

Case Study on Privacy

Ricardo works for the records department of his local government as a computer records clerk, where he has access to files of property tax records. For a scientific study, a researcher, Beth, has been granted access to the numerical portion “but not the corresponding names” of some records.

Beth finds some information that she would like to use, but she needs the names and addresses corresponding with certain properties. Beth asks Ricardo to retrieve these names and addresses, so she can contact these people for more information and for permission to do further study.

Now consider, what are the ethical issues involved in deciding which of these options to pursue?

- If Ricardo is not responsible for determining allowable access, should he release the names and addresses?
- Suppose Ricardo were responsible for determining allowable access to the files. What ethical issues would be involved in his deciding whether to grant access to Beth?
- Should Beth be allowed to contact the individuals involved? That is, should the Records department release individuals' names to a researcher? What are the ethical issues for the Records department to consider?
- Suppose Beth contacts the individuals to ask their permission, and one-third of them respond giving permission, one-third respond denying permission, and one-third do not respond. Beth claims that at least one-half of the individuals are needed to make a valid study. What options are available to Beth?

Point 1: If Ricardo is not responsible for determining who can and cannot access the records, then he should not release them to Beth at all. In the initial prompt it is made clear that Beth has access to the numerical portion only, and that the names and addresses are off limits. If Beth insists, Ricardo should contact his supervisor or whoever is responsible for making such decisions.

Point 2: As mentioned above, the initial prompt makes it clear that Beth was only granted access to the numerical portion of the records. We are not told who granted this access, so we will assume that it was not Ricardo. Since this is the instruction, Ricardo would consciously disobey this command, and would be responsible for any misuse of such data, or any complaints from the data owners. Furthermore, it is questionable whether he has the right to release such data without explicit consent from the data owners. In Germany, for instance, adoption agencies are not allowed to release data about the biological parents to anyone, not even the children, unless they have explicit permission from the biological parents. This protects their data and privacy - something which should be followed here as well. In articles 15 - 18, 20 and 21, the GDPR clearly stipulates what can and cannot be done with a user's data - This includes the right to object to data processing (GDPR, N.D.)

Point 3: Beth should not be allowed to contact the individuals. If Ricardo or one of his supervisors decides to grant access to Beth, they should only do so with explicit permission from the data owners. It should be Ricardo or someone else from the local government who contacts the concerned individuals. Verbal or written contact between Beth and these individuals should only be established once permission has been granted. This connects to the issues mentioned above. This way, people may feel more confident to decline compared to if Beth were to contact them directly. There should be no pressure on them to release such information.

Point 4: There are two options available to Beth, one ethically correct one, and one ethically incorrect, and illegal one. Ethically, Beth should either wait for more people to get back to her regarding her request, until half of the individuals agreed - which would be the ideal outcome - or she should stop this study and record the results as inconclusive, because she did not have enough data. This would not be ideal, yet ethical. Alternatively, she could access the data of the third that did not explicitly deny access to their data, because they did not get back to her. This, however, would be unethical and probably illegal in most countries, especially if they follow regulations such as GDPR.

References

GDPR (N.D.) General Data Protection Regulation. Available from: <https://gdpr-info.eu/> [Accessed 02 April 2024].