

Data Ethics and Regulations Eksamen - Topic 1

Are humans able to vote purely based on free will?

Introduction

In modern society, various methods are aimed towards voters, and one of them is to aim the specific agenda to the targeted individual. It is not a shocking result that this method is used, since it is an efficient way of attempting to secure voters who are already a solid supporter, and also could attract those who could potentially turn favourable towards the political party. However, such as the Cambridge Analytica scandal, it takes just the slightest amount of irresponsibility of those who join in the process of deciding whom to target to turn it into a serious privacy violation issue.

In this report I will discuss about NEP's political campaign in broadly two perspectives: privacy and ethical. In the first part, the privacy perspective is examined by the General Data Protection Regulation, a law used throughout the European Union in order to unify all European laws related to data protection. In the second part, the ethical perspective is discussed by questioning the root of human's ability of decision making. Thus, constructing the central theme for my report, as similarly stated on the top of this page as the title, 'Are humans able to make a decision purely based on free will?'. In the final part of this report, I will judge whether NEP's campaign is appropriate regarding all of the points that has been assessed above.

Brief History and Contents of GDPR

The basis for General Data Protection Regulation, GDPR in short, first came out when personal data started to get processed on computers in the 70s¹. In the 80s, OECD started issuing guidelines, and finally in the 90s they started to locally implement laws on data protection.

The actual GDPR was adopted on May 25th, 2018, and all of the member states of the European Union and other companies or organisations dealing with European

¹ Lecture 4, Data Protection and GDPR Part 1 pptx, p4

citizens are responsible of complying to its rules. Even if their physical headquarters, offices are outside of the countries in the European Union they would still have to follow the law, otherwise they will have to pay a large sum of fine. It is stated that the less severe infringements could result in a fine of up to €10 million, or 2% of the firm's worldwide annual revenue from the preceding financial year, whichever amount is higher. The more serious infringements go against the very principles of the right to privacy and the right to be forgotten that are the crucial point of the GDPR. These types of infringements could result in a fine of up to €20 million, or 4% of the firm's worldwide annual revenue from the preceding financial year, whichever amount is higher². These sorts of strict financial charges would lead to better cooperation, as a result it makes it easier to control data that is being transacted.

Another important concept about GDPR is what rights can a data subject can hold under its regulations. There are six major rights given, the right to access the data, the right to rectification, the right to erasure, the right to restriction of processing, the right to portability and the right to object³. Noting this in the next section, I will analyze NEP and Renaissance Analytics handled the rules of GDPR.

NEP, Renaissance Analytics and GDPR

Accessing to public data is somewhat tricky to decide if it has been breached. Using data that is already publicly available from the national statistics bureau is not a privacy breach, since it has already been agreed upon the data provider and the government that it is going to be public. However, collecting data from social media is a sensitive subject. For example, Facebook bans private data companies to collect user data from making people take a quiz on the app and retrieving the answers. This did not stop Cambridge Analytica from selling the data. There was a loophole in Facebook's regulations, in which they allowed 'a third-party developer to engineer an application for the sole purpose of gathering data'.⁴ And this said developer, Aleksandr Kogan, exploited the loophole to gather information from the users and

² Welford, B. (2018). What are the GDPR Fines? - GDPR.eu. [online] GDPR.eu. Available at: <https://gdpr.eu/fines/>.

³ Lecture 5, Data Protection and GDPR Part2 pptx, p18-26

⁴ Chang, A. (2018). The Facebook and Cambridge Analytica scandal, explained with a simple diagram. [online] Vox. Available at: <https://www.vox.com/policy-and-politics/2018/3/23/17151916/facebook-cambridge-analytica-trump-diagram>.

also the people on the user's friend list. The problem with this was that no one was told that their data was going to be sold to clients, or to be used in any way.

If Renaissance Analytics uses a loophole such as the one depicted above, then in the end it will end up breaching the right to object. The only way they can use the data is when it is used for a legal claim or if it is based on a legitimate interest which overrides the interests of an individual.⁵ Using it for a political campaign for the interest of a specific political party, however, does not come before an individual's own rights.

One more problem with Renaissance Analytics is that they are a US based data company. If a foreign company, let alone a Norwegian company stores and analyzes private data of Norwegian citizens without their consent, it would be heavily criticized once it gets known to the public. Also, they are microtargeting households, classifying them based on their amount of income which means they already have the data of a person's financial situation. It is also depicted that parents who has a higher income would support NEP more likely, this means Renaissance Analytics stores information about which individuals has children or not. They have knowledge of a person's address, name, zip code, income, family members' information and also social media accounts. This is quite alarming since they did not specify how long they will store the data and there is a possibility of selling the data not only to NEP in the future. It is a blatant violation of multiple data subjects' rights.

Social Media and Politics

Whereas the usage of social media worked quite successfully in certain parts of the world, how effective it would be when transferred to Europe is still debatable. In Europe, with the GDPR, political parties are not allowed to store information in a central unified database such as what the Obama campaign used for their election in 2012. They had stored over millions of voter information and then applied data-mining techniques for grouping voters based on their various characteristics. They could send out targeted posts for people who were likely to support them, and as a result reducing the cost for sending out posts for everyone in the country. This is

⁵ Lecture 5, Data Protection and GDPR Part2 pptx, p24

similar to what NEP is doing, but usually parties in Europe are more reluctant when it comes to using microtargeting methods due to potential controversies with legal issues.⁶

The effectiveness of NEP sharing their adverts on social media is also debatable. In modern society usage of social media for attaining political messages definitely increased than the past where newspapers or radio broadcasts were the dominant communication channels for the public. Nowadays when a politician writes a tweet proposing their opinions of politics, direct followers can retweet the tweet, therefore creating a 'second contact' for people who are not direct followers of the politician. It makes it possible for politically unengaging people to take a part in a brief one-way communication, but it is not effective as much as to make them fully engage in politics just by second contact. Some argues that people who reacts to political posts on social media is already active when it comes to politics offline.⁷ Despite all this, we cannot deny there is an upward trend when it comes to using social media, more in younger generations, so overall it is a good decision of NEP deciding to advertise themselves on social media, even if it is for the long-term results.

Explaining Free Will

The term 'free will' is defined as the power or capacity to choose among alternatives or to act in certain situations independently of natural, social, or divine restraints.⁸ In simple words, it can be said as a control over one's actions. A question could be raised, do humans have free will, and if so, to how much extent?

According to Walter, 2001, free will can be defined by three conditions. The ability to do otherwise, the control over one's choices, and the responsiveness to reasons.⁹ The ability to do otherwise can be satisfied when an individual has more than two options and has the freedom to choose whichever they want to. And if one first chose

⁶ Social media in election campaigning. (n.d.). [online] Available at: [https://www.europarl.europa.eu/RegData/bibliotheque/briefing/2014/140709/LDM_BRI\(2014\)140709_REV1_EN.pdf](https://www.europarl.europa.eu/RegData/bibliotheque/briefing/2014/140709/LDM_BRI(2014)140709_REV1_EN.pdf)

⁷ The subtle nature of Facebook politics: Swedish social network site users and political participation / N.Gustafsson, New media and society v. 14 no 7, p. 1111-1127.

⁸ Britannica (2019). Free will. In: Encyclopædia Britannica. [online] Available at: <https://www.britannica.com/topic/free-will>.

⁹ Lavazza, A. (2016). Free Will and Neuroscience: From Explaining Freedom Away to New Ways of Operationalizing and Measuring It. Frontiers in Human Neuroscience, 10.

an option, and follows it without interference, it is said that one has control over one's choices. The responsiveness to reasons means that one chooses to do something by rational motivation. If one selects their career path by randomly pointing at a page that contains various jobs listed on it, it cannot be said that that person decided by their own motivation, even if they decide to pursue that career. On the other hand, if one chooses their job by the interest from their inner self then it can be said that it satisfies the responsiveness to reasons.

Political Elections and Free Will

In the paragraph above, I discussed about the three conditions defining free will. It can be adapted into the situation we want to assess, which is NEP's political election. Does a Norwegian citizen have the three conditions to have free will? They have more than two parties to choose from, so the first condition is easily satisfied. The second condition, however, is a lot trickier than the first one.

Let's say that one wants NEP as their next leading party, so naturally voted for them in the upcoming election. In a certain perspective, it can be said that one decided for themselves, and followed through the decision with their sole actions. But, if we look closely, there were outer interferences in one's decision making. NEP sent out specific posts for targeted individuals and posted adverts on social media. Can we say that one did not get affected at all by these stimulations? After all, one already decided they were going to select a specific party by being persuaded by the party's ideology of how to manage the country. An outer interference had already been processed in an individual's mind, thus leading them to select an option. This is the view that everything that happens (human decisions and actions included) is the consequence of sufficient conditions for its occurrence. (Berofsky 2011)¹⁰ The last condition is easy to determine, one's decision was not random at all means, so it is satisfied.

Reasoning of Why Free Will Does Not Exist

If we broaden the reasoning to why condition number two was not satisfied, we can implement this in every single aspect of human life. Everything that one

¹⁰ Hoefer, C. (2016). Causal Determinism (Stanford Encyclopedia of Philosophy). [online] Stanford.edu. Available at: <https://plato.stanford.edu/entries/determinism-causal/>.

thinks and takes action is occurring because of a specific idea or experience one already had in the past or is dwelling in the present. A human being can only make a decision by what they already know of, even when one makes an assumption of what would be the outcome of their actions, because their logic itself is structured by their own perspective. A perspective, which is the manner of how one considers something, cannot be created or affected by something that is completely unknown to the individual. For example, let's say that someone is trying to find out the secret of how the universe was created. One could absolutely make an assumption about how it would have happened, based on their prior knowledge to the subject. One can only think about it of what is already scientifically known to humans, an original thought, that is not influenced by any other ideas, thoughts, experiences and scientific studies is impossible of occurring. It is merely the limitations of humankind.

Sometimes there are people who we call geniuses, who create or think of a concept that is very novel to us. It helps tremendously with the development of technology and our way of living. No matter how it's shocking and new to the public, it is still based on what already exists on Earth. Even using resources to create an invention takes using resources that already exists or made by combining existing elements.

"It is the argument that all mental phenomena and actions are also, directly or indirectly, causally produced—according to the laws of nature (such as those of physics and neurobiology)—by previous events that lie beyond the control of the agents." (Lavazza and Inglese, 2015)¹¹

Conclusion

In conclusion, NEP's bold but unoriginal plan has a high possibility of getting thrown in a legal turmoil unless they change their tactics with microtargeting. Even though one might think humankind cannot vote by their free will and therefore nothing would matter, we are still living by the rules that are helping us to sustain society. That is why at the end of the day, it is crucial to envision what the ethical consequences would be before trying to execute not only a political or technical project, but also in our daily lives.

¹¹ Lavazza, A., and Inglese, S. (2015). Operationalizing and measuring (a kind of) free will (and responsibility). Towards a new framework for psychology, ethics and law. Riv. Int. di Filos. e Psicol. 6, 37–55