Once More Unto the Breach

Scenario

When trying to donate blood to the Red Cross, Nikki Burton (age 17), was denied because she had received treatment at an AIDS clinic in California. Oddly, Nikki never actually received such treatment. In reality, her Social Security number had been used without her knowledge by another person. Perhaps they got it from documents leaked by a whistle-blower, or perhaps it was stolen by a hacker. Maybe they purchased it on the black market. Nikki will probably never know exactly how this happened, and also she'll probably never stop worrying if this might mistakenly influence her future medical treatment. This is just one example of the unexpected and highly personal consequences of large scale data breaches and leaks.

The size and scope of data breaches and information leaks across the globe have been increasing at an exponential rate. According to the Breach Level Index, there have been over 9 billion data records reported lost or stolen since 2013. The Equifax breach this year exposed hundreds of millions of Americans to identity theft. Similar leaks and breaches have happened at big retail stores like Target, social media sites, and health and financial institutions. Data has been leaked about presidential campaigns, intelligence agencies, and entertainment companies. People's private data is everywhere.

There have been benefits of these privacy violations. Leaks and breaches have given the public information about salary discrepancies in the corporate world and troubling behavior in the government world. Obviously, there are also downsides. Every year, the federal government loses $21 billion to tax fraud. Leaks and breaches have exposed personal information about private citizens, sometimes putting them in serious danger.

The public, journalists, muckrakers, political operatives, whistleblowers, spies, trolls, and identity thieves have all taken advantage of data from these leaks and breaches. In some cases, perhaps this behavior was ethical. In others, it clearly was not. All of this data being so readily available is morally challenging. What should we do about it?

Assignment

Your job is to write an essay making a moral argument from your assigned ethical perspective defining the line between when it is ethical and when it is unethical to use private data leaked to the public.

In your assignment text file (W3/submission.txt), you will find an assigned ethical theory to make your argument from. You should make this argument from only your assigned ethical theory. Be sure to consider possible counterarguments to your position. What fallacies or misconceptions are in play?

Your imagined audience for this essay is a fellow CS student who is not in this class. Assume they have vaguely heard class terms before but aren't intimately familiar with them, nor are they familiar with the particular situation you are writing about.

Your response should:

- be between 3,000 and 5,000 characters long
- conform to the writing rubric
- be driven by a clear thesis
- address the questions below while remaining one coherent essay (not a series of disconnected answers)
- use the resources provided (and any research you care to do on your own) to support your argument
- draw on Tavani's method

Questions

- These are cases where people have lost their descriptive privacy. When and how should their privacy be protected by norms? (This is the question your overall essay should try to answer.)
- How do norms of appropriateness and distribution factor weigh into our decisions about using this private data?
- Does the profession of the person using the data make a difference? What about their motives?
- Does the nature of the breach matter (e.g. where it came from or how it was released?)
- Does it matter if the data contains PII, NPI, or PPI?
- What consideration should be given to the victims of the breach?

Resources

- New York Times, "Equifax Breach, Two Executives Step Down as Investigation Continues"
- Fortune, "Medical identity theft: How the health care industry is failing us"
- Information is Beautiful, "World's Biggest Data Breaches"
- Breach Level Index
- Bank Rate, "11 Data Breaches that Stung Consumers"
- Time Tech, "The 7 Most Outrageous Things We Learned from the Sony Hack"
- Politico Live Blog, "The Podesta Emails"
- Business Insider, "This is everything Edward Snowden revealed in one year of unprecedented top-secret leaks"
• CNBC, “Tax-refund fraud to hit $21 billion, and there's little the IRS can do”
• The Big Story, “Private lives are exposed as WikiLeaks spills its secrets”
• Huffington Post, “WikiLeaks Put Women in Turkey in Danger, for No Reason (UPDATE)”
• ABC News, “How a Federal Data Breach Law Could Actually Hurt Some Consumers”
• Wired, “Inside the Cyberattack That Shocked the US Government”
• CNN Tech, “Did Yahoo do enough to prevent the massive hack?”
• CNN Money, “Yahoo facing lawsuits in the wake of massive data breach”
• Krebs on Security, “Tax Refund Fraud”
• Guardian, “What are the Panama Papers?”
• Troy Hunt, “Pastes on Have I Been Pwned Are No Longer Publicly Listed”
• Harvard Gazette, “When it Comes to Internet Privacy, Be Very Afraid”