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An Analysis on the Issue of Information Ownership

Who owns user the information and data that is found on social networking sites such as Facebook? Does this information have enough value to warrant extremely one-sided terms of use agreements? In 2009 the company Facebook changed its terms of use and privacy contract that allowed the company complete, perpetual control over all content that is posted by users. This could range anywhere from photos to contact information for each of it's members. Shortly after this change, the company faced an uproar from many of it's 175 million users. This is a prime example of how valuable information has become in the technological age. With its rising value, many groups are becoming bolder in their approach to obtain this information in anyway possible. The more valuable the information becomes, the more outrageous these incidents are becoming. A separate report from the non profit watchdog group, the Project on Government Oversight(POGO), describes how 80 computers at a US nuclear weapons lab have gone missing. This shows just how far people will go to make a living. How are these actions justifiable? Many different organizations, such as the IEEE and ACM, expressly forbid this kind of treachery in any way. Many people consider these action to be immoral or even criminal but there are a few who find justification through various ethical systems.

There are many different ethical systems that can justify these forms of information gathering. The first, and most obvious is egoism. Ethical egoism describes a system where the

provocateur acts in his or her best interest (Shaver, egoism 2). In the case of Facebook, the information gathered can be used for targeted marketing or even sold to various marketing groups. The people described in the POGO report easily made millions of dollars selling the information on the stolen computers to the highest bidder. Another ethical system that could explain the events in both reports is Nihilism. Ethical Nihilism is a system in which a person performs these actions to further their organization over the competition (Nihilism par 1). At the time Facebook was in a heated competition with its main rival, Myspace. Facebook could make millions of dollars from the information gathered from its users. Those millions could then be used to surpass other companies such as Myspace. Those 80 computers stolen from the nuclear weapons lab could have been used to accelerate a nuclear program of another country or organization. Ethical Utilitarianism could have also played a big role in the described events. This system describes a sense of reasoning where the course of action is the one that maximizes utility (Utilitarian par 1). Facebook claimed that they changed their contract so that a person's posts could still be seen long after they deleted their account. In the case of the 80 stolen computers, it could have been a rival company or nation trying to advance their own program. Still, the actions described in both reports go against the codes of conduct and ethics laid down by the IEEE and ACM.

The most obvious ethical system that could be used to justify these events is egoism. Under their new contract, Facebook had rights to all of the content uploaded to the site. They could do anything that they want with that information. Marketing groups pay a lot of money for the treasure trove of data that can be found on a user's social website page. They were already using this information for targeted marketing schemes. In 2007, Facebook used a tool called

“Beacon” that would broadcast a user's information about their shipping habits and activities at other web sites. Social sites such as Myspace and Facebook have become some of the best sources of information. This data has become a premium in today's market and sells for millions of dollars. This is further proof that Facebook changed its service contracts to increase its earnings potential.

Ethical egoism could also be used to justify the theft of 80 computers from a nuclear weapons manufacturer in New Mexico. The data that was stored on those computers could have been sold on the black market for a premium price. This kind of crime has become more and more common in the last decade. People are willing to risk time in jail to make millions selling important information to the highest bidder. This justification fits nicely into the description of ethical egoism since they are doing it for their own personal gain. As these types of systems become more vulnerable over time and while people are willing to pay enormous sums of money, there will be an increase in events like this.

The people in these scenarios could be prescribing to the Nihilist ideology to justify their actions. At the time, Myspace was the biggest social networking site on the planet. Facebook, seeing an opportunity to catch up to their biggest competitor, found a way to increase the cash-flow of the company. This goes along with Nihilism where the actions were done to benefit the company as a whole and not any single individual. As an example to just how much potential these sites contain, in 2007 Microsoft invested over 200 million dollars to gain a 1.6 % ownership in Facebook. As Facebook's earnings potential grows, so does the amount that companies are willing to invest. The people who decided to change the contracts and licenses was doing it for the good of the company and not for their own personal gain.

Nihilism could also justify the actions illustrated in the report published by the Project on Government Oversight. The computer could have been stolen by a hostile country seeking to advance their own nuclear program. It could have even been a competing company that sought to derail a competitor's progress. A good example of this is the hack that shut down Iran's nuclear program for months. While it hasn't been proven, the hack was most likely initiated by Israel in order to protect its own assets and to prevent a hostile nation from gaining the ability to build a nuclear arsenal. In this case too, the act was not done for any single individual but for the well being of an entire nation. There are many avenues of reason for the theft, and most of them point to the advancement of some other organization whether it's a competing company or foreign country.

The excuse that Facebook used to justify the change in the user license agreement was utilitarian in nature. They claimed that this must happen in order to maintain the content that one person shares with another. Examples of this are tagged photos, and posts. Myspace has the same type of policy in place, but they didn't receive as much criticism for the move. In Myspace's case, their license states that all of the content on the site can only be used within Myspace-related services. Facebook doesn't specify what the information could be used for which basically gives them a perpetual license over all content on the site. Mark Zuckerberg tried to justify this by claiming that if a user deleted their account without this policy in place, all subsequent messages and other content would have to be deleted from the entire website including another user's inbox. Myspace addresses this by saying it "will cease distribution as soon as practicable, and at such time when distribution ceases, the license will terminate." Google even has a similar policy on its Youtube site. While Utilitarian ethics doesn't cover the

stolen computers, it could be used to justify Facebook's actions even though they gave themselves perpetual ownership over all content on the site.

The events in both reports go against the code of ethics set forth in the IEEE and ACM code of ethics. IEE states that its members must “reject bribery” and “avoid injuring others, their property, reputation, or employment”(IEEE num 4, 9). With a perpetual license over all content, Facebook could use that information for anything, or sell to anyone. This could result in a persons reputaion, or personal property being damaged. The events in the POGO report also go against this standard. The information that was stolen could be used to hurt the company that owned it or it could even be used to bring harm to innocent people. In the ACM code of ethics under artical 1.7 it states that a person must “respect the privacy of others” (ACM sec 1.7). This includes maintaining the privacy and integrity of data describing individuals, which covers the accuracy of data as well as protecting it from accidental disclosure(ACM sec 1.7). Both Facebook, and the company in charge of protecting those computers, violated section 1.7 in the ACM code by not protecting its users against accidental disclosure of private or confidential information. It is clear that changes would have to be made in order to comply with the ACM and IEE code of ethics.

Are these issues of intellectual property or a matter of privacy. In Facebook's case, the information that users submit to the site could be considered private. When the company uses that sells that information to marketing firms or uses pictures for adverstising that is a case of violating the user's privacy. If a user deletes their account and wants all of their data taken off of the site, that information must be considered private and should not be released to any third parties. In the case of the stolen computers, that could be considered an issue of intellectual

property. The information on those computers was a product that was developed by the company to meet a certain need. That company owns that data and it should be considered as property. In other words, if the information is gathered from its users then it should be considered an issue of privacy, but if it was something that was developed or made by a company then it should be intellectual property.

In sumation, the actions described in both the Facebook and POGO reports would normally be viewed in a negative light. There are ethical justifications to both, but both end up damaging either the users who access the site or the company that owned the computers that were stolen. An argument could be made for justifications that fall under Egoism, Nihilism, or even Utilitarian ethical systems. Facebook claim that they needed to retain information in order to maintain the site, coincides with a Utilitarian view of the situation. Both Egoism and Nihilism could be used to justify the theft of 80 computers from a nuclear weapons manufacturer. Either way they still violate the standards set forth by the IEEE and ACM code of ethics. The change at Facebook could be considered an issue of privacy whereas the stolen computers is an issue of intellectual property. In the end, the fact that changes were made immediately after these events show that they were considered wrong by most standards, and that there needs to be better policies in place to prevent this in the future.

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