

# 7BUIS025 Web & Social Media Analytics

## Privacy and the Law

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- We saw how to perform keyword analysis to help determine candidate words or phrases to optimise for.
- We introduced the concept of PPC and illustrated how websites may bid on sets or keywords in an second-price sealed bit auction.

# Today's Learning Objectives

- LO1 Discuss privacy and ethical issues surround the practice of web analytics
- LO2 Understand the legal framework governing privacy in the UK and EU.

# Privacy?



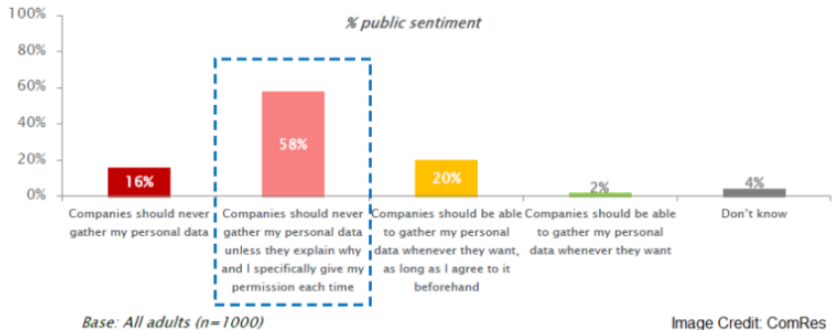
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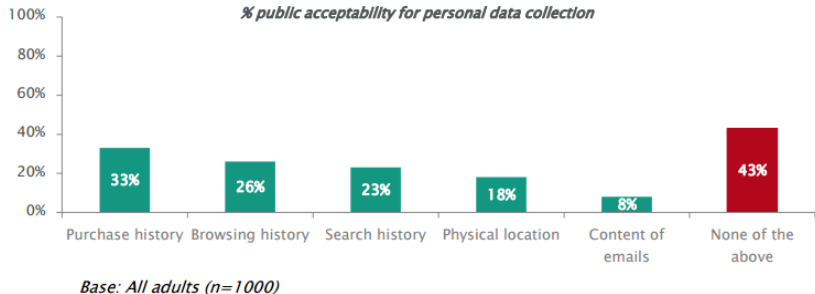
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- Compared with other areas of law it is a fairly recent principle and has been subject to a number of reforms.
- In the modern sense, the right to privacy "private life" was placed into English law through adoption of the European Convention on Human Rights in 1998.

## Article 8 - Right to privacy

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- 02 There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

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- The Act provides practical guidance to organisations on how to meet their obligations under the Human Rights Act with respect to using personal data.
- It recognised that modern technologies facilitate sharing of personal data much easier than ever before.

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- Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss/damage or destruction.
- Personal data shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of data protection.

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- If we decide to process generate results based on personal data outside of an organisation we need to check it has the relevant data protection laws in place.
- Users have the right to obtain a copy of any personal information we collect and store about them.
- The Information Commissioner's Office (ICO) has powers to prosecute and issue fines.

# Shortcomings of DPA 1998 - I

## What was missing from the DPA?

The DPA dealt with nearly all forms of personal identifiable data. Not just on websites but for medical records, census data, payroll data. As a consequence of its generality, little detail was provided surrounding the use of data collected on the web.

## Shortcomings of DPA 1998 - II

### What was missing from the DPA?

There were various ways in which an organisation could comply with the DPA but still raise privacy issues and concerns for users. In particular, little was said about user consent surrounding how organisations in fact used personally identifiable data - regardless of whether it had the potential to benefit the user or not.

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- The PECR deal with a number of electronic privacy issues including the use of cookies.
- Requires websites to publish a privacy policy that details how information collected about users will be used above enabling key services such as the ability to save products to a shopping cart.

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- New rules for the processing of location type data to provide a value-added service (e.g. find a coffee shop) are restricted to collecting only the necessary data for those purposes.

# Summary of key revisions of the PECR

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- 2016 - To require anyone making any kind of marketing call to display their number

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- Requires all websites using cookies to disable them until they have gained the user's consent, either tacitly or explicitly.
- At the time of the introduction of the PECR 2011 a significant number of businesses and organisations voiced their concern about the new regulations.
- It should be noted that, if data are anonymous, they cannot be 'personal data' and will therefore fall outside the scope of data protection and privacy law.

# Advice from the ICO

<http://www.youtube.com/watch?v=VOM8MYiGkQw>

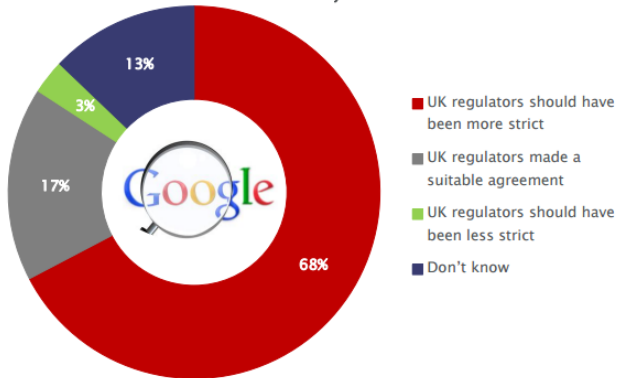


# Breaches of the PECR

- (2016) - EE Limited were issued with a fixed monetary penalty for failing to comply with the personal data breach reporting requirements under the Privacy and Electronic Communications (EC Directive) Regulations 2003.
- Googles 2012 combined privacy policy was found not to comply with European data protection laws as it allowed the combination of data from any of its services for any purpose.
- In January 2015, Google agreed with UK regulators to make the wording of its privacy policy clearer, but not change how it uses consumers data.

# UK sentiment

*Perceptions of UK regulators agreement with Google on their Privacy Policy*



*Base: All adults (n=1000)*

# GDPR

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- General Data Protection Regulations introduced in 2018.
- Sits alongside the PECR and DPA.
- Harmonise and modernise Europe's data protection laws.
- Much more emphasis on individual's rights (informed, erasure, request personal data for free)
- Data protection by design (e.g. through Pseudonymisation)
- Note that GDPR does not apply to personal data that has been anonymised (Recital 26)

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- Anonymisation in contrast concerns removing, substituting, distorting or aggregating identifiers such that the original individual cannot be identified.

# Example

## Pseudonymisation and anonymisation



# Comparison of data protection laws

<https://www.dlapiperdataprotection.com/>

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- The Privacy and Electronic Communications Regulations specify that users must be made aware of how cookies are used on a site and place the onus on the website to get user consent before using them.
- The PECR is the UK implementation of the EU Privacy Directive but the same principle exists now in all EU member states through the GDPR.