

## Case Study on Privacy

If Ricardo is not responsible for determining allowable access, should he release the names and addresses?

Ricardo should not release the names and addresses of individuals. It is not Ricardo's role to determine allowable access.

The individual who has the responsibility to grant access, will be aware of the legal framework, such as GDPR rules and regulations, and should ensure that they are not breached.

Suppose Ricardo were responsible for determining allowable access to the files. What ethical issues would be involved in his deciding whether to grant access to Beth.

The ethical issues which Ricardo should be considering are privacy, both data privacy and personal privacy, autonomy (freedom, independence, control), trust (within the context of processing data) and informed consent (Stahl et al, 2016).

Privacy is an ethical issue, and ethics influences the law to a great degree (Stahl et al, 2016). Privacy is a human right, and is upheld in Article 8 of the European Convention of Human Rights (Stahl et al, 2016). Data protection legislation, such as GDPR, also implements this right of privacy (Stahl et al, 2016).

Under GDPR, a person's name and address is classified as personal data, and there must be at least one lawful reason for sharing data (ICO, 2023).

Professionalism is based on ethics because it determines how ethics should be implemented in the real world (Stahl et al, 2016). Ethical expectations are expressed as a set of guidelines or codes of conduct. Ricardo should be adhering to the ethics as defined by the British Computing Society (BCS, 2022) and also the Association for Computing Machinery (ACM, 2023). Both the BCS and the ACM have documented guidelines. Therefore the ethical issues involved in granting access to Beth should be based on these professional codes of conduct.

The ACM guidelines state in section 1.6 that personal information provided for a specific purpose should not be used for another purpose without informed consent (ACM, 2023). Section 1.7 of the ACM also refers to the fact that it is important to protect confidentiality (ACM, 2023).

Section 1a of the BCS code (BCS, 2022) refers to the fact that there should be due regard for privacy and security. Section 3d also states that confidential information should not be disclosed without the permission of the relevant person (BCS, 2022).

Should Beth be allowed to contact the individuals involved? That is should the Records department release individuals' names to a researcher? What are the ethical issues for the Records department to consider?

Beth should not be allowed to contact the individuals involved, and should not be given access to the data, unless it is anonymized, which in this case it can't be. The records department should consider the fact that the names and address's of individuals were provided with informed consent, for their data to be retained by the records department and not shared with Beth, who is not

officially employed by the records team. So there are two ethical issues which need to be considered here, which are the right to privacy and informed consent (Stahl et al, 2016).

Another ethical issue would be autonomy, and the right to have control over ones' data (Stahl et al, 2016). Trust is also important because the owners of the data have entrusted the confidentiality and security of the data to the records office.

Suppose Beth contacts the individuals to ask for their permission, and one third of them respond by giving permission, one third respond denying permission, and one third do not respond. Beth claims that at least one-half of the individuals are needed to make a valid study. What options are available to Beth?

For the one third that denied permission, then Beth should respect their decision, and should not in any way contact them, because it would be unethical and against professional guidelines to try to coerce these individuals into providing consent.

For the one third that did not respond, Beth has to assume that they did not want their data shared or have not had the opportunity to respond yet. In this case, Beth could send a gentle reminder, but if there are still no responses, then Beth needs to find another way to gather the data, such as contacting another records department in local government, who perform the same role, but for another region.

## References

Association for Computing Machinery (N.D.). ACM Code of Ethics and Professional Conduct. Available from: <https://www.acm.org/code-of-ethics>

[Accessed 19th August 2023]

British Computer Society (2022). BCS Code of Conduct. Available from: <https://www.bcs.org/membership-and-registrations/become-a-member/bcs-code-of-conduct/>

[Accessed 19th August 2023]

Equality & Human Rights Commission. (2023) What is the Charter of Fundamental Rights of the European Union? Available from:

<https://www.equalityhumanrights.com/en/what-are-human-rights/how-are-your-rights-protected/what-charter-fundamental-rights-european-union>

[Accessed 19<sup>th</sup> August 2023]

Human Rights Act 1998. Available from:

<https://www.legislation.gov.uk/ukpga/1998/42/contents>

[Accessed 19<sup>th</sup> August 2023]

Information Commissioner's Office (2023). UK GDPR Guidance and Resources. Available from:

<https://ico.org.uk/for-organisations/uk-gdpr-guidance-and-resources/data-sharing/data-sharing-a-code-of-practice/fairness-and-transparency-in-data-sharing/>

[Accessed 19th August 2023]

Stahl, B., Timmermans, J. & Mittelstadt, B. (2016) *The Ethics of Computing*. *ACM Computing Surveys* 48(4):1-38. DOI: 10.1145/2871196