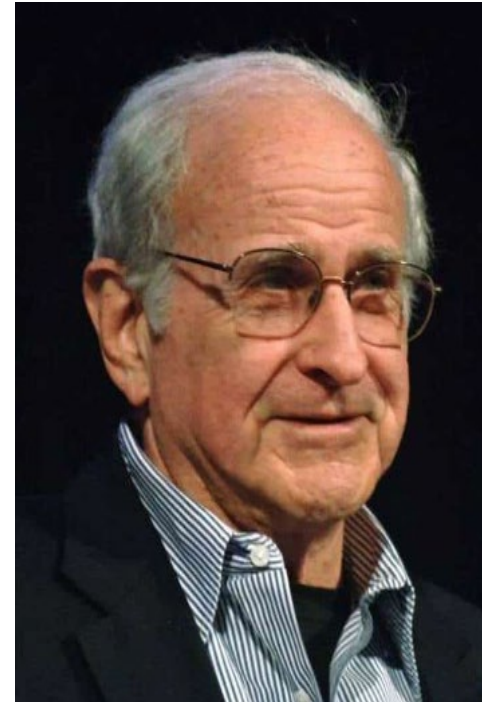
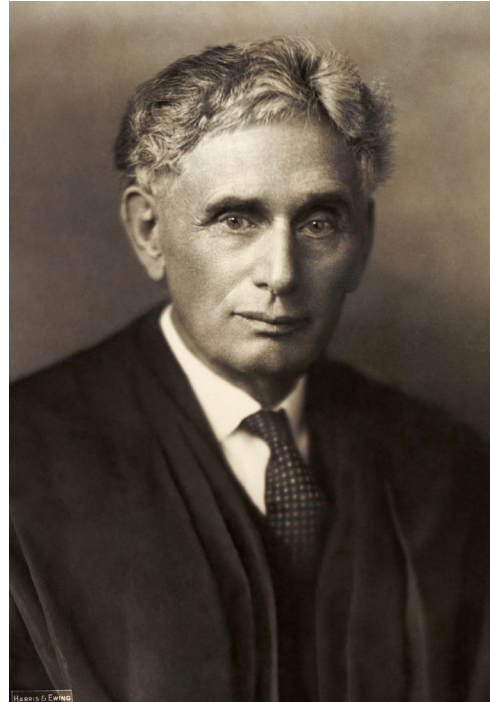


# MSBA 5507.1 Ethics, Risk Management and Data Security

Privacy

July 17, 2023



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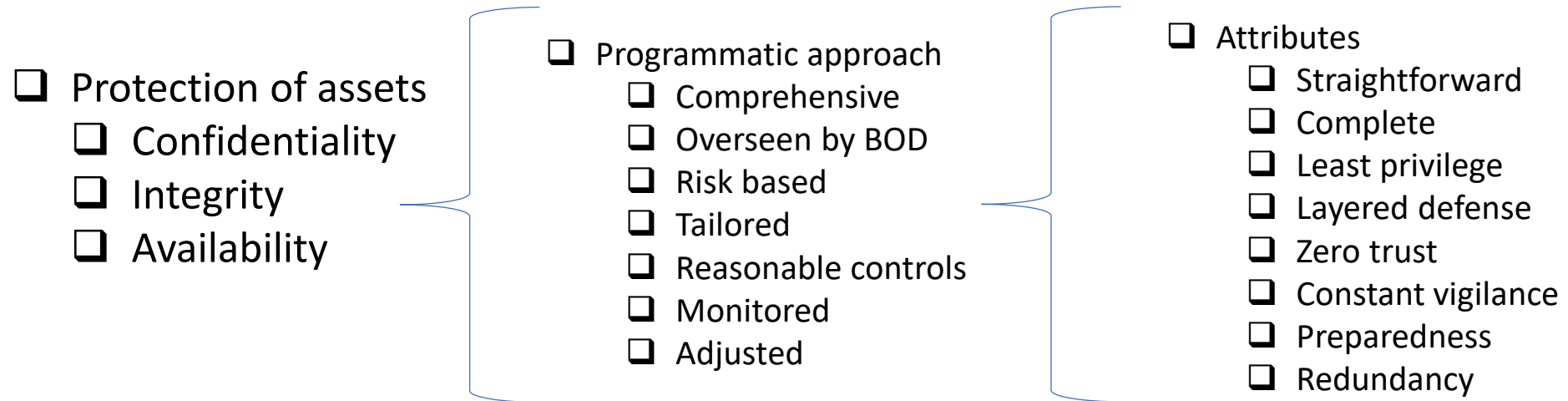
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7/17/2023

MSBA 5507.1

Recap**Cyber Security**

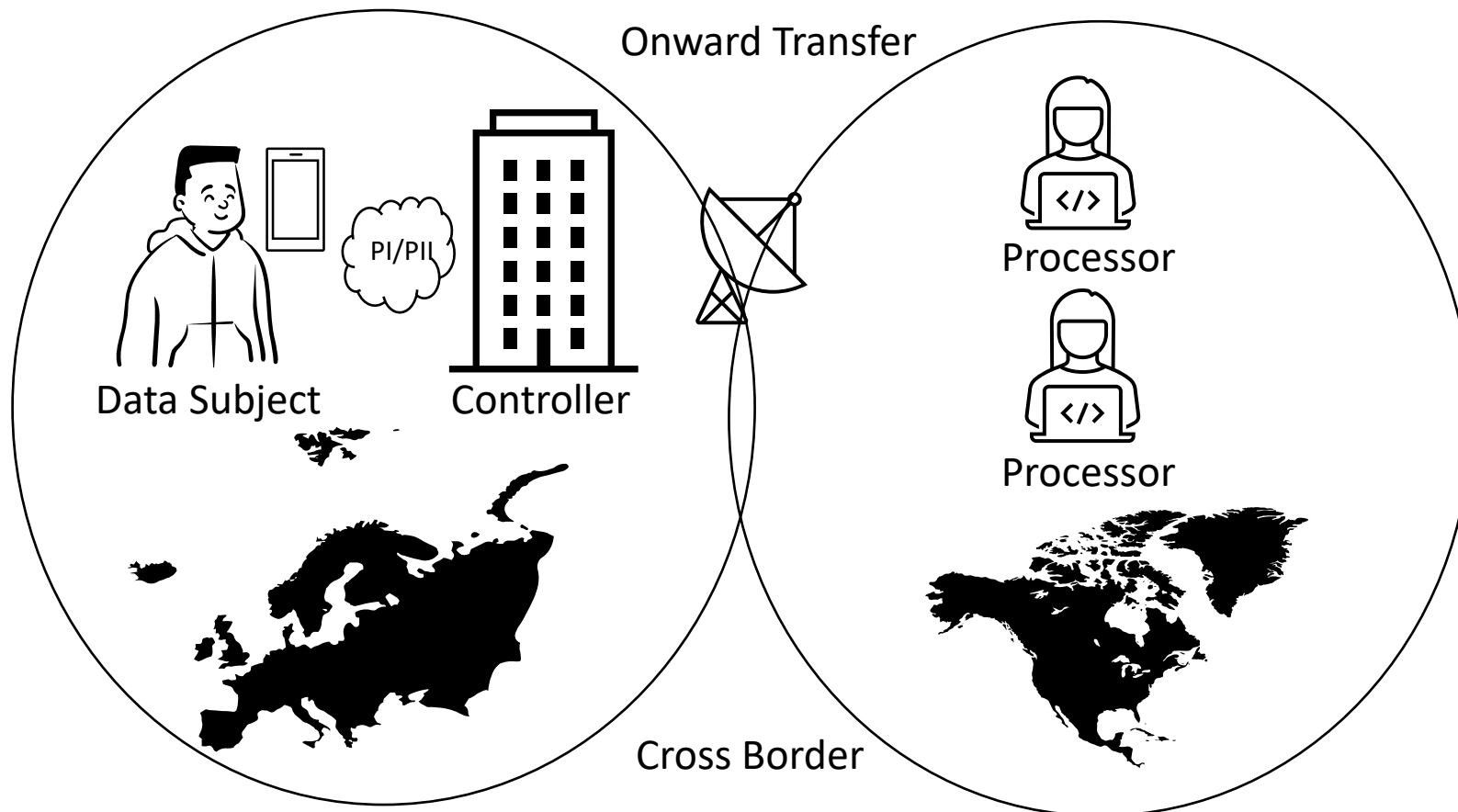
TOPIC	DESCRIPTION/SOURCES
<b><u>Privacy</u></b>	<b>Privacy – theoretical US underpinnings</b>
<ul style="list-style-type: none"><li>❑ Louis Brandeis:<ul style="list-style-type: none"><li>❑ The right to left alone</li><li>❑ “Recent inventions and business methods call attention to the next step which must be taken for the protection of the person.” Louis Brandeis, <i>The Right to Privacy</i>, Harvard Law Review (1890).</li><li>❑ Reasonable expectation of privacy (4<sup>th</sup>) and concepts of liberty (14<sup>th</sup>)</li></ul></li></ul>	<ul style="list-style-type: none"><li>❑ Allan Westin:<ul style="list-style-type: none"><li>❑ “The claim of individuals, groups, or institutions to determine for themselves when, how, and to what extent information about them is communicated to others.” Westin, Alan, <i>Privacy and Freedom</i>. New York: Atheneum (1967)</li><li>❑ Notice and choice model of privacy</li><li>❑ Market and consumers make choices based on privacy policies</li></ul></li></ul>

Privacy

## An Introduction to Privacy

Discussion☐ Key Definitions

- ☐ Privacy
- ☐ PI/PII
- ☐ Sensitive
- ☐ Data subject
- ☐ Controller
- ☐ Processor
- ☐ Preferences
- ☐ Transfers



TOPIC	DESCRIPTION/SOURCES
<b><u>Privacy</u></b>	<b>Fair Information Practices</b>
<b><u>Discussion</u></b>	<p>Fair Information Practices (FIPs) are a set of principles and guidelines designed to protect individuals' privacy and ensure responsible handling of personal information.</p> <ul style="list-style-type: none"><li><input type="checkbox"/> Notice/Awareness</li><li><input type="checkbox"/> Choice/Consent</li><li><input type="checkbox"/> Access/Participation</li><li><input type="checkbox"/> Integrity/Security</li><li><input type="checkbox"/> Enforcement/Redress</li><li><input type="checkbox"/> Data Minimization</li><li><input type="checkbox"/> Purpose Limitation</li></ul>

**Privacy****Complexity****Discussion**

## Anonymization Example



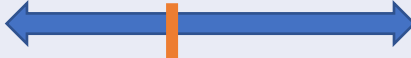


XYZ Database				
	A	B	C	D
1	Sex	Birth Date	Occupation	Voting precinct
2	M	6/14/1956	Fireman	Boston 6th
3	F	9/20/1958	Attorney	Boston 6th
4	M	7/8/1965	Carsalesman	Boston 8th
5	F	11/12/1972	Consultant	Boston 10th
6	M	5/6/1984	IT Professional	Boston 9th
7	F	2/29/1998	Baker	Boston 12th
8	M	3/22/2002	Student	Boston 9th

TOPIC	DESCRIPTION/SOURCES
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## Strategy

## Balancing Business Goals and Privacy

### Discussion

	Strategy		
	Maximize	Balance Customer Preferences/Perceptions   Regulatory Requirements   Corporate Utility and Responsibility	Minimize
Collection	Collect any data available; value might be derived later; post generic privacy notices		Only collect data for established purpose and always get consent; allow opt-out
Processing	Open access to data with org.; drives innovation; increase competitiveness		Only use data for the purpose of original collection; any new use requires consent
Disclosure	Enable disclosures to/with 3rd parties; enable previously unplanned services		Limit disclosures to those purposes for which data was originally collected; new notices/consent if changes
Retention	Retain data forever; better longitudinal analysis		Destroy data when no longer needed to complete transaction
Destruction	Avoid destruction		Ensure data and all derivatives are removed from all systems/repositories

**GDPR****What is GDPR, the EU's data protection law?** [gdpr.eu/what-is-gdpr](https://gdpr.eu/what-is-gdpr)

## General Data Protection Regulation

☐ Data subject rights:

- ☐ Informed
- ☐ Access
- ☐ Rectification
- ☐ Erasure
- ☐ Restrict processing
- ☐ Data portability
- ☐ Object
- ☐ Automated decision making and profiling

☐ GDPR Principles:

- ☐ Lawfulness, fairness and transparency
- ☐ Purpose limitation
- ☐ Data minimization
- ☐ Accuracy
- ☐ Storage limitation
- ☐ Integrity and confidentiality
- ☐ Accountability

**Discussion**



TOPIC	DESCRIPTION/SOURCES
<b><u>GDPR</u></b>	<b>The Top 10 Operational Responses to the EU's General Data Protection Regulation, IAPP</b>
<b><u>Discussion</u></b>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Maps, inventories and records</li> <li><input type="checkbox"/> Lawful basis for processing (at collection) <ul style="list-style-type: none"> <li><input type="checkbox"/> Consent</li> <li><input type="checkbox"/> Special categories of personal data</li> <li><input type="checkbox"/> Imbalance or power</li> <li><input type="checkbox"/> Legitimate interest</li> </ul> </li> <li><input type="checkbox"/> Governance (DPO)</li> <li><input type="checkbox"/> Impact assessments/by design</li> <li><input type="checkbox"/> Data retention/use limitation</li> <li><input type="checkbox"/> Transparency/privacy notices</li> <li><input type="checkbox"/> Accommodating data subject's rights</li> <li><input type="checkbox"/> Data breach</li> <li><input type="checkbox"/> Cross border transfers (adequacy)</li> </ul>

TOPIC	DESCRIPTION/SOURCES
<u>Privacy</u>	<b>Solove, Daniel J., The Limitations of Privacy Rights, 98 Notre Dame Law Review 975 (2023)</b>
	<ul style="list-style-type: none"><li><input type="checkbox"/> Thesis<ul style="list-style-type: none"><li><input type="checkbox"/> Rights are an important component of privacy regulation.</li><li><input type="checkbox"/> Rights are often asked to do far more work than they are capable of doing.</li><li><input type="checkbox"/> Privacy rights can't solve the problem of data disempowerment.</li></ul></li><li><input type="checkbox"/> Why?<ul style="list-style-type: none"><li><input type="checkbox"/> Rights are not practical for individuals to exercise.</li><li><input type="checkbox"/> Rights involve "privacy self-management."</li><li><input type="checkbox"/> Privacy can't be protected at the level of the atomistic individual</li></ul></li></ul>
<u>Discussion</u>	

TOPIC	DESCRIPTION/SOURCES
<u>Privacy</u>	<p><b>Solove, Daniel J., The Limitations of Privacy Rights, 98 Notre Dame Law Review 975 (2023)</b></p>
<u>Discussion</u>	<ul style="list-style-type: none"> <li>❑ Problem           <ul style="list-style-type: none"> <li>❑ Rights can't empower individuals enough to equalize the power imbalance between individuals and the organizations that collect and use their data.               <ul style="list-style-type: none"> <li>❑ Two forms of control                   <ul style="list-style-type: none"> <li>❑ individuals <i>having control</i> and the</li> <li>❑ data ecosystem <i>being under control</i></li> </ul> </li> </ul> </li> <li>❑ Rights present individuals with an endless burden of chores.</li> <li>❑ People are ill-equipped to engage in privacy self-management.               <ul style="list-style-type: none"> <li>❑ Benefits of providing personal data are immediate and concrete.</li> <li>❑ On the privacy side is a risk that is often vague, abstract, and speculative.</li> </ul> </li> <li>❑ Rights have too individualistic a focus to address the societal dimensions of privacy.</li> </ul> </li> </ul>

TOPIC	DESCRIPTION/SOURCES
<b><u>Case Study</u></b>	<b>Perfect Grocery</b>
<b><u>Discussion</u></b>	<ul style="list-style-type: none"><li><input type="checkbox"/> Analyze Perfect Grocery from a Fair Information Practices perspective?<ul style="list-style-type: none"><li><input type="checkbox"/> Breakout room one: Notice</li><li><input type="checkbox"/> Breakout room two: Choice/Consent</li><li><input type="checkbox"/> Breakout room three: Purpose Limitation</li><li><input type="checkbox"/> Breakout room four: Integrity/Security</li></ul></li></ul>