BIG DATA Y PRIVACIDAD:

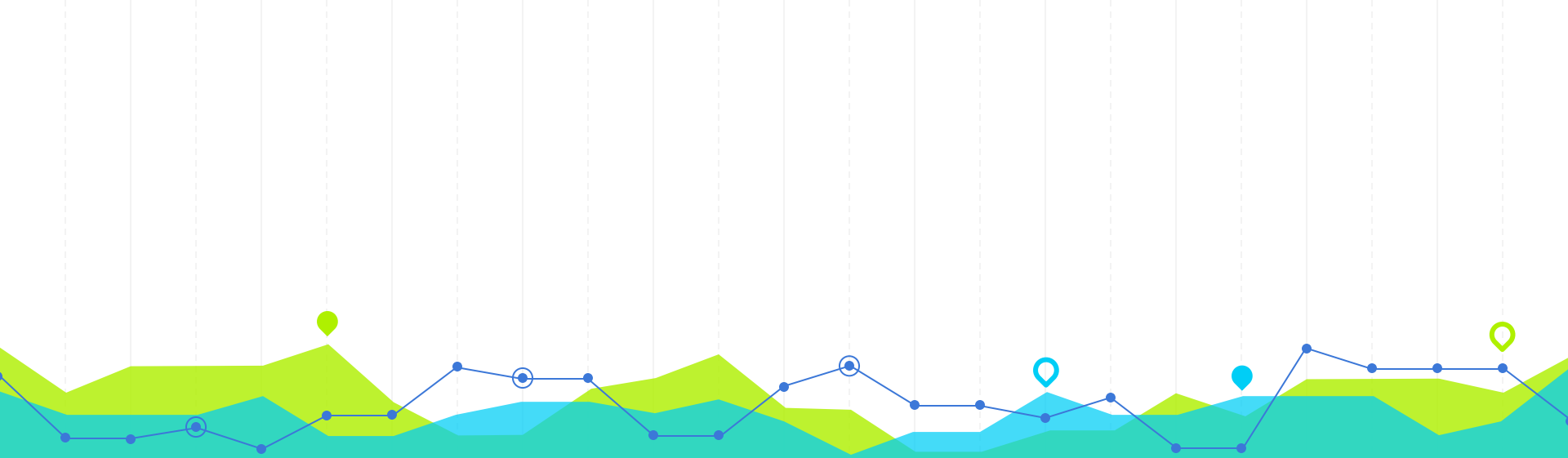## retos, riesgos y lo que no queremos ver

¡HOLA!

Soy Marianne Díaz

Soy abogada, escritora y activista en la intersección entre derechos humanos y tecnología.
Trabajo como analista de políticas públicas en la organización Derechos Digitales.
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Data-driven discrimination

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In one case, American Express used purchase history to adjust credit limits based on where a customer shopped, despite his excellent credit limit:

Johnson says his jaw dropped when he read one of the reasons American Express gave for lowering his credit limit: "**Other customers who have used their card at establishments where you recently shopped have a poor repayment history with American Express.**"

(...) staff at St George's Hospital Medical School decided to write an algorithm that would automate the first round of its admissions process. The formulae used historical patterns in the characteristics of candidates whose applications were traditionally rejected to filter out new candidates whose profiles matched those of the least successful applicants.

*By 1979 the list of candidates selected by the algorithms was a 90-95% match for those chosen by the selection panel, and in 1982 i*t **was decided that the whole initial stage of the admissions process would be handled by the model.** *Candidates were assigned a score without their applications having passed a single human pair of eyes, and this score was used to determine whether or not they would be interviewed.*

Quite aside from the obvious concerns that a student would have upon finding out a computer was rejecting their application, a more disturbing discovery was made. The admissions data that was used to define the model's outputs **showed bias against females and people with non-European-looking names.**

Another problem can arise when collected data isn't representative of the entire population. For example, well-off people are more likely to carry smartphones than the poor. Two years ago, the City of Boston released an app called Street Bump that automatically sends reports about potholes using data from smartphone sensors. But **the city had to be mindful that reports were more likely to come from areas with higher phone ownership rates.**
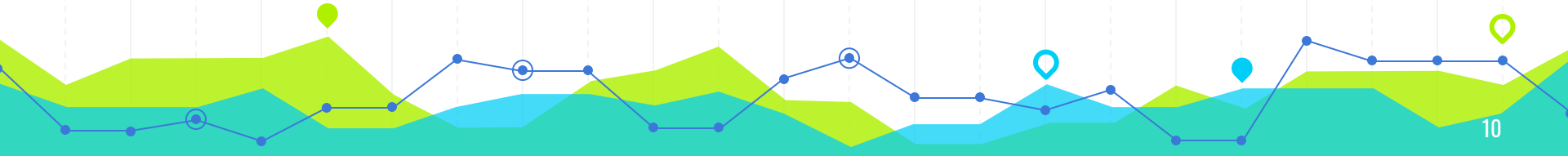
Lineamientos de DDHH en el manejo de datos

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Guidelines on the protection of individuals with regard to the processing of personal data in a world of Big Data

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*Not all data processed in a big data context concern personal data and human interaction but a large spectrum of it does, with a **direct impact on individuals and their rights** with regard to the processing of personal data.*

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since Big Data makes it possible to collect and analyse large amounts of data to identify attitude patterns and predict behaviours of groups and communities, **the collective dimension of the risks related to the use of data** *is also to be considered*

"

Control *requires* **awareness** *of the use of personal data and real* **freedom** *of choice*

"

The complexity and obscurity of Big Data applications should prompt rule-makers to consider the notion of control as not circumscribed to mere individual control. They should adopt a broader idea of control over the use of data, according to which individual control evolves in a more complex process of multiple impact assessment of the risks related to the use of data.

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Given the nature of Big Data and its uses, the application of some of the traditional principles of data processing (e.g. the principle of data minimisation, purpose limitation, fairness and transparency, and free, specific and informed consent) may be challenging in this technological scenario

PRINCIPIOS

1. Ethical and socially aware use of data

2. Preventive policies and risk-assessment

3. Purpose limitation and transparency

4. By-design approach

5. Consent

6. Anonymisation

7. Role of the human intervention in Big Data-supported decisions

8. Open data

9. Education

USO ÉTICO DE LOS DATOS

de acuerdo con los principios éticos y morales
del contexto social específico
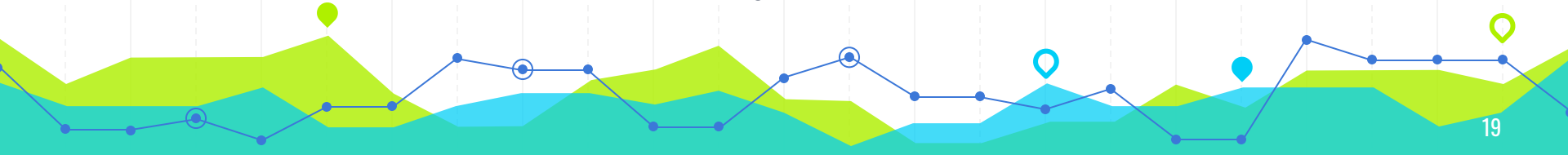
POLÍTICAS PREVENTIVAS Y EVALUACIÓN DE RIESGOS

Identificar los riesgos y asegurar por diseño la protección de las personas

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LIMITACIÓN DE PROPÓSITO Y TRANSPARENCIA

Los datos deben ser usados para propósitos específicos y legítimos, y no deben ser procesados en modos inesperados, inapropiados u objetables

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ENFOQUE BY-DESIGN

Cuando sea necesario, deben adoptarse soluciones específicas diseñadas para procesar los datos, minimizando la presencia de datos marginales o redundantes, evitando posibles sesgos ocultos y riesgos de discriminación
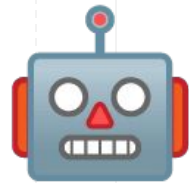
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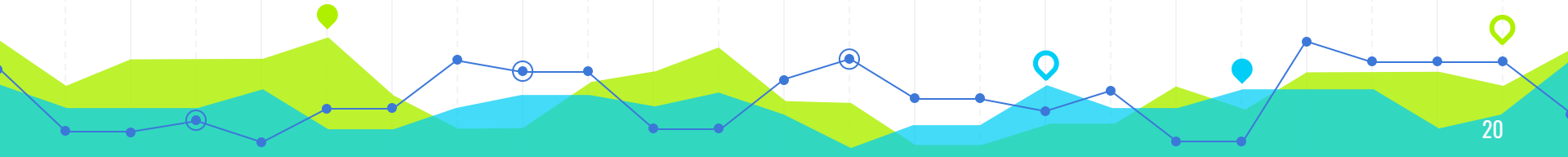
CONSENTIMIENTO

Libre, específico, no ambiguo e informado. El consentimiento no es libre si existe un claro desbalance de poder entre el sujeto y el controlador.

ANONIMIZACIÓN

Debe evitarse la identificación o re-identificación del usuario

ROL DE LA INTERVENCIÓN HUMANA EN LAS DECISIONES AUTOMATIZADAS

Cuando las decisiones afecten a personas o puedan producir efectos legales, deben ser apelables, revocables y susceptibles de ser reconsideradas

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DATOS ABIERTOS

Deben considerarse cuidadosamente las políticas de datos abiertos en relación con los datos personales, dado que pueden utilizarse para extraer inferencias sobre individuos o grupos. Deben considerarse también los efectos de unir y minar diferentes puntos de datos pertenecientes a diferentes bases de datos.

EDUCACIÓN

Para ayudar a los individuos a comprender las implicancias del uso de datos personales en el contexto del Big Data, debe considerarse que la educación digital es una habilidad esencial

BIG DATA EN LA
LEY DE DATOS CHILENA

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*La reforma a la **Ley 19.628** busca proveer un marco conceptual y técnico alineado con el GDPR y garantizar los derechos ARCO de los titulares para todo flujo de datos*

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Se requieren obligaciones bien definidas de transparencia, mejores reglas relativas al consentimiento, límites estrictos a la transferencia de datos personales a terceros y a la transferencia transfronteriza de datos personales y otras salvaguardas de autodeterminación informativa

¡GRACIAS!

¿Hay preguntas?

Pueden encontrarme como

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