

Rui Pinto Hacker or Whistleblower?

An ethical analysis

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May 17, 2022

1 Description of the case

Rui Pinto was born in October of 1988 and raised in "**Mafamude**", a small town in the North of Portugal. Since very early in his life, Pinto was very invested in football, he was especially fanatic for FC Porto, a football club established very close to his home town.

"*Faculdade de Letras da Universidade do Porto*" is where he cultivated his education, where he studied History, and where he enrolled in the Erasmus program to study abroad in Budapest, Hungary.

While being abroad, in 2013, Pinto was involved in several cyber attacks to the *Caledonian Bank* which had the objective of transferring **264** thousand dollars to the *Deutsche Bank* but was ultimately discovered by the authorities and detained before the transaction was actually completed.

With help from his lawyer, Aníbal Pinto, he was saved from a bigger sentence that lead in 2014 to the decision from the "*Departamento de Investigação e Ação Penal do Porto*" to archive the case and settle for an extralegal accord between Rui Pinto and the Bank, out of which resulted a **100** thousand dollar fine.¹

Football Leaks self declares itself as an attempt to expose the real nature of football and its organizations. With these ambitions in mind, <http://football-leaks.livejournal.com> was created on the 29th of September 2015. John was the name behind the publications on the blog, posting thousands of confidential documents, making public several contracts and transactions, which expose multiple tax evasion schemes committed around the world, involving FC Twente and Doyen Sports, Neymar and FC Barcelona, Gareth Bale and Real Madrid, and others.

Until today, Rui Pinto is the only one that has publicly claimed ownership of the famous website.

¹[14-05-2022 14:25] <https://desporto.sapo.pt/geral/artigos/football-leaks-rui-pinto-apresenta-queixa-contra-portugal-na-uniao-europeia>

The crimes that Rui Pinto is accused of by the Public Ministry of Portugal on September of 2019, after being arrested by the Hungarian authorities (16th of January 2019) and brought back to Portugal to be kept in preventive arrest, are 147 in total, 70 violations of correspondence, 75 of which involving illegitimate access, one of attempted extortion and one of computer sabotage.

Doyen Sports is the football investment fund that accused Football Leaks of persuading several big Clubs like Sporting, which in particular had the contract of his current coach, "Jorge Jesus", and documents related to the renovation and transaction of the peruvian player "André Carrilho" publicly posted on the alleged website. ²

The european whistleblowers prize was awarded to Rui Pinto while he was in prison, alongside Julian Assange and Yasmine Motarjemi on the 16th of April 2019.

The Cooperation between Rui Pinto and the authorities from France, Belgium, Netherlands and even with "Polícia Judiciária" from Portugal has been very productive as confirmed by Luís Neves (Director at "Polícia Judiciária") in court, he stated: *"There is that effective collaboration..."* and *"...many disks had not been opened"*. ³,

2 Ethical analysis

What is a Whistleblower? *persons who report (within the organisation concerned or to an outside authority) or disclose (to the public) information on a wrongdoing obtained in a work-related context, help preventing damage and detecting threat or harm to the public interest that may otherwise remain hidden.* ⁴

2.1 Primary Ethical questions

During the whole process, Rui had no professional obligation to abide by, except the moral rules and laws that every citizen is placed under.

By accessing the internal servers/services of Sporting Football Club and obtaining confidential documents, even if done with a good intention in mind, is still breaking the privacy of the referenced Club and all the people that these documents mentioned. Beyond being a privacy breach, we have to question ourselves on how did Rui Pinto actually gain access to these documents, he

²[15-05-2022 13:16] <https://observador.pt/2015/12/17/football-leaks-acusada-tentar-extorquir-dinheiro/>

³[15-05-2022 16:19] translated from *"Há essa colaboração efetiva"* and *"muitos discos não tinha sido abertos"* in <https://observador.pt/2021/05/12/diretor-da-pj-confirma-que-rui-pinto-esta-a-colaborar-com-a-justica-e-ja-o-fez-varias-vezes-depois-de-com-ecar-a-ser-julgado/>

⁴https://ec.europa.eu/info/aid-development-cooperation-fundamental-rights/your-rights-eu/whistleblowers-protection_en

was not an employee of Sporting, he himself did not have personal access to the system, so he had to, at one point or another, breach the security of their system. By persuading and promising his silence to the Big Football clubs regarding their confidential documents in exchange of money he committed a very severe crime of extortion, manipulating the organizations to do what he wanted, holding these documents as a way of making them kneel before his will. Here we have in question the main goal of Rui Pinto, was it to actually create a better Football scene and environment like the website auto-proclaimed or is it for self benefit?

- Is it Ethical to "hack" into someone's email, essentially break their privacy, to know if that someone is involved in some sort of bad deed, some sort of corruption or law breaking?
- Is it right to break a law in order to find who is breaking the law?
- On the other hand, should privacy laws protect us so much that we have the freedom to hide unlawful acts behind it?
- Should Rui Pinto be classified as a Whistleblower?
- Should Rui be protected by the EU whistleblowers directive

2.2 Ethical knowledge and sensibility, harmed entities

2.2.1 Precedents and analogies

Rui Pinto, at a first glance of the facts does in fact seem like a person who is invested in doing the right thing, by publishing so much information about corrupt activities, which lead to the investigation of multiple parties, he effectively assisted the police in several other cases. But things are not so simple with Rui as even before the case of Football Leaks, the cyber attacks to the *Caledonian Bank* which he was involved in served as a precedent for his extortions of Doyen Sports, FC Sporting Football Leaks.

2.2.2 Who was harmed and why

- The leaked football clubs and personalities are now at risk of being put under investigation.
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2.2.3 Consider all the involved parties

- Rui Pinto, as he stated on the website, he was only trying to bring to light the corruption inside the Football Scene by exposing these corporations, but after taking into account his extortion attempt to Doyen it is clear that he was also very much motivated by money and

- Anibal Pinto was, at first, only protecting his client, but he is also suspect of having collaborated with the primary suspect Rui Pinto in his extortion to Doyen.
- Doyen simply protected itself as it came into contact with the proposals from Rui Pinto, declaring him to the authorities.
- The organizations that had their documents leaked, will probably have their schedules altered due to possible investigations.

2.3 Systematic analysis - Step 6

2.3.1 Professional Standards

2.3.2 Roles and Responsibilities

- Doyen Sports, as the primary entity that contacted the authorities regarding Rui Pinto
- Rui Pinto as the suspect of committing many crimes and responsible for starting many investigations around various personalities on the Football scene.
- SC Sporting and other football clubs and personalities as the "victims", the ones that were

2.3.3 Stakeholders

Benefited stakeholders

Harmed stakeholders

1. From all the people involved in this case, Rui Pinto is the most important one, he is the one who claimed ownership of the popular website, he is the one who is being held on trial directly.
2. All of the anonymous people helping in the management of the Leaks are as important as Pinto himself, the only difference is that as we cannot identify these people, the case and all of the social impact is directed at Rui Pinto.
3. His lawyer Anibal Pinto is also an important "piece of the puzzle", without him, Pinto would not have been able to contest on his first attack to *Caledonian Bank*.
4. Doyen Sports, who was extorted by Pinto and his lawyer, and had its agreements with FC Twente published online which led to the clubs ban from European Football for three years.
5. The Portuguese, French, Belgium and Dutch Government

2.3.4 Politics

2.3.5 Normative Ethics

Utilitarianism is the ethical way of thinking where an action is deemed ethical when it tends to benefit all parties involved and non ethical when it tends to harm the parties. This action, also must be impartial and numb to race, gender, and an other form of judgement, each person amounts to the same "weight".

Rui Pinto before deciding to create Football Leaks had to balance his actions on a scale of cost versus benefit

Benefit - The discovery of several corruption cases.

Cost - Disrespect the right to privacy of all the affected companies and personalities, potentially breaking this right with no outcome. If someone that had not practiced any wrongdoing had their privacy breached by Pinto, they were a victim and they only suffered, giving no "benefit" to Pinto.

Virtue Ethics focusses itself on the will of the actor, the ulterior motives and his moral character

Rui Pinto's actions always had two sides associated with them.

1. An inherently good side where Pinto's goals were to eradicate the corruption in the Football scene.
2. A more selfish side where he tries to obtain money through unethical ways such as extortion, holding his information as a kind of "hostage".

Deontologic Ethics

2.4 Conclusions

3 Bibliography

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