

Analysis of Scenario #2: Your Company's Customers' Personal Data

Central Ethical Question:

I think the central ethical question in this scenario is the difference between private data and anonymized data. Is there a significant difference between sharing correlated data (for example your income and where you are) and anonymous data (for example, x number of people were at this place)? There are other questions you could ask, for example, is it okay for your colleague to scrape the API archive data from before the company changed their data policy, as long as they anonymize it? Does this go against the CTO's original pitch? Is this participating in surveillance capitalism if you're anonymizing and bundling the data? Would selling the data still count as using it, therefore not contradicting 'protection while in use' and 'discarding after use'?

Stakeholders' Rights:

Company/Leadership:

Ultimately, the company can have the rights to a whole lot of things, depending on how they structure their contracting, disclaimers, and terms of service. As things are in the present day, corporations and businesses can amass a whole lot of power and legal protection. The company is a startup, but considering that they reach customers through an app, they can hide a whole lot of rights that users are signing away in terms of service. These rights, whether they should be or not, can be VERY flexible.

Customer:

Any customer maintains rights to keep their data private (for now), so long as they *don't sign it away*. Once that's said and done, they may have to file a pretty big suit to get some court to decide it isn't possible to give that right over to anyone, and considering the state of our justice system, I wouldn't hold my breath.

Employee:

A fact that I would like to point out is that this very well may or may not be something you could legally get fired for opposing.

Missing Information:

There are of course miscellaneous logistical questions we could ask that would certainly give us a more complete understanding of the scenario. What is the CEO proposing in full? How long would they keep the data for, if not for only a week? Once they have bundled and sold it, surely they no longer have jurisdiction over it, and the buyer would be able to use it long after our own company has scrubbed it - there's no way to enforce the buyer's disposing of the data. How are they planning to anonymize it? Who are they planning to sell it to? Does the buyer know where it comes from (the data context), or not?

Possible Actions:

You could, of course, always do nothing. I don't recommend this, because a bystander is complicit, but there are reasons to take this course of action: you're afraid you'd get fired or

demoted and you really want to keep your job, or you reason that what this company is proposing isn't nearly as bad as what others are already doing. I find these excuses weak, but then again I don't care about beer and it's not my job on the line.

You could try to sabotage the archive, but if anything I think that puts you more at risk of being fired, and it certainly isn't a long-term preventative solution. If you can manage to frame your stupid coworker for it though, it might take out two birds with one stone (he clearly shouldn't be trusted with this kind of work if he destroyed the whole archive, right?). I'd say this choice is tantalizing, but incredibly risky.

The last choice I can think of is to put your foot down and speak up. There are a couple ways you can do this: you can go right to the top, talk to the coworker themselves, or talk to the CTO. Each has their own benefits and detriments. Your coworker, for example, can rescind his idea if you can convince him it's a bad one; however, if he is really so clueless he may not care and if he is really that annoying it may not be worth it. If you go to the top, you can put a stop to it then and there - the fish rots from the head, as they say. Going to the CTO seems like a decent plan: she didn't seem to like how the meeting ended, and she's the one who first pitched you the anti-surveillance-capitalism stance. She's close enough to the top that she could make some powerful decisions. However, she is not *the* top, and there's always the chance that she could be overpowered, or perhaps isn't confrontational enough - after all, she didn't say anything at that meeting when the problem came up.

Verdict and Proposal:

First, to address the questions I brought up in the first section of the analysis.

Is there a difference between sharing data that can be correlated and data that cannot?

There is certainly a difference, I think. The question is whether it is an important one. In my mind, sharing "contextless" data is a slippery slope to sharing even slightly contexted data, and from there to in-context data, and that sort of data sale is what has gotten us into the digital capitalist nightmare where we are right now.

Is it ethical for your coworker to pursue what he proposed?

I'd say no, at the very least not until the user has signed off on the updated terms and conditions that will certainly need to be rolled out. (I'd be against it all together, but I'm pretty close to cypherpunk in my beliefs.)

What about the CTO's pitch?

She definitely doesn't seem to like this new direction, and I would agree: selling data, even if it's bundled and anonymized, does count as surveillance capitalism. Simply the fact that the data comes from a brewery app changes it from non-correlated to correlated data.

So what do you do? Honestly, I'd go speak to the CTO. Remind her of the pitch she gave you when you were hired, and point out that this doesn't seem in line with the values of the company. She will almost certainly agree with you, and if you can't get her to confront the top herself, at least get her to back you up. If she won't even do that, however, it's up to you. If you don't think appealing to the company values will get the idea thrown out, you need to decide if

it's worth your livelihood getting yourself thrown out. Do some research into if they can legally fire you or not, and if they can... well, it's up to you I suppose.