

# **CSC2552: Review 8, Paper 2**

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## Paper 2

This paper by Metcalf and Crawford is an *ethics regulation dispute* which examines and critiques the major revisions to the Common Rule. The results of this paper conclude that proposed revisions to the Common Rule are helpful for making ethics regulations more flexible and scalable but problematically exclude data science in risky situations.

The main critique raised by this paper stems from the HHS revision that might exempt certain Big Data research from ethical review. Indeed, we can examine such criticism through the lens of Salganik's *ethical model*, as presented in Bit By Bit [1]. Salganik's model stipulates that *frameworks* (consequentialism, deontology) lead into four *principles* (Respect for Persons, Respect for Beneficence, Respect for Justice & Respect for Law and Public Interest) which ultimately lead to *rules* (such as the Common Rule). Hence through this lens, we can observe that the criticism raised of exempting certain Big Data research from ethical review is a reasonable one. This is because doing so would violate some or all of the four *principles* which, in turn, would violate the founding *frameworks*. For example, if a Big Data study is exempt from the Common Rule, informed consent could be ignored, unnecessary risk to persons could be left unchecked, certain groups could be disproportionately affected and laws may not be respected.

Another critique raised in this paper is the rejection of the belief that risk borne by research subjects depends on what kind of data is obtained and how, rather than what is done with the data. Again, by examining this through Salganik's *ethical model* we can conclude such concern is justified. This is because some datasets, while obtained legally and with informed consent, can be subsequently de-anonymised beyond what was believed possible at the time of the original study [2]. Such possibility violates the *Respect for Beneficence* principle as people are exposed to excessive unforeseen risk. This also touches on two of Salganik's major challenges of ethics: *information risk* and *privacy* [1].

A third concern raised in this paper is the need for more serious commitment to review and assessment of human data projects in industry. While I share this concern, I disagree with attempting to use the Common Rule to enforce further regulation on internal review processes within industry. It seems that the Common Rule need not be an all-encompassing regulatory framework as it will undoubtedly have blind spots. It seems more suitable for regulation to be shared across multiple legal bodies including the Federal Trade Commission (FTC) and Securities Exchange Commission (SEC).

Implications of this paper are of critical importance as they have highlighted unforeseen issues with proposed revisions to the Common Rule. While much of this work has been reflected in modern approaches to privacy, much still needs to be done. A microcosmic example of this is Mark Zuckerberg's latest commitment to turning Facebook into a privacy-centric platform [3], although this is seen by many today as a vague promise that will never be fulfilled.

[1] Salganik, M. J. (2017). Bit By Bit: social research in the digital age. Princeton University Press.

[2] Narayanan, A., and Shmatikov, V. (2008). Robust de-anonymization of large sparse datasets. In 2008 IEEE Symposium on Security and Privacy (pp. 111-125). IEEE.

[3] Zuckerberg, M. (2019) A Privacy-Focused Vision for Social Networking. Facebook. Available at: <https://goo.gl/vwiwNP> (Accessed: 8 Mar 2019)