

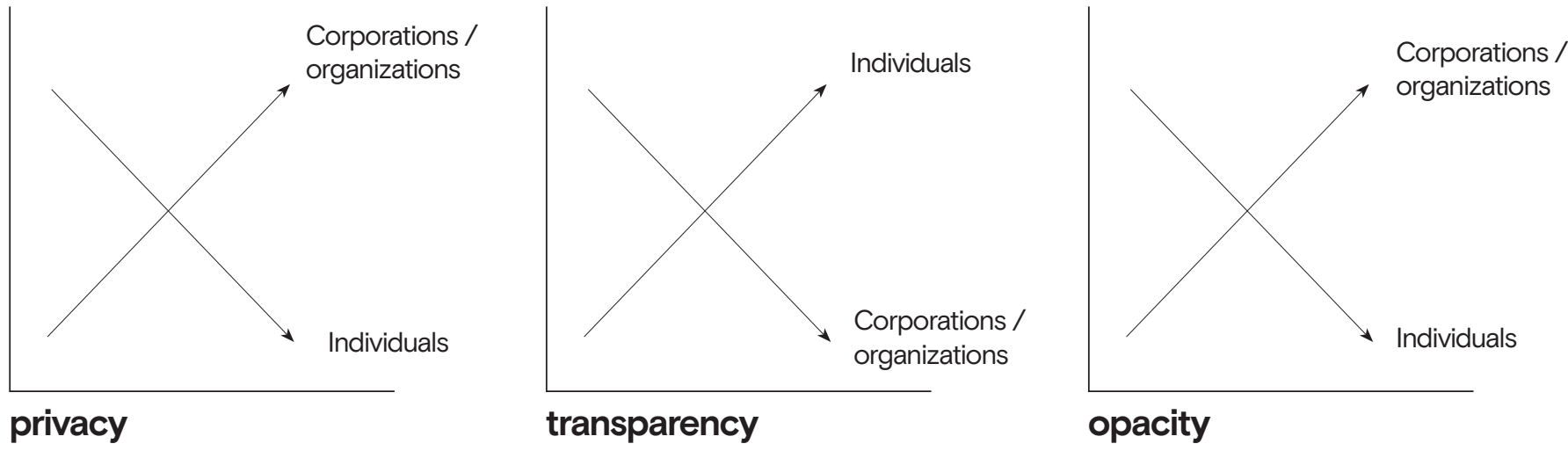


# transparadox

## transparency paradox

Pervasive collection of private information and the operations of big data itself are almost entirely shrouded in legal and commercial secrecy.<sup>1</sup>

The promise is to use data to make the world more transparent, but its collection is invisible, and its tools and techniques are opaque, shrouded by layers of physical, legal, and technical privacy by design. If big data spells the end of privacy, then why is the big data revolution occurring mostly in secret?<sup>1</sup>



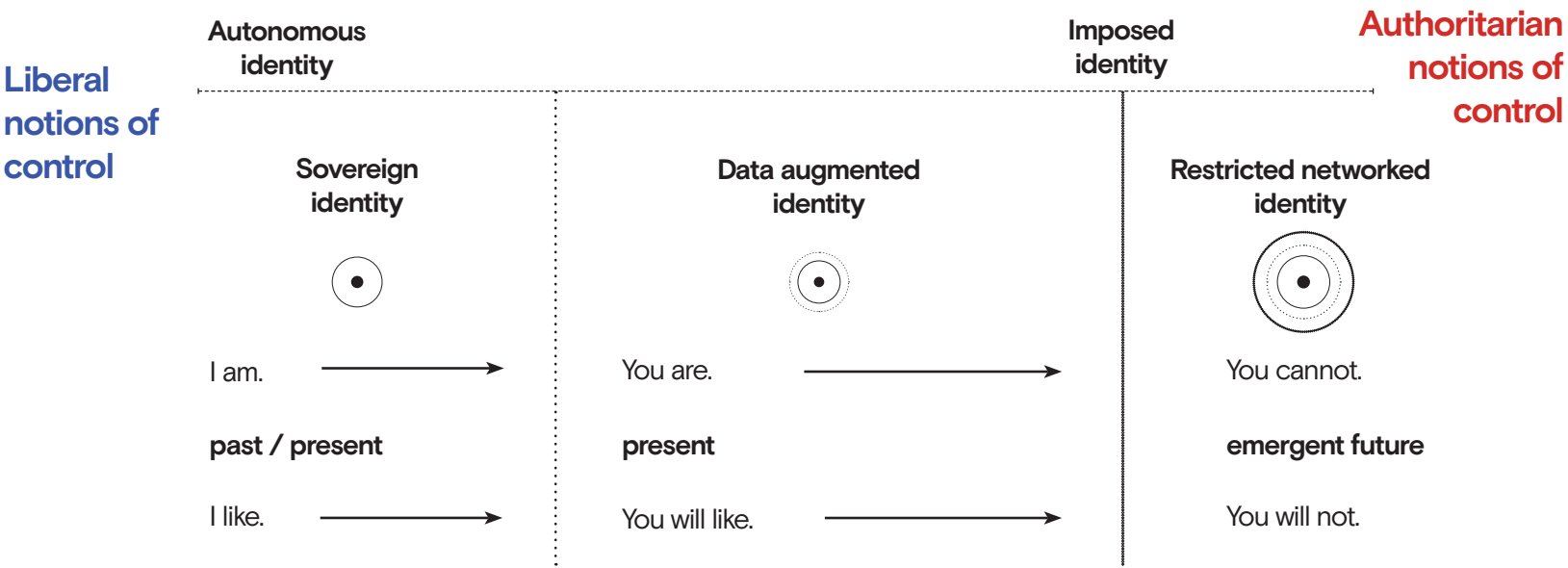
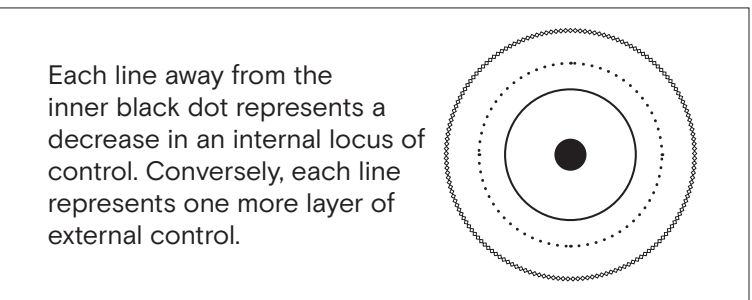
This space of tension can benefit from cross disciplinary interventions.

We cannot have a system, or even the appearance of a system, where surveillance is secret,<sup>3</sup> or where decisions are made about individuals by a Kafkaesque system of opaque and unreviewable decisionmakers.<sup>4</sup>

## identity paradox

The landscape surrounding data is rife with hyperbole.

Big data seeks to identify, but it also threatens identity. We instinctively desire sovereignty over our personal identity. Whereas the important right to privacy harkens from the right to be left alone, the right to identity originates from the right to free choice about who we are.<sup>1</sup>

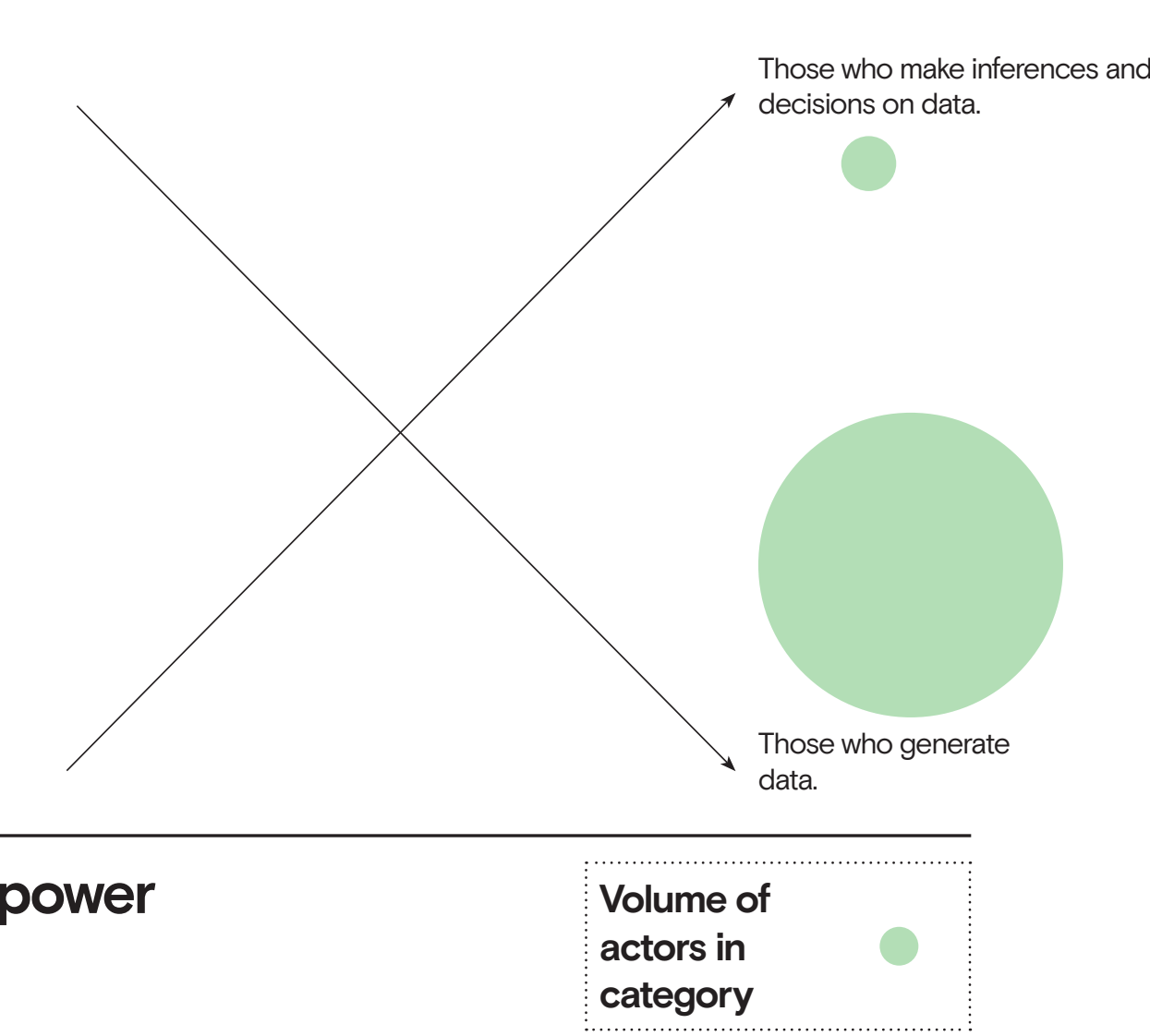


How will our right to identity, our right to say “I am,” fare in the big data era? With even the most basic access to a combination of big data pools like buying history and social networking posts, “I am” and “I like” risk becoming “you are” and “you will like.”<sup>1</sup>

Without developing big data identity protections now, “you are” and “you will like” risk becoming “you cannot” and “you will not”. Thus the power to use information to nudge, to persuade, to influence, and even to restrict our identities.<sup>5</sup>

## power paradox

The rhetoric of big data is characterized by its power to transform society, but big data has power effects of its own, which privilege large government and corporate entities at the expense of ordinary individuals.<sup>1</sup>



If we do not build privacy, transparency, autonomy, and identity protections into big data from the outset, the Power Paradox will diminish big data’s lofty ambitions. We need a healthier balance of power between those who generate the data and those who make inferences and decisions based on it, so that one doesn’t come to unduly revolt or control the other.<sup>1</sup>

The advent of a data driven world has led to tremendous advantages in how we access information, the rate of innovation and potential for optimization.

In 2018, both Airbnb and Uber outperformed champions of their respective industries. What is most surprising about these companies is that Airbnb owns no property and Uber owns no vehicles. Yet, Airbnb has nearly as many listings as Marriott International (if you account for the listings that are available; counting listings that are not available they have more by a factor of 3) and Uber boasts over 10 billion rides to date.

Other tendencies, like predatory exploitation of user data, large scale data breaches and unchecked surveillance makes it appear that this surge of prosperity is potentially moving wayward. Without appropriate intervention to offset the power of these organizations they are abound for the potential to corral resources and power into corporations. Most disturbing of all, it appears that our governments, legislative systems and other regulatory infrastructure are buckling under the immense weight of the complex intellectual property bolstering these new economies.

This document highlights three paradoxes related to privacy, identity and power at the heart of big data which outline key moments of tension, with the hope that through critical engagement, space will emerge to craft solutions to offset the hazards.

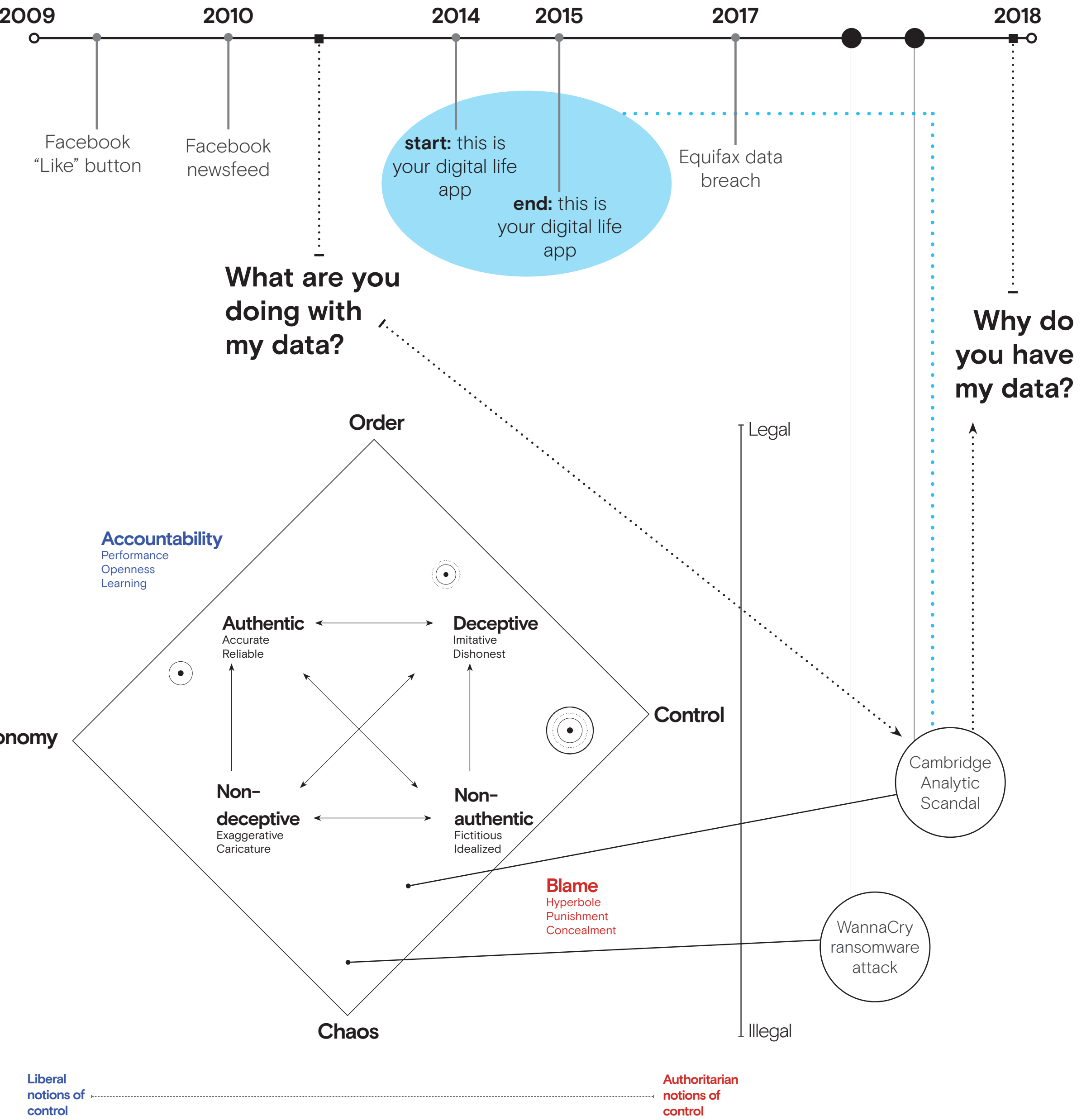
## paradigm shift

“I think what we’ve seen with Cambridge Analytica, for the first-time people seem to have moved away from the question of asking *what are you doing with my data* to *why do you have my data?*”

The shift in sentiment described between these two questions has a subtle, but powerful impact on how the publics perception has shifted in recent years. “What” questions tend to have a passive quality as if asking for a report. A “why” question seeks a report as well as justification for a certain kind of behavior. There has been an escalation of

consequences for consumers most of which probably sit outside comprehension for most.

Large scale deception of this kind leads to tenuous states driven by feelings of vulnerability, disorientation and powerlessness.



## transcending paradox

### accountability

Increasing data transparency and analytics will help hold a mirror to our own biases and help us understand, where the dark side of our nature is holding us back.  
– Shrupti Shah

### literacy

Richard Thaler states that if an organization, a government agency or a business gets data about me, that data belongs to me and therefore I’m just lending it to that organization and the organization, the government agency or the company should be required to provide you that data back in a standardized machine readable format.  
– Jim Guszcza

### ownership

Jaron Lanier makes the economic case for [ownership], we’ve got these huge asymmetries in wealth in society, too, whereas really the people that generate the data, [could] be given micropayments every time they like something because they’re generating this little valuable data.  
– Jim Guszcza

<sup>1</sup> Richards, Neil M. and Jonathan H King. “Three Paradoxes of Big Data.” Stanford Law Review, Sept. 2013. [www.stanfordlawreview.org/online/privacy-and-big-data-three-paradoxes-of-big-data/](http://www.stanfordlawreview.org/online/privacy-and-big-data-three-paradoxes-of-big-data/).  
<sup>2</sup> Omer Tene & Jules Polonsky, Big Data for All: Privacy and User Control in the Age of Analytics, 11 Nev. J. Tech. & Intel. Prop. 239, 270-72 (2013).  
<sup>3</sup> Neil M. Richards, The Dangers of Surveillance, 126 Harv. L. Rev. 1934, 1959-61 (2013). –8  
<sup>4</sup> Cf. Daniel J. Solove, The Digital Person (2006).  
<sup>5</sup> Richard H. Thaler & Cass R. Sunstein, Nudge: Improving Decisions About Health, Wealth, And Happiness (2008); Richards, supra note 8, at 1955-56.