

Privacy Rights Paper

In an ideal world, I believe one inalienable right of a digital citizen is privacy. However, a quick review of privacy policies from companies like Facebook, Twitter, Google, etc. highlight how pervasive the expectation that users consent to giving up their privacy is in our digital society. This raises the question, is it still realistic to say privacy could be an inalienable right of every digital citizen?

In some cases, users may not realize that anonymity may not equate to privacy. For example, the article “Yahoo’s Gigantic ‘Anonymized’ User Dataset Isn’t All That Anonymous” describes a yahoo dataset containing “13.5 terabytes of user interactions with news items from some 20 million users which the company says have been ‘anonymized’” (Pearson, 2016). However, the article argues that even though users’ names were removed, the dataset was “anything but anonymous.” (Pearson, 2016), noting that the data collected included users “age, gender, the city they were in when they accessed the page, whether they used a mobile device or a desktop, and a timestamp of when they accessed the news item.” (Pearson, 2016).

Public data (including data that users may not even realize is public) can also be scraped from the web and stored by individuals or companies in various databases. The article, “The ACLU Sues Clearview AI, Calling the Tool an ‘Unprecedented’ Violation of Privacy Rights” discusses a “facial-recognition tool used by law enforcement agencies across the country” (Duffy, 2020). Clearview AI’s software “scrapes billions of publicly available images from social media sites and elsewhere on the internet and uses facial recognition software to make the database searchable.” (Duffy, 2020). This highlights a scenario in which users’ images and data are not actually obtained or distributed by the company they have signed up with. Rather, they are obtained by a third company simply by nature of being publicly available. As the article points out, “Many people may not realize when posting a photo of themselves – even if they’re posting it publicly – that it could be swept up into a massive database and used by law enforcement.” (Duffy, 2020).

This also raises the question, who is responsible for protecting users' data? Is it the responsibility of the companies that users sign up with to ensure that users are aware of the potential risks of sharing data? Is it the responsibility of lawmakers to prevent companies like Clearview AI from collecting data in the way that Clearview AI collects biometric data through facial recognition software? Is it the responsibility of users to be more vigilant about what they post on various platforms? Or, is it a combination of all three?

One could argue that privacy in itself should not be claimed as a digital citizen's inalienable right. There are certainly several companies that would be likely to take this stance, especially those companies whose profit models are based on collection and use of users' data. For example, Facebook targets advertising based on users' personal information. One could also argue that companies may use personal data to improve user experience. But, if privacy is not the inalienable right of every digital citizen, what is? I believe the appropriate alternative is the right to make an informed decision about what personal data is shared and how it is used. This already exists to some degree in the form of privacy policies, and end user license agreements (EULAs), but to authentically give users the opportunity to make an informed decision about how their data will be used, an "I've read the privacy policy" checkbox wrapped into an installation or sign-up process is not enough. Rather, companies should take the initiative to make their privacy policies and EULAs transparent and accessible to all users, and not just fine print. Spotlighting how users' data will be collected and used may push some potential users away from signing up for a company's service or downloading their software, but it also gives users the ability to make an authentically informed decision.

REFERENCES:

- Duffy, C. (2020, May 29). *The aclu sues clearview ai, calling the tool an 'unprecedented violation' of privacy rights*. CNN Business. <https://www.cnn.com/2020/05/28/tech/clearview-ai-aclu-lawsuit/index.html>
- Pearson, J. (2016, January 14). *Yahoo's gigantic 'anonymized' user dataset isn't all that anonymous*. Vice. <https://www.vice.com/en/article/yp3d8v/yahoos-gigantic-anonymized-user-dataset-isnt-all-that-anonymous>