

Ethical analysis HW

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Identify the main ethical question or questions faced by the main character ("you") in the scenario. This will certainly include "what should you do?", but there may be other interesting questions to consider.

- If I decided to perform a coordinated vulnerability disclosure...
 - Do I want to risk my well-being and privacy to protect the privacy of millions?
 - Should users be aware that their privacy was compromised?
 - Is it likely that someone else will discover the bug?
 - If Instatoonz decided to pursue legal action against me, would I be financially and mentally stable enough to handle the legal costs and public scrutiny?
 - What is more probable—me getting sued, or the privacy of a million users violated?
 - How can I prove to Instatoonz that I have not used the bug to violate the privacy of their users?
 - Is there a better way to go about this? Perhaps anonymously reporting the bug, or join the Instatoonz company and then patch the bug from the inside?

For each stakeholder (or category of stakeholders) in the scenario, identify the stakeholder's relevant rights.

- Instatoonz users
 - Right to privacy, as probably outlined in Instatoonz's terms of agreement, insofar as the user doesn't violate a law, eg. distributing child pornography.
 - Right to sue the company for violating said terms of agreement.
 - Right to leave/boycott the platform.
- Employees
 - Depending on the company size and other factors, employees have the right to know in advance whether they are going to be laid off.
 - Can pursue legal action if they believed they are laid off on the basis of their race, sex, gender, etc.⁸
- Investors
 - Right to sue the company if they believed the company's executives or board of directors are acting foolishly or recklessly⁹

⁸<https://www.gibsonemploymentlaw.com/posts/what-are-your-legal-rights-if-you-were-just-laid-off/>

⁹<https://www.gamilllaw.com/blog/2019/02/when-can-a-companys-shareholders-sue/#:~:text=If%20shareholders%20believe%20that%20the,is%20called%20a%20derivative%20suit.>

List any information missing from the scenario that you would like to have to help you make better choices.

- Does Instatoonz offer security-related positions eg. pen-tester?
- Is my uncovering of the bug a violation of laws other than the section 1201?
- Do people disclose their identity on Instatoonz, or is there a convention of anonymity?
- How likely is it that someone else discovers the bug?

Describe your possible actions, and discuss the likely consequences of those actions.

- Coordinated vulnerability disclosure
 - If I violated 1201, not only that I won't be rewarded or compensated for figuring out the bug, but Instatoonz might involve legal authorities or the FBI. Undesirable financial and mental costs.
 - If my uncovering is not a violation of section 1201, I could negotiate with Instatoonz, but there are too many possible outcomes:
 - Preferred option: tell them about the bug, either Instatoonz or I provide a fix, then Instatoonz need to tell the public of the situation. Consequences: better protection of user privacy, and honest to the public but at the expense of the public's mental wellbeing and sense of privacy/safety.
 - Backup option: just tell Instatoonz about the bug and promise to not disclose to the public. However, Instatoonz has no guarantee that I would keep my promise, so what's the best option for them?

	Instatoonz disclose to the public after bug is fixed	Instatoonz don't disclose to the public
I disclose to the public after the bug is fixed (or a reasonable period of time)	Same as below.	This is gonna look very bad for Instatoonz. The chance that they would sue me is higher than the bottom right option. However, given that their previous suing caused a significant damage to their public image, they might do things differently this time.
I don't disclose to the public	Honest to the public, and does not tarnish Instatoonz's reputation as much as the top right option. except if Instatoonz sues me.	Users won't get the disclosure they deserved. I won't be sued, but might be investigated secretly. Instatoonz's reputation might be unimpacted.

Needless to say, there are many more avenues Instatoonz could take, such as whether to involve the FBI or perform their own secret investigation.

- Anonymously report the bug to Instatoonz, discreetly.
 - If I violated section 1201, I'd go with this option since it's the best way to ensure the privacy of millions while protecting my legal status. However, if Instatoonz did find out my identity, I'd be in big trouble.
 - If I didn't violate section 1201, same as above, except the possibility of them suing me is lower.
- Contact a cybersecurity expert and lawyer for advice
 - Although it probably costs a lot, it might be prudent to let someone else with more insight evaluate the possibilities for you.

Discuss whether the ACM Code of Ethics and Professional Conduct offers any relevant guidance.

No. My decision depends on the balance between feasibility, legal consequences and moral implications. The ACM code of ethics does not provide the legal consequences specific to my case—just a brief mention of the copyright laws and confidentiality protection. Nor does it provide any **general** ethical claims I didn't already agree and aware of—honor confidentiality, protect privacy, ensure that the public good is the central concern, and many more.

It would be helpful if it provide an argument on whether transparency to the public is good in this case, perhaps that would be too specific to include it in the general code of ethics.

Describe and justify your recommended action, as well as your answers to any other questions you presented in part A.

I should tell Instatoonz about the bug—it's the best way to ensure that the bug is fixed and the privacy of millions users are protected. The question is how.

If my uncovering of the bug is a violation of 1201, the best option is to anonymously report the bug to Instatoonz. I just have to take serious measures to remain anonymous, which might cost some time and money, but protecting the privacy of millions is a stronger priority. On the other hand, if I perform a coordinated vulnerability disclosure, then according to Instatoonz's stance on security researchers and bug-bounty program, as well as their past suings, Instatoon would definitely sue me for violating section 1201. Moreover, my identity would be publicized, and the mental and financial costs that come with the legal action might be too much to handle.

If my uncovering is not a violation of section 1201 or a clear and direct violation of other laws, my decision would depend on whether the likelihood of getting sued is higher in performing a coordinated vulnerability disclosure or reporting anonymously. If it's very difficult or borderline impossible to uncover my identity, then I would report the bug anonymously since it offers me more certainty that I won't be sued.

For both cases, I wouldn't tell the public about the situation, as (1) it would probably has unintended impacts on mental wellbeing and the sense of privacy of millions, even for those

whose privacy was not compromised, and (2) it would probably increase the chance that Instatoonz sue me.