

## Infringement of Data Privacy

### A Look at the Morality of Collecting User Data

As technology integrates into every crevasse of human life, details of an individual person's existence are being exposed to the internet. These details have become a widely discussed topic, as in recent years large corporations have been able to monetize collecting details pertaining to a person's life. In the information technology industry, these details are commonly referred to as user data. As large corporations become increasingly interested in their user's data, investigative journalism and supreme court cases relating to the topic have signaled people to question who has collected their personal data, and why they would be interested in it. Oftentimes corporations only collect the necessary data to complete their service, although a corporation's morality should be questioned when they collect, distribute, and manipulate unnecessary user data. To fully understand the morality of collecting user data, one must analyze the consequences of collecting personal information and look at the intentions of the corporation when committing this act. To aid in the assessment, the ethical models of Rule Utilitarianism and Kantianism will be applied to show that when acting without malicious intent, corporations collecting user data allows their service and customer satisfaction to improve, thus making their actions moral.

The collecting of user data can be a very powerful tool for any business. Generally, businesses are looking to improve their product and their customer's experience when interacting with their products. To accomplish this improvement, a business seeks feedback from their customer base. Whenever a customer interacts with a business's website or social media, purchases a product, or even submits a support request the business has access to a user's data. From these data sources, a company may absorb information such as gender, web browser cookies, mouse movements, customer satisfaction, or transaction history. Using these types of statistics corporations are able to analyze and improve their marketing strategies, products, website designs, or even social media interactions. The customer feedback loop becomes automatic, because with almost any interaction between the user and the business, some type of data is available to collect. Marketing and customer feedback are not the only reasons a company may choose to collect their user's data.

In the United States, collecting and selling user data is currently a billion-dollar industry. Companies that collect their user's data often sell the data to 3<sup>rd</sup> party corporations that specialize in collection and distribution of user data. This means that your data is spread to any company that is willing to purchase information about you. The question of morality associated with collecting user data begins with your data changing hands between several companies. If your data was only used to improve your experience with a single company, of which you patronize, there would be no question of morality. The selling of an individual's data allows for an increased risk of data leaks. A data leak would mean that a company that possesses your data has been compromised by some malicious user. When your data is in the hands of a malicious user, many bad things could happen such as stolen credit card numbers, identity fraud, or risk of computer infections. Besides data leaks, curation of user data poses other risks. In countries with restricted freedoms, the government can gain access to user data through forcing a company to share the information. Once the government has user data, they can track what people view

online, their opinions, and what they are interested in. This creates a dangerous precedent as the government can act a certain way and classify groups of people based on their data. On a smaller scale, the existence of user data on social media poses a privacy risk. A commonality of these issues with data collection is that it is difficult for an individual to remain anonymous while online. For some people maintaining that anonymity is very important, while others enjoy the benefits that result from companies collecting user data.

The Utilitarianism ethical model says that a moral act produces the greatest overall happiness based on its consequences, when compared to all other outcomes. To apply Utilitarianism to the topic of corporations collecting user data, the rule form of Utilitarianism will be used. Rule Utilitarianism states that if most of society were to follow a defined rule, which dictates people's actions, the greatest overall happiness will result. An important aspect of this ethical model is that it takes the consequences of the act into account, and judges the morality based on the overall happiness that results. In the case of corporations collecting user data, the rule will be defined as "a company can collect data that is relevant to improving the customer experience and satisfaction". Consider the improvement of a company's product or user experience, event of a data leak, and the loss of anonymity as the possible consequences of this act. The vast majority of society is either unaware or does not care about their online anonymity, which means only a very small portion of society would be unhappy with their data being collected. The other possible outcome for unhappiness is the event of a data leak. While detrimental, data leaks do not occur frequently at large corporations. This is due to the many restrictions and standards corporations must follow when handling sensitive user data, which means again, only a very small portion of society would be upset with their data being collected. For the vast majority of society, the benefits that result from data collections outweigh the draw-backs. Many people enjoy the targeted advertisements they receive based on their location, interests, or even past purchases. Most people appreciate improved products from companies that take user feedback into account. Since the majority of society is happy with the benefits received from data collection, this act produces the greatest overall happiness. If a company is collecting data to improve their products, customer experience, or customer satisfaction, the act of collecting data is moral when viewed through the lens of utilitarianism.

Judging the morality of collecting user data cannot be done by solely analyzing the consequences of the act. Because of this, it is important to view the act through a lens of Kant's ethical model. Kant's ethical model shows that morality is based on the duty of the acting party. The duty of an acting party is what should be done in a situation when acting in accordance to the universal moral law. In this case, the acting party is the corporations that are collecting their user's data. Kant defined a few important concepts to consider when applying this ethical model to an act. The will is what the acting party wants to accomplish. In this case, the corporation's will is to provide the greatest user experience possible, and improve customer satisfaction across the board. The maxim is what governs the acting party's actions. The corporation's maxim will be defined as "as a corporation we ought to collect user data such that we are able to meet our goals in terms of improvement of the user experience and customer satisfaction". Kant's ethical model defines an act as moral when the will and duty align. In order for the maxim to qualify as a duty, the rule must pass the categorical imperative, which is the universalization, means-to-an-end, and autonomy tests. First, any and all corporations should only collect user data if it is not for malicious purposes. The universalization test states that if the maxim were to be a universal law, and it is conceivable for everyone to follow the maxim, it is universal. If this maxim were followed, it would prove to benefit society greatly by providing improved products and customer experiences, thus passing the

universalization test. Additionally, the autonomy test questions whether the maxim is still good if everyone were to act in a way that follows the rule. If all corporations were to act in accordance to the maxim, there would not be any newly created issues, thus the maxim passes the autonomy test. Finally, the means-to-an-end test states that others should be treated as an end, not as a means-to-an-end. If corporations are only using their user's data for self-improvement, they are using their users as an end, not as a means-to-an-end, thus the maxim passes the means-to-an-end test and becomes the duty of the corporations. Simply put, if the will of the corporations follows the duty, then the act is aligned with the categorical imperative. When the act is aligned with the categorical imperative, the act is moral. In this case, corporations collecting data for reasons of self-improvement allows their actions to be moral since their will is aligned with their duty.

In order to support the theory that when acting without malicious intent, corporations that collect user data are acting in a morally good way, the two ethical models discussed will be applied to a specific case. In February of 2019, Facebook was at the center of a scandal involving a service the company provides to any other app developer. The service that Facebook developed allowed app developers to track user data related to use of their app. The data would then be sent to Facebook's servers for storage. The cause of the scandal was exposed when users of the apps that implemented Facebook's service were reporting advertisements for the apps inside of their Facebook and Instagram feeds. Through analysis, it was concluded that Facebook was not only storing the data of the apps that used their service, but they were also utilizing their user data to create targeted advertisements.<sup>1</sup> By applying the Utilitarianism conclusion formed earlier, the majority of people do not care or are not aware that their data is being collected. Providing these targeted advertisements on their Facebook and Instagram feeds allows an ease-of-access for the users because they can find the products and services that are related to their interests faster. If Facebook were to not utilize the user data to create targeted advertisements, there would still be advertisements on the user's feeds, except they would be irrelevant to the user's interests. By providing the targeted advertisements, Facebook is contributing to the overall happiness of the users, and since a majority of the users are compliant to their data being collected, utilizing the user's data to provide targeted advertisements was acting in a morally good way when viewed from a Utilitarian lens. Applying Kant's ethical model will bring the same conclusion. Facebook's duty is to provide the best user experience possible, and their will was to do the same. Providing the targeted advertisements allowed Facebook's will and duty align which proves the act to be morally good when viewed from a Kantian perspective. While it can be easy to say that using the user's data without their knowledge is a breach of privacy, Facebook's actions still had good intentions and produced the greatest overall happiness, which deems the company's actions as moral when viewed from the Kantian and Utilitarian ethical models.

Analyzing the phenomenon of collecting user data by considering the consequences of a corporation's actions, and understanding their intentions aided in coming to the conclusion that it is a moral act. Although, this conclusion is dependent on the fact that the company is not collecting the data for malicious intent. For purposes of improving business strategy, products, or user experience data collection is a moral act, because a company has the obligation to provide the absolute best product or experience for their users.

1. Catalin Cimpanu, "Another Facebook Privacy Scandal, This Time Involving Its Mobile Analytics SDK,"

## **Bibliography**

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