

Dr. Cynthia Matuszek

1

## Bookkeeping

- Paper topics (if you haven't heard back, you're good)
- Next class: review, paper/presentation expectations, more in-depth exercises
- Week from today: Paper writing workshop
  - Bring your rough draft or outline in shareable format
  - Include *at minimum*: 3-5 references; **intro and outline**; 2-3 case studies
  - Groups (and !!) will go over and discuss topics and make suggestions
  - Feel free to bring presentation bones in case of extra time

2

## Data privacy

- Surveillance capitalism: “An economic system built on the secret extraction and manipulation of human data” – Shoshana Zuboff
  - Data producers – Google, Meta, smaller players
  - Data brokers – Epsilon, Acxion, etc.
    - Nobody knows how many; probably tens of thousands
  - Data purchasers – advertisers, anyone else
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- The illustration shows a person with blonde hair looking at a computer monitor. The monitor displays a red square with a white 'X' inside. Surrounding the monitor are several colorful speech bubbles containing the words: 'Social media', 'Phone', 'Email', 'Text', 'Search', and 'Click'. The person is wearing a green shirt and has a surprised or concerned expression.



<https://www.latimes.com/business/la-fi-ar-us-list-brokers-20161028-sn-m-story.html>

3

## What is data privacy?

- Access, use and collection of data, and the data subject's legal right to the data:
  - Freedom from **unauthorized** access to private data
  - Freedom from **inappropriate** use of data
  - **Accuracy and completeness** when collecting data about a person
  - Availability of data content, and the data subject's legal right to access/ownership
  - The rights to inspect, update or correct these data
- The costs if data privacy is breached (e.g., reputational damage, loss of client trust)

<https://www.isaca.org/resources/isaca-journal/issue/2016/volume-6/an-ethical-approach-to-data-privacy-protection>

4

Data that is available/inferable

- Location
- Who you interact with
- What you buy
- Finances
- Health information
- Hobbies
- Food preferences
- Current/past residences
- Relationships
- Voices from homes
- Voices in cars
- Browsing habits
- Anything that can be inferred from combinations of the above

5

## Legislation

- Europe: General Data Protection Regulation (GDPR)
- California: California Consumer Privacy Act/California Privacy Rights Act
- Maryland: has some laws working through!
- No Federal regulations exist – do we need some?
  - Pros
  - Cons
- Why don't laws exist?

6

## The Banning Surveillance Advertising Act

- "[It] would dramatically limit the ways that tech companies serve ads to their users, banning the use of personal data altogether"
- Would prohibit advertising targeting based on protected class information, such as race, gender, and religion
- Or personal data purchased from data brokers
- Platforms could still target ads based on general location data and "contextual advertising" based on what the user is doing when the ad is shown

<https://www.brookings.com/2022/01/19/banning-surveillance-advertising-act/>

7

## Consent and Consequences

- Why might invading your privacy be wrong?
  - (Or violating other rights)
- Consequences:
  - Does it change things...
  - If it does you harm? Does you no harm? Does you good?
- Consent:
  - And / or, does it matter...
  - What you want?
  - Whether you are informed?
  - Whether you have a choice?

8

## About Consent

- But they voluntarily:
  - "Shopped there / put that info on Facebook / posted to a forum / used a credit card instead of cash / bought a house"
- Just because a victim could have done something that would have changed the outcome:
  - Does not mean others aren't responsible for not harming
  - Does not mean that person was ethically obliged to not do it
    - Does making a change interfere with their rights in other ways?
    - Is the change to avoid someone interfering with their rights unjustly?
  - Watch for victim blaming
- It is progressively less possible to live without an online footprint

9

## "If you're not paying..."

*"If you're not paying for the product, you are the product."*

- Pragmatically:
  - The assumption: Companies you pay treat you better.
    - Counterexamples: banks; every phone company ever; ...
  - What's inherently wrong is a company selling data without consent
  - Has nothing to do with whether you're paying
    - They have to do with the company's leadership, their level of complacency, and their demonstrated respect for their customers
- Ethically:
  - The assumption: not paying means not complaining
  - Does partaking of a free service, offered freely, mean you have no rights?

Quoted largely from:  
<https://www.fox.com/story/2012/02/20/>

10

## Shadow profiles

- Facebook maintains information about you gathered from all sources
- Although "shadow profiles" are an obvious target, every data broker/list company maintains some kind of profile on you
- What does your online profile consist of?
- What information is out there about you?

11

## Who can buy data?

- One possible solution: limit who can buy/use data, rather than who can collect data
  - Government
  - Big/Small corporations
  - Individuals
- Down side: people who don't obey regulations
  - Once the data is out there...

12

### Benefits of large-scale data

- Better online ads
- Public health – disease tracking, research, management
- National security
- Smart grids/energy optimization
- Supports widely available free services
- “Because the commoditization of consumer data isn’t likely to end anytime soon, it’s up to the businesses that gather and profit from this data to engage directly with their customers and establish data protections they will trust.”<sup>[1]</sup>

[1] <http://www.fortune.com/story/chartbeat/fortune/2015/03/17/the-ethics-of-data-brokers-who-ethics-will-separate-data-privacy-leaders-from-followers>

13

### An intermediate approach

- Consistently cultivate trust with customers, explaining in common-sense terms how their data is being used and what’s in it for them
- Focus on extracting insight, not personal identifiable information
- Work together to facilitate the flow of insights, with a common objective of acquiring maximum insight from consented data for the customer’s benefit

<https://hbr.org/2015/01/the-new-rules-of-data-privacy>

14

### And for data brokers

- Know the data source and have a screening process to ensure the data being purchased was collected with notice and choice
- Classify data; sensitive or financial information should be held to a higher standard than more innocuous data
- Be transparent; show every piece of data collected on consumers

<https://www.irs/news/ai/data-brokers-demystified-a-call-for-ethics>

15

### Possible alternatives

- Current state of affairs
- More information about what’s being shared
- More control over what’s being shared
- Limitations on data selling
- Moratoria on data sales
- Limitations on data collection
- Moratoria on data collection

Most permissive



Most controlled

16

### Ways of considering possible solutions

- Would these measures respect the rights of all who have a stake in the outcome? Do some rights “trump” other rights, and, if so, which measure best respects the most important rights?
- Would these measures treat people equally, or proportionately?
- Taking into account, equally, everyone who would be affected by these measures, would these measures promote the most overall happiness, and cause the least overall harm and suffering?
- Would these measures best serve the community as a whole, not just some members?
- Would these measures lead people to develop the habits and character traits of a good person, the sort of person who is a moral example for others?

<https://www.scn.edu/ethics/privacy/the-ethics-of-online-privacy-protection/>

17

### Discussion

<http://tiny.cc/data-privacy>

- How much does *consent* matter, vs. *consequences*?
- Name three major stakeholders in the current state of surveillance capitalism, including at least one that **benefits** from having personal data freely available
- Propose a policy to limit collecting **and/or** sharing of personal data, considering data sources and effects on all stakeholders
- What are the positive and negative consequences of the policy? How can the negative consequences be (somewhat) ameliorated?

18