Discussion 1 Seething Mistrust

Discussion Topic:

1. Read
Read the following article: "Seething Mistrust" of Tech Giants Presents Hurdles for Deals Like Ascension/Google's.

2. Discuss
Comment on the ethical and legal issues, with respect to software development that underlies this article.

Was the ethical conflict presented in this article preventable, or was it intentionally caused? Identify ways in which the ethical conflict can be resolved or mitigated.

My Post:

Hello class,

Cohen (2019) describes the partnership between Ascension and Google as a collaboration in which Ascension shared patient data from on-premises data centers to Google's cloud-computing system to consolidate clinical data and develop tools/apps, such as a search interface for clinicians. Although the pattern seems to comply with HIPAA, Google's poor track record of handling consumers' private information justified the seething mistrust that many Americans have regarding big tech's commitment to protecting their personal privacy.

With respect to software development and from a legal standpoint, the partnership's Business Associate Agreement (BAA) permits data sharing under HIPAA rules without needing a separate patient consent (Alder, 2026). In other words, if a patient has consented to health data sharing, under a BAA, healthcare providers, Ascension, can share Protected Health Information (PHI) with third-party vendors (business associates), Google, to perform care-related functions without needing to obtain an additional patient consent. However, by regulation, Google legally can not use this data for other purposes, such as marketing or combining it with consumer search data. Although the partnership seems to be legally sound, the scale of the project creates concern such how the number of Google employees having access to the data (Cohen, 2019). In software engineering, ethical compliance often extends beyond legal compliance.

From an ethical perspective, software engineering differs from other engineering fields based on a project's scale, as a single system can affect millions of lives globally (CSU Global, n.d.). This implies that while software has the potential to do great good, it naturally also possesses the ability to cause great harm. Additionally, the partnership raises ethical issues about autonomy and informed consent, as data management ethics suggest that individuals should be seen as autonomous choosers having the right to know how their data is used (O'Keefe & Brien, 2023). Although difficult to implement in most software applications, "informed consent should enable individuals to allow or deny access to data that might be collected from them" (CSU Global, n.d., section 1.2). By sharing identifiable data (names, dates of birth) without explicit patient consent, the partnership is probably or risk of treating patients as means to an

end rather than individuals with dignity, breaking a fundamental ethical principle of software engineering.

Finally, the Ascension and Google partnership's seething mistrust described by Cohen (2019) is a perfect example of the law of unintended consequences. This happens when organizations focus solely on the technical and legal ability to process data (what they can do) and fail to recognize the ethical implications or the potential damage to public trust (O'Keefe & Brien, 2023). All the ethical issues associated with the partnership could be prevented by implementing "the Privacy by Design principles and building safeguards and limitations into the design to support an appropriate balance" (O'Keefe & Brien, 2023, p.10).

-Alex

References:

Alder, S. (2026, January 5). *HIPAA business associate agreement – 2026 update*. HIPAA Journal. https://www.hipaajournal.com/hipaa-business-associate-agreement/

Cohen, J. K. (2019, November 18). *Seething mistrust of tech giants presents hurdles for deals like Ascension/ Google's*. *Modern Healthcare, 49*(45), 12.

CSU Global (n.d.). Module 1: Introducing software engineering ethics. Canvas.

O'Keefe, K., & Brien, D. O. (2023). Chapter 01: Ethics in the context of data management. *Data ethics: Practical strategies for implementing ethical information management and governance*. Kogan Page.