

Backstory:

In 2018, Facebook faced backlash for its participation in a data breach, which resulted in over 87 Million users having their data leaked. Mark Zuckerberg was asked to speak at Congress for his company’s role in the data breach. Over two days, it was revealed that Cambridge Analytica, a political data-analytics firm had been misusing information it had obtained from Facebook users. Through a quiz app that was available on Facebook, Cambridge Analytica was able to build a psychological profile of a user. Things such as a users’ “likes” and their friend group were revealed through the connection of the quiz app to the user’s account. Using the information based on the user’s psychological profile, Cambridge Analytica was able to use it in their political campaign targeting a certain demographic.

Facebook was ultimately held accountable for its actions and paid a total of \$5 Bn to the FTC (Federal Trade Commission), which is responsible for civil antitrust law. Facebook did not report that the breach occurred immediately and allowed Cambridge Analytica to have continuous access for up to 5 years until it took action.

Arguments that Facebook is liable:

Mark Zuckerberg was sued by Washington DC’s attorney general Karl Racine alleging that Zuckerberg directly participated in policies that allowed Cambridge Analytica to gather the personal data of US voters without their knowledge in an attempt to help Donald Trump’s election campaign. Even though it is difficult to sue corporate officers in their personal capacity, Racine still pursued the suit.

Facebook claimed that Cambridge Analytica’s use of Facebook’s user data was unauthorized. Even though they had knowledge of the so-called “unauthorized” use of user data for years and yet done nothing in response. In various statements, Facebook has said that there was no “data breach” BUT that the data was used in an unauthorized manner. If there was no data breach then it would seem as though the data was accessed with permission. However, admitting that Cambridge Analytica had open access to the data would make Facebook liable. If Facebook said that there was a data breach then they would be subjected to the state laws on data breaches, which means that they could be forced to pay fines, follow certain obligations to notify users and provide identity protection services. Therefore since the FTC was able to enforce a fine then it doesn’t matter what Facebook’s claims were because they are still liable.

Facebook settled a lawsuit:

In 2018 UK’s data protection watchdog fined Facebook \$576, 000 for its role in the Cambridge Analytica scandal. There was a settlement agreement that included that Facebook did not have to admit to being liable. They did apologize and allowed users to know which apps had accessed their data. In response to Facebook’s statements, Cambridge Analytica claimed that they only accessed and used data in authorized ways.

Sources:

Alexandria Ocasio-Cortez grills Mark Zuckerberg during Congressional hearing

https://www.youtube.com/watch?v=1iCVn_JvOiQ

Who Is to Blame for the Cambridge Analytica–Facebook Scandal?

[https://slate.com/technology/2018/03/who-is-to-blame-for-the-cambridge-analytica-facebook-scandal.h
tml](https://slate.com/technology/2018/03/who-is-to-blame-for-the-cambridge-analytica-facebook-scandal.html)