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**Driving behavior being tracked**

In recent years we have arrived at the information age. The amount of data that is harvested for any purpose has accelerated exponentially over the past decade, and the trend is staying strong. The data mining industry is moving at incredible speeds, therefore it is the engineers that must make ethical decisions in an industry that outpaces many of its regulations. Regulations regarding data mining are in place, but there are many cases which are not addressed. A type of system being looked at very carefully by court officials are vehicles. There are many aspects that are harvested by cameras, monitors, and the vehicle itself. The emergence of this type of scrutiny has raised privacy concerns among government officials, advocates and citizens. (Lenard, Rubin 2) Cars have become much smarter in recent years, but the user might not be aware of all of their features.

In many cars today, there are Electronic data recorders, or EDRs. The purpose of EDRs, also called “black boxes,” is to record the status of a car in the moments before a crash. Black boxes have been appearing in cars since 1995. (Abelson 27) They have become increasingly popular since then, and as of September 1st 2014, every new car created will contain a black box that records the status of the car. (Kaste) The original intention of black boxes was to make cars safer by informing car manufacturers of the problems with the car after a crash. In recent years, the data is increasingly being used by attorneys to make points in lawsuits involving drivers. (Woodyard, O’Donnell) Before the data of your black box is used against you, there is generally a search warrant. In some cases though, courts have ruled that there is no unreasonable search and seizure in taking data from a box at an accident scene. (Abelson 28)

The decision to be made is: Is it ethical install black boxes in all cars? Politicians and judges wrestled with this question for quite some time before coming to a conclusion. During the decision-making process, they may have used different forms of ethics to talk about this situation. One form of ethical reasoning that might be taken into consideration is act utilitarianism. To make this decision from an act utilitarian standpoint, we will attempt to evaluate the overall utility of black boxes in society. The positive contribution of black boxes is justice, safety, and as a result, peace of mind. In a courtroom, if a black box reliably reads its inputs accurately, the results of that black box can be used as reliable evidence. As a result, much of the hearsay in a courtroom is out of the equation. This way, the decision in the courtroom will be far less likely to falsely condemn an innocent person. This will provide justice to both the innocent, and the wrongdoer. Black boxes also improve the safety of vehicles. When a car manufacturer harvests the black box from totaled cars, the engineers will use that data to improve the safety of the cars from that point on. Through improved justice and safety, people will have more peace of mind, which will increase their happiness. Beyond of peace of mind, there is also increased quality of the features of a vehicle that are not safety related. Black boxes could pick up on inputs that are not working correctly. For example, if many black boxes are receiving inputs that say the fuel door is open when it is not, car manufacturers will become aware of this and fix the problem for the next iteration of that model. This will result in an increase in happiness in the consumers of the vehicle. On the negative side of the issue, black boxes will cause unhappiness in the people that wish not to have their driving habits monitored on a daily basis. For such people, they might feel as though someone is intruding on them. This will undoubtedly cause unhappiness. In addition, if black boxes are unreliable as court evidence, they may stack evidence against and innocent person. By the utilitarian ethical reasoning, the decision to add technology that tracks driving habits before a crash seems to be an ethical decision.

Looking at this from a rule utilitarian point of view, the decision is a bit more difficult. For this analysis we will be focusing on a few of the utilitarian rules from Gert’s list of rules. (Brinkman, Sanders19) On the positive side, installing black boxes would enforce the rule: Do not deceive. The box would eliminate much of the hearsay in a courtroom and allow an objective fairness to determine a case more strongly than a strong and dishonest argument from a lawyer. Another rule that the device could enforce is to “obey the law.” Black boxes would also hold people responsible for reckless mistakes that they make while driving. If a person were speeding or not wearing a seatbelt that input would be noted. On the negative side of the rule utilitarian system, the rule: “Do not deprive of freedom,” is denied by implementing an act the puts black boxes into all vehicles because a person does not have the choice to purchase a new car and not have their driving habits monitored. A person can still buy an older model car and not be tracked, but eventually, the older models will not exist. By rule utilitarianism, the decision to deprive of freedom is justified by the enforcement of obeying the law and not deceiving. This trade: freedom for justice is the type of trade that we agree to by living in a society.

Both the act and rule utilitarian forms ethical reasoning conclude that the black boxes being installed into cars are a net benefit to society, regardless of the privacy concerns behind them. However, it is important to note that though they came to the same conclusion, they did not come to the conclusion by the same means. Since both forms of reasoning are utilitarian, they are looking for the optimal utility within a society, but the rule utilitarian approach looked at a list of rules and valued them as anchors for reasoning, while the act utilitarian reasoning attempts to look at all the potential situations that would come of an event, and then attempts to evaluate if all the potential situations (taking into account their likelihood) would have a positive impact on society. I can conclude that black boxes are a positive asset to society in general because both forms of utilitarianism agree that they bring more good than harm.

Citations page

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