

Ethical issues in online trust

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Topics

- Four problem areas in online trust
- Three standard ethical models
- Discussion starters

- Why?
 - ISOC work in this area
 - Outreach
 - Next steps

Four problem areas in online trust

- The principle of “no surprises”
 - Ethical dilution
 - Multiple stakeholders
 - Multiple contexts
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- None of these areas is entirely self-contained; they all overlap somewhere

The principle of “no surprises”

- What do we have right now?
 - What distinguishes “legal” from “legitimate”?
 - “Necessary and proportionate”, and the unpleasant surprise of reality
 - Is it OK to *have* data, as long as you don’t *use* it?
- “No surprises” implies notice and consent, transparency and accountability
- “Do as you would be done by”, fairness, and power asymmetry
 - (and the reality of multi-stakeholder online services)

Ethical Dilution

- “Harm” remains an elusive metric for data-related risk
 - Harms are often remote from the activity that gave rise to them
- Passive collection, tagging, facial recognition, inference...
 - all raise issues of consent/intent
 - are less clear-cut than active disclosure
- Vagueness
 - Which act of interception causes the “chilling effect”?
 - The law understands data subject... ?data controller/processor, PII?
 - The law doesn’t really understand “data custodian” or “inference data”
- Some kinds of “dilution” are intentional (anonymity/pseudonymity)
- Everything is mediated (cf. Multi-stakeholder issues...)
 - As data becomes dispersed, so do responsibility, due diligence and redress

Multi-stakeholder Issues

- Online, everything is mediated, and everything is a relationship
 - Mediated services are by nature asymmetric
 - Partly, this is a rational reaction to the problem of “remote trust”
 - Mostly, it is a consequence of asymmetry of power/money/mass
- ISOC loves the multi-stakeholder model - even though (or because) it forces conflicting interests to the table
 - “Democracy MSH is the worst of all systems... except for all the others”
but...
 - “One person’s freedom fighter is another person’s terrorist”
- Is there any prospect of global ethical principles that bridge national, cultural and social differences?

Multi-context Issues

- Contextual integrity (Helen Nissenbaum) remains a core concept in online trust and privacy
- The age of “big data” is predicated on re-purposing data
- Context and risk can both change over time; reputation and the RTBF?
- Healthcare data offers great case studies... if only they weren't so scary
 - Public good versus individual privacy
 - Anonymisation/pseudonymisation and reliability
 - DNA and its side-effects
 - Meta-data, behaviour and re-identification

Three standard ethical models

- Consequential
 - Rule-based
 - Justice-based
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- What happens when we test them in the context of personal data processing?

Three standard ethical models

- **Consequential**
 - Harm, risk, accountability and vagueness
 - Flawed assessments of risk
 - Predictions of future utility and “the public good”
 - Benjamin Franklin’s scepticism
 - But... might “Privacy Impacting Information” be a useful concept?
- **Rule-based**
 - Theoretically, depends on notions of virtue and duty...
 - Practically, currently too constrained by notions of PII
 - Rules are only as good as their enforcement
 - “Compliance” steps are often only a fig-leaf for the data controller
 - Cross-border rules remain an issue (except in APAC?)

Three standard ethical models

- Justice-based
 - Fairness and legitimacy
 - Openness and transparency
 - Accountability and redress
- “Balance” is too often a zero-sum framing of the problem
- Justice still needs legislation/enforcement, but leads one to legislate for behaviour, not technology.
- *“the most extensive liberty consistent with a similar liberty for others”* - Rawls
- But... justice is also a contextual and cultural artefact
- and “similar liberty” is hard to codify, when stakeholder interests clash.

Closing thoughts

- None of the standard ethical approaches is a clear winner, though each highlights relevant considerations
- Justice-based model still depends on legislation, but that also makes it culturally contextual (which is good)
 - Legislation helps with multi-stakeholder issues:
 - resolving stubborn asymmetries of power/interest
 - correcting for market failures
- Justice-based approach is a good basis for the “no surprises” principle... which may offer some hope regarding ‘ethical dilution’
- The multi-context issues are just hard.

Next steps

- Discuss, dispute, define, refine...
 - Can we frame a problem statement for cyber-security research ethics?
 - Can we extend that to the general case?
 - Who is the audience?
 - What would deliverables look like?
 - What is a successful outcome?

Thank you

Any questions?

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