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11 February 2024

Should the United States adopt something similar to Europe's new Privacy Laws?

The General Data Protection Regulation, more commonly known as GDPR, is a European legislation focused on protecting personal data of European citizens. GDPR was put into effect in May 2018. GDPR is known as the strictest data protection legislation in the world. The GDPR has a more progressive view on what should be considered personal data. Name, address, and photos are all covered under the GDPR in addition to biometric data (Palmer, 2019). This prioritizes individuals' privacy rights which leads to a more ethical and sustainable digital ecosystem. Conversely, the U.S is criticized for its inadequacy in handling data privacy issues such as widespread breaches of privacy. Overall the U.S. underscores the value of privacy in societal and regulatory realms. In this Case Analysis I will argue that Confucianism shows us that the United States should follow Europe's lead to enhance individual privacy rights, data security measures, and international compliance.

In the case study "*But the data is already public*": *On the ethics of research in Facebook*, Zimmer uncovered the issues with utilizing social networking spaces in research and the idea of the nature of privacy in online data. In 2008, a team of researchers utilized the social networking site, Facebook, to create a dataset with information about a class of university students (Zimmer, 2010, 313). The research was done without the consent of the students. Shortly after the data was released the university was identified and the research team T3 had to pull the dataset from being publicly available. T3 severely underestimated how easy it would be to identify the subjects

with the information published. That being said, there was a significant amount of identifying factors released including ethnicity, hometown, and field of study (Zimmer, 2010, 315). When facing criticism, T3 tried to reason that since the information was on a public site there should not be an issue with it being included in the dataset. The excuses used to justify their actions revealed the naive, insensitive mindset of the researchers and contributed to the biggest issue, lack of understanding of privacy implications. This issue is reflective of how Europe's value of privacy compares to the United States. The case sparked Zimmer's argument that researchers must evaluate the ethical implications of using publicly available online data for research purposes while considering factors such as consent and potential harms. Applying Zimmer's concept of contextual privacy to Palmer's case analysis provides insight into the ethical complexity of data privacy and research.

According to the Confucianism ethical tool, in order to stay on our path we have to fulfill our roles. In addition, Confucianism emphasizes harmonious social relationships through the fulfillment of those roles. From a Confucian perspective the ethicality of the research would rely on whether it respects the autonomy of the individuals involved. By harvesting publicly available data from Facebook, without consent or consideration for the context in which the data was shared, the T3 researchers may have undermined autonomy of users while also creating the potential for harm to arise. This reasoning could also apply to the U.S. Government. By not having adequate federal legislation the government is undermining the autonomy of its citizens and not fulfilling its responsibility to protect Americans. Furthermore, If the government is not fulfilling that responsibility then through the lens of Confucian the government's actions are not ethical. If the government was operating by Confucianism there would be appropriate federal legislation addressing data privacy and individual privacy rights. The right thing to do would be

to follow Europe's lead to enhance privacy rights, data security measures, and international compliance to positively affect the wellbeing of society.

One of Buchanan's main concepts was how common big data analysis has become recently and the dilemmas that have arisen because of it. Buchanan emphasizes the importance of navigating big data research and its ethical complexities. Big data research has a significant amount of gray area due to the fact that it is technically not illegal in the U.S. just ethically concerning. According to Buchanan, the regulations of human research protections have not been revised since 1991 (Buchanan, 2017, 3). This means that the technological changes over the years have not been addressed in the regulations leaving gaps and loopholes for researchers to exploit. In the past 20 years society has experienced significant changes due to technological advancements. Our regulations should reflect that but evolving along with society instead of being stuck in the past. It is safe to say that the concept of human research has changed over the years. It is no longer confined to interviews and observation. It has been extended to include big data analytics. This alone would be grounds for the United States to revisit the regulations of human research protections and consider following Europe's lead.

In the article, Buchanan mentioned the responsibility of a researcher is to treat research individuals with respect and protect them from harm that could come from their research (Buchanan, 2017, 2). This covers both physical and psychological harm. Researchers play a huge role in protecting the private information of their subject. Confucianism would suggest that if the researcher is acting ethically then they would have to make sure that they act appropriately in their role. One way to ensure that this happens is to have legally binding regulations to govern how researchers deal with private information of their subjects. Revising

the current regulations and putting new ones in place would aid in ensuring that researchers fulfill their role and stay in good ethical standing.

After analyzing the case I have come to the conclusion that the United States should adopt something like Europe's new Privacy Laws. I think that it would be beneficial to our society to have solid privacy laws in place to protect American citizens. The GDPR is a great outline for the U.S. to use in creating these laws. American companies that service European countries already have to abide by the GDPR and create business plans to accommodate it. This shows that it is not too far -fetched an idea to implement something similar in America. In addition it is important that we keep our legislation dynamic but updating it as circumstances change and society advances. Using confucianism ethics would emphasize the role that the U.S. government should be fulfilling in protecting the right of privacy. Following this would make sense ethically.

References

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