



Privacy Laws - An International Perspective

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Overview

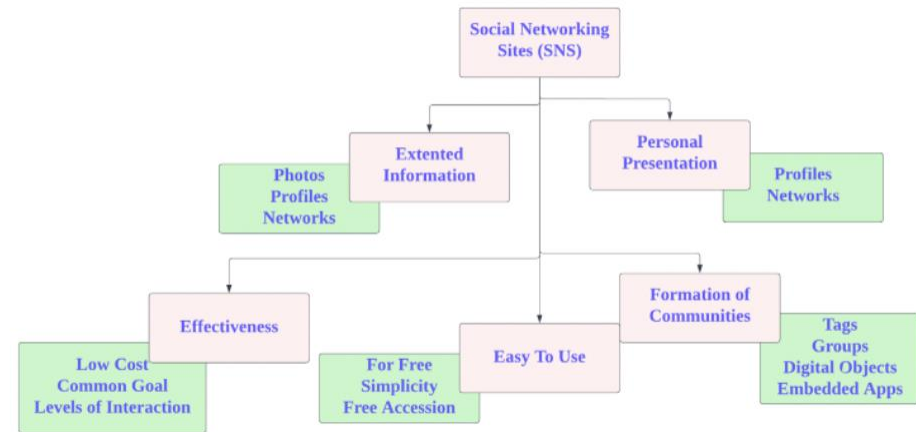
- ❖ Online Social Networking and Impacts
- ❖ GDPR EU
- ❖ Case Study on GDPR
- ❖ Federal State Laws, USA
- ❖ Case Study
- ❖ Conclusion

Online Social Network proliferation

- OSNs create a potentially transformational change in consumer behavior
- Protection is a precondition for online self-divulgence

Persistent and searchable traces of human communication on a large scale.

- Challenge: potential misuse of personal information
- Complexity: Ensure independent, critical research in the public interest while protecting ordinary users' privacy



General Data Protection Regulation 2 (GDPR) 2018

- Those who offer goods or services to persons in the EU/EEA
 - European Economic Area (EEA) = European Union (EU) + Iceland, Liechtenstein, Norway, & UK
- Those who control and process data about persons in the EU/EEA
 - Personal Data = any information that can identify a person
 - Sensitive Data = race/ethnicity, political opinions, religious/philosophical beliefs, union membership, genetic data, biometric data, health data



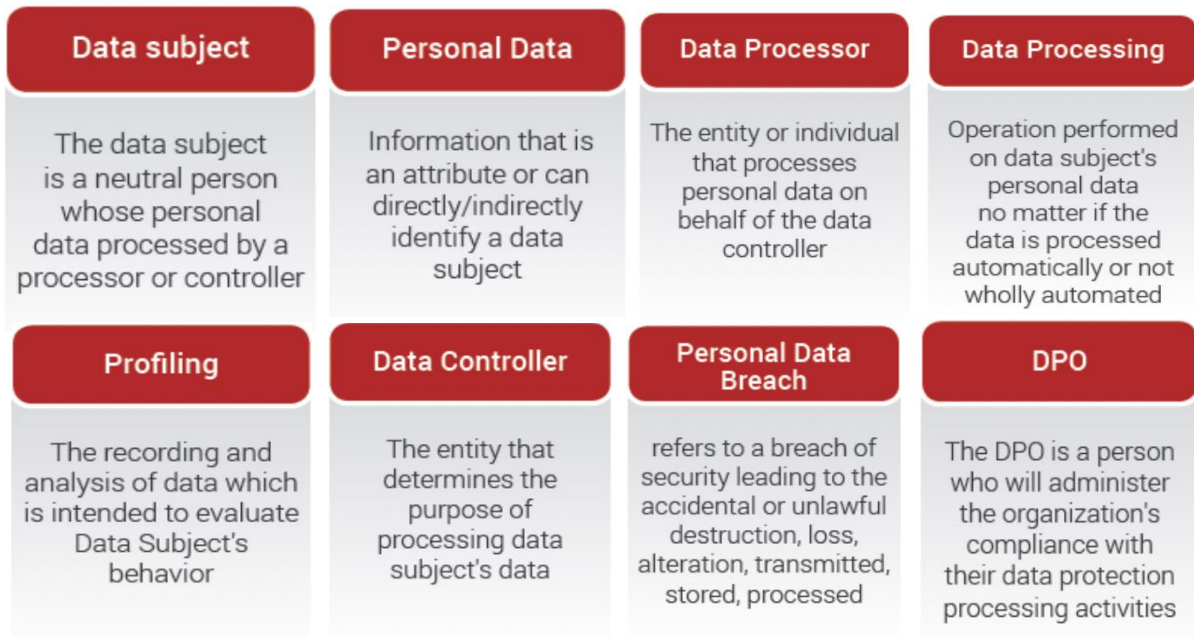
General Data Protection Regulation 2 (GDPR) 2018

- Protect the fundamental rights and freedoms of the data subjects
- Create a protective regiment with regard to the processing of personal data

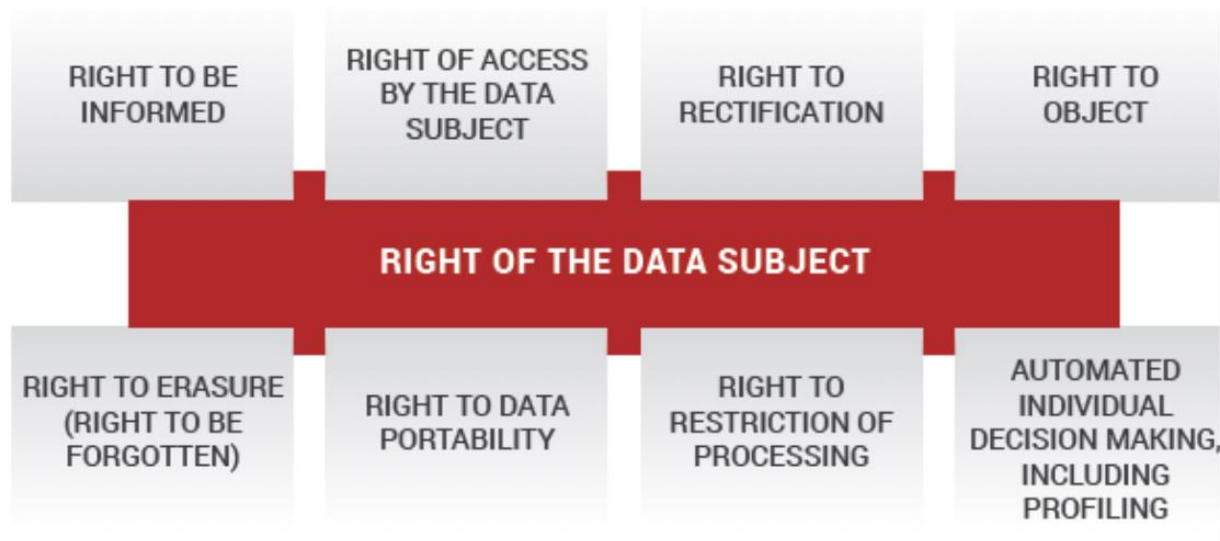
★ **GDPR applies to Processing of personal data**

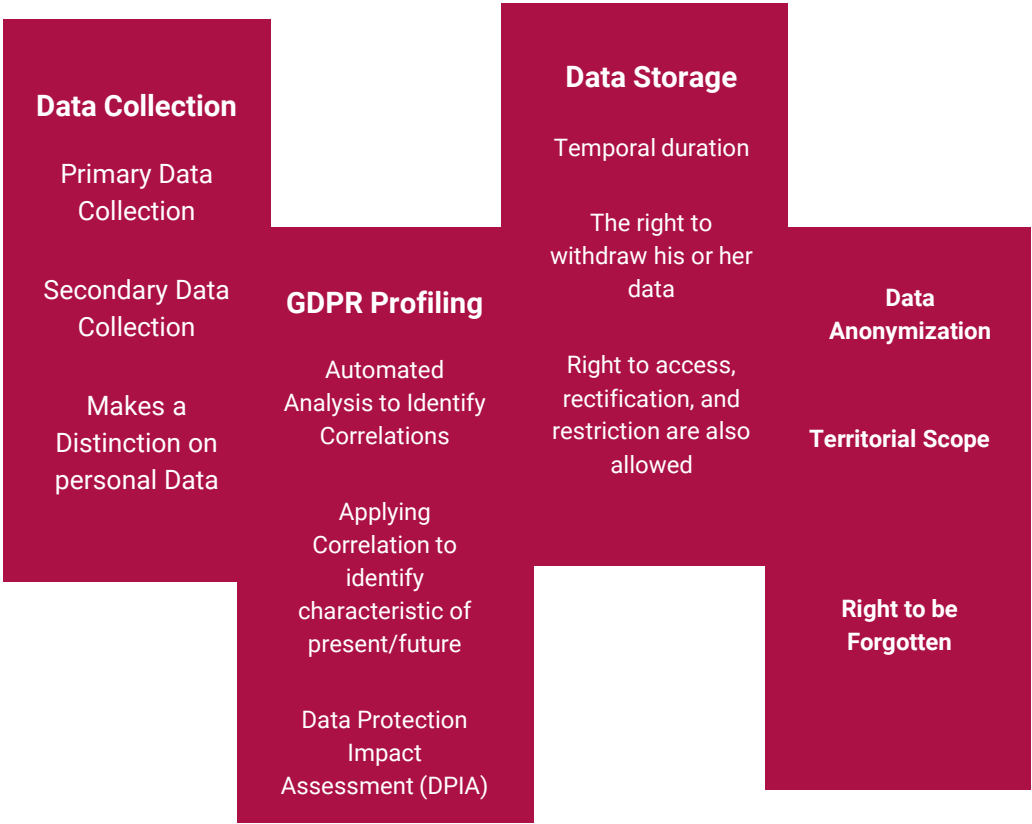
- In all European Union (EU) Member States
- In all sectors (public or private)
- In all purposes (commercial and non-commercial)

GDPR ECOSYSTEM

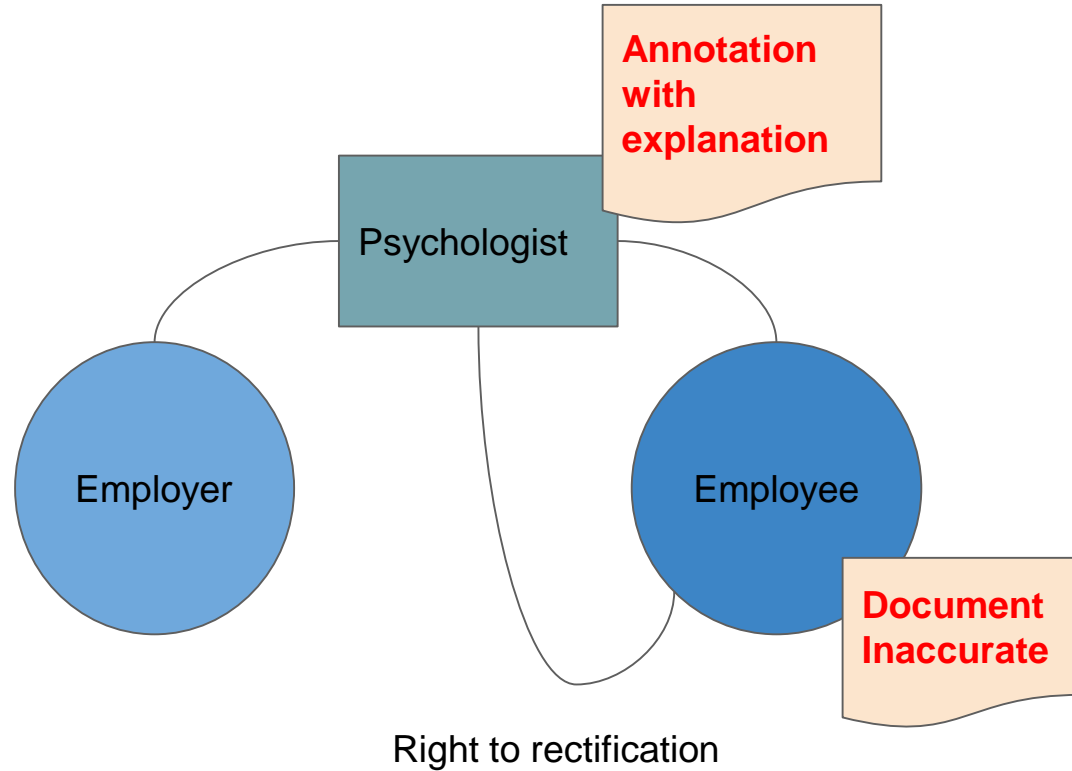


DATA SUBJECTS & THEIR RIGHTS (Article 12-23)





Right to Rectification



An Experiment on Automated Data Subject Information on Twitter

- A protocol for a Twitter data collection process
- When tweets are collected on Twitter, the only contact information we have are:
 - The Twitter identifier
 - The screen name of the accounts whose tweets were collected
- Inform them that tweets are visible to others, such as using a public mention we have to release additional information about them

Method tried

Mention max users in
single tweet

Twitter API to tweet
to screen names

Max 2400
tweets/day

Use #tags

×

An Experiment on Automated Data Subject Information on Twitter

Complying to GDPR

- Send the tweets from authors to users, including a link to the information about the project and the data processing
- Mention information about the user rights
- To prove their identity →

- The users were requested to follow notification account of authors

Consequence of Experiment

- Though Twitter was informed
 - After sending notifications to 45 accounts, the authors have registered only one visit to the information page
 - Twitter marked the account has spamming behavior and blocked the account

Observations:

- ❖ Too much Stringent rules
- ❖ Practical impossibility of guaranteeing respondent anonymity

Usage of Online Services in the U.S.A

- Today, 85% of American adults are online every day
- Internet businesses now create 10% of U.S. gross domestic product (GDP)

Number of internet users in the United States from 2010 to 2025 [14]



Threats listed because of increased usage of online services

- Exploitation of people's data (privacy)
- Manipulation of consumer behavior
- Widespread fraud
- Abuse of small businesses and market power
- Cyber security challenges
- Threats to workers' rights

Federal State Laws



Video Privacy Protection Act [8]

Prohibit, the disclosure of video rental records containing personally identifiable information.



- Ban a third party from intercepting and/or disclosing electronic communications without prior authorization
- Protects wire, oral, and electronic communications while those communications are being made, are in transit, and when they are stored on computers.

Stored Communications Act

- The SCA protects the privacy of a subscriber's file contents→ stored by service providers (ISP) and subscriber records, such as their name, billing information, or IP address, maintained by the ISP



Protects information collected by consumer reporting agencies such as credit bureaus[12]



Comprehensive Consumer Data Privacy Laws

01	California Consumer Privacy Act of 2018 (CCPA)	<ul style="list-style-type: none">• Prevent businesses from sharing personal information• Correct inaccurate personal information;• Limit businesses' use of "sensitive personal information"
02	Colorado Privacy Act (2021)	<ul style="list-style-type: none">• Addresses consumers' rights to privacy,• Companies' responsibility to protect personal data,• Controller to determine how data is used & processed• Authorizes the Attorney General and district attorneys
03	Virginia Consumer Data Protection Act(2021)	<ul style="list-style-type: none">• Privacy protection standards for data controllers and processors• rights to access, correct, delete, obtain a copy of personal data• Opt Out from Target Advertising• Role of Attorney General
04	Utah Consumer Privacy Act(2022)	<ul style="list-style-type: none">• Right to know the use of personal data• Access to delete and opt out• Role of Attorney General

Health Insurance Portability and Accountability Act (1996)

(HIPAA) Protected Health Information

Authority:

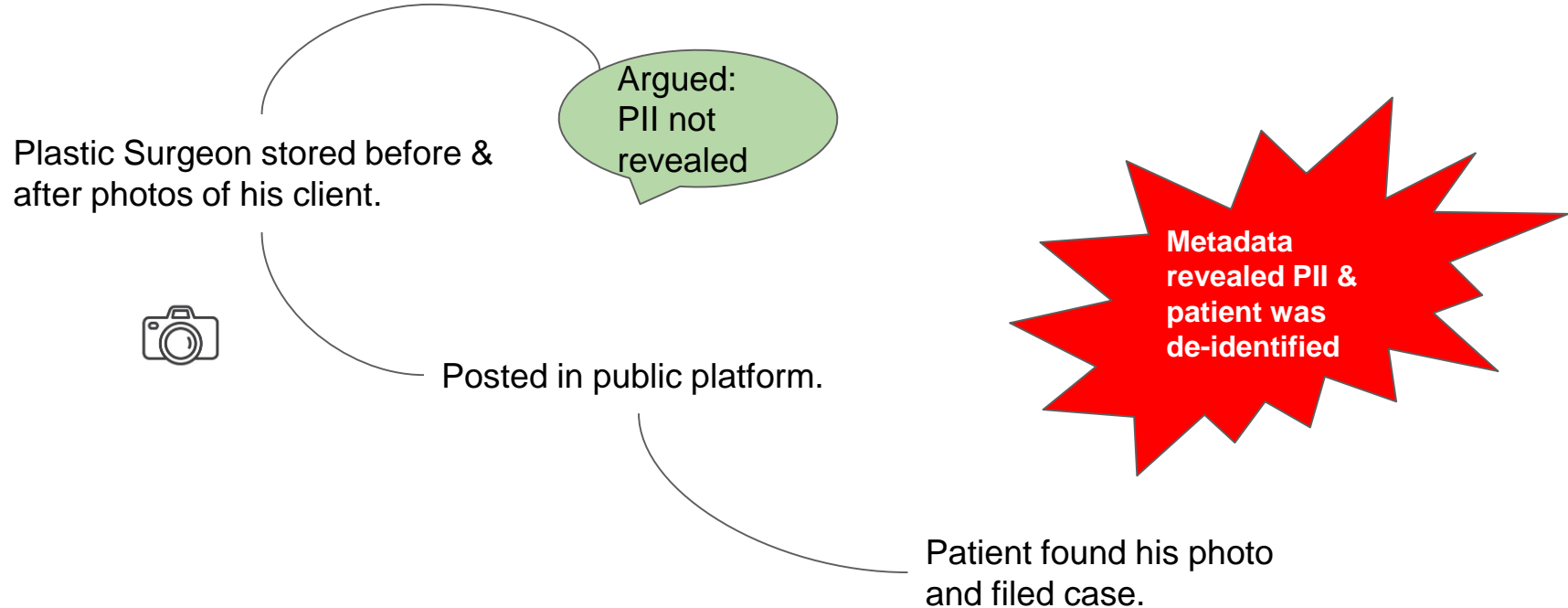
Office for Civil Rights (“OCR”)

Department of Health and Human Services (“HHS”)

Covered Entities	Privacy Protection Rule	Security Rule
<ul style="list-style-type: none"> Health Care Providers Health Plans Health Clearing Houses Business Associates 	<p>Individuals’ rights to understand and control how their health information is used</p> <p>Protect the Patient’s Sensitive Information , while allowing flow of data</p>	<ul style="list-style-type: none"> Ensure the CIA of all electronic protected health information Detect and safeguard against anticipated threats to the security of the information Protect against anticipated impermissible uses or disclosures Certify compliance by their workforce

Recent Case History-

Alleged violations of HIPAA privacy rules



Gramm-Leach-Bliley Act

Consumer Financial Privacy

- Nonpublic personal information" (NPI).
- NPI is any "personally identifiable financial information"

GLBA Privacy Rule

Who is Covered
<ul style="list-style-type: none">• Financial institution
<ul style="list-style-type: none">• Consumers or Customers
<ul style="list-style-type: none">• Businesses That Receive NPI.

- Privacy Notices
- Opt Out Notices
- Disclosure Of Account Numbers Is Prohibited

CHILDREN'S ONLINE PRIVACY PROTECTION RULE (COPPA) - 1998

Children ≤ 13



Gathering of any personal information from a child by any means, including but not limited to:

- (1) Requesting, prompting, or encouraging a child to submit personal information online;
- (2) Enabling a child to make personal information publicly available in identifiable form.
- (3) Passive tracking of a child online.

Xanga was fined \$ 1 million

- Parents are often in a supervisory role when it comes to protecting children's privacy rights on social networks

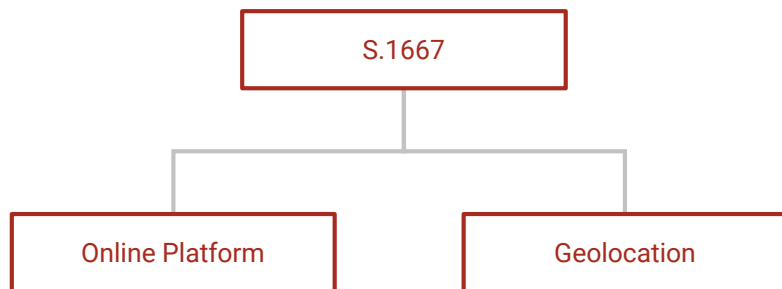
No Social Media Right →

Parent infringe on their own children's privacy (intentionally or inadvertently) by posting kids' photos online or by identifying them in a blog

Social Media Privacy Protection and Consumer Rights Act (2021)

Social Media Privacy Laws in the Workplace

online platforms



- Consequence of Prohibition of Data Collection
 - Creates inoperability in the online platform
 - May deny certain services or completely deny access to the user

Give user → option to specify privacy preferences.

Generally, state laws prohibit employers from the following actions:

- Requiring or requesting user name, or login credentials for job applicant/employee's personal social media accounts
- Requiring an employee adding another employee to their friends or contact list of the social media account
- Requesting that employees change privacy settings

Relative Case Studies

FTC Requires Zoom to Enhance its Security Practices(2020)

Zoom Claimed

- “End-to-End, 256-bit encryption” to secure users’ communications.

In Reality

- Zoom maintained the cryptographic keys that could allow Zoom to access the content of its customers’ meetings.
- Recordings were stored unencrypted for up to 60 days on Zoom’s servers.



Remedial Measures

- Assess and document on an annual basis any potential internal and external security risks and develop ways to safeguard against such risks.
- Implement a vulnerability management program.
- Deploy safeguards such as multi-factor authentication to protect against unauthorized access to its network
- institute data deletion controls
- take steps to prevent the use of known compromised user credentials.

Conclusion

- Discussed on Privacy Laws and Regulations of European Countries and the USA.
- **International privacy laws for data protection** will continue to evolve and develop to ensure personal data protection.
- USA still lacks Comprehensive Privacy Measures.
- There is no US equivalent to EU GDPR.
- EU GDPR impose high level restrictions for research even though they exempt few stringent regulations.
- India is trying to find the right balance so as to take advantage of a data driven ecosystem but with all reasonable restrictions.

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Thank You !

