information asymmetry” is insightful. However, authors could elaborate on whether current legal standards (like GDPR’s “explicit consent”) are sufficient or outdated.

Authors revised the manuscript and uploaded the document.

## 2. Revised

Editor’s decision: Accepted.

Editor in Chief’s decision: Accepted.