

# Ethics Paper

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**Simple Summary:** A Simple summary goes here.

**Abstract:** [Coming soon]

**Keywords:** keyword 1; keyword 2; keyword 3 (list three to ten pertinent keywords specific to the article, yet reasonably common within the subject discipline.).

Problem setup:

- In US, big challenge w/ information privacy:
  1. the internet of things (<https://lawdigitalcommons.bc.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=3622&context=bclr>)
  2. data commodification – data as capital ([https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKewiD8NynpIXwAhWnAZ0JHS2aDpsQFjACegQIAhAD&url=https%3A%2F%2Fresearch.monash.edu%2Ffiles%2F303893944%2F303893762\\_oa.pdf&usg=AOvVaw09nsGbgbaIQ7dJa-sP-ITn](https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKewiD8NynpIXwAhWnAZ0JHS2aDpsQFjACegQIAhAD&url=https%3A%2F%2Fresearch.monash.edu%2Ffiles%2F303893944%2F303893762_oa.pdf&usg=AOvVaw09nsGbgbaIQ7dJa-sP-ITn)) (<https://columbialawreview.org/content/paying-for-privacy-and-the-personal-data-economy/>)
  3. Dangers:
    - data breaches + data used against you (financial info, identity theft, health data particularly damaging)
    - interest targeting a very powerful tool to cause dangerous psychological shifts (see FB scandal)
    - tools to enable exclusion (see sexual orientation scanner, ER triage algorithms)
    - bias

<https://lawdigitalcommons.bc.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=3622&context=bclr>

4. Current protections in us: <https://columbialawreview.org/content/paying-for-privacy-and-the-personal-data-economy/> <https://iclg.com/practice-areas/data-protection-laws-and-regulations/usa> <https://www.cfr.org/report/reforming-us-approach-data-protection>
5. What other countries have done that we haven't
  - GDPR in EU <https://gdpr-info.eu>
  - South Korea <https://iapp.org/news/a/gdpr-matchup-south-koreas-personal-information-protection-act/>, [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2904896](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2904896)
  - Chile <https://cms.law/en/int/expert-guides/cms-expert-guide-to-data-protection-and-cyber-security-laws/chile> <https://www.eff.org/deeplinks/2020/09/look-back-and-ahead-data-protection-latin-america-and-spain>
5. Why it's hard for us to do the same

- 33 • We don't currently have an agency that could be focused on managing data protection — closest
- 34 is FTC but they don't have oversight power of lots of private companies
- 35 • Powerful tech lobby at federal level has huge leverage on voting
- 36 • All the states are so different from one another so state-only laws would be a challenging
- 37 patchwork if not controlled
- 38 • potentially not enough public support. In US, we're just used to our data being used all the time.
- 39 However, concern does seem to be growing.

40 [https://www.washingtonpost.com/news/powerpost/paloma/the-cybersecurity-202/2018/](https://www.washingtonpost.com/news/powerpost/paloma/the-cybersecurity-202/2018/05/25/the-cybersecurity-202-why-a-privacy-law-like-gdpr-would-be-a-tough-sell-in-the-u-s/5b07038b1b326b492dd07e83/)

41 [05/25/the-cybersecurity-202-why-a-privacy-law-like-gdpr-would-be-a-tough-sell-in-the-u-s/](https://www.washingtonpost.com/news/powerpost/paloma/the-cybersecurity-202-why-a-privacy-law-like-gdpr-would-be-a-tough-sell-in-the-u-s/5b07038b1b326b492dd07e83/)

42 [5b07038b1b326b492dd07e83/](https://www.washingtonpost.com/news/powerpost/paloma/the-cybersecurity-202-why-a-privacy-law-like-gdpr-would-be-a-tough-sell-in-the-u-s/5b07038b1b326b492dd07e83/)

43 It COULD work though — look at HIPAA!! It is super strict in the healthcare industry, and goes

44 pretty smoothly. tech companies have adapted to make HIPAA compliant software

## 45 7. What we should do

46 DON'T TRY TO CREATE WHOLE PRIVACY LAW — will not work in the current climate. No

47 way to enforce and considerably too big of a jump. Work in smaller steps w/ less punishment

- 48 • Create a data protection agency
- 49 • focus on prevention, not monetary punishment (better incentives for companies)
- 50 • widen the definition of what can count as a data-privacy related harm to afford more opportunities
- 51 to individuals to take problems to court as well as what is considered sensitive data [https:](https://www.cfr.org/report/reforming-us-approach-data-protection)
- 52 [//www.cfr.org/report/reforming-us-approach-data-protection](https://www.cfr.org/report/reforming-us-approach-data-protection)
- 53 • On the statewide level, if wanting to create laws, do so with an eye for making them consistent.
- 54 Once a majority of states have them, more pressure for federal change
- 55 • Eventually do need federal law. Should attempt to get both Republican and Democratic support
- 56 which apparently already exists ([https://www.theregreview.org/2021/03/13/saturday-seminar-](https://www.theregreview.org/2021/03/13/saturday-seminar-how-should-united-states-protect-data/)
- 57 [how-should-united-states-protect-data/](https://www.theregreview.org/2021/03/13/saturday-seminar-how-should-united-states-protect-data/))

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