TRACKING PEOPLE – ETHICAL ISSUES

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ETHICAL ISSUES IN TRACKING PEOPLE

- Informed consent

- Exploitation

- Ownership

- Privacy

- Chilling effects

- Stigmatisation

- Automation bias

- Research needs

- N.B. Many of these are aspects of broader questions faced by society.

    - But if we want to use [tracking] technologies, we cannot wait for the debate to be resolved. Or should we?
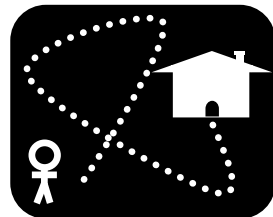
ETHICAL ISSUES IN TRACKING PEOPLE

"Unlike the debates connected with bioethics and stem cell research, the legal and ethical issues connected with human tracking technology have not been subjected to a serious and rigorous debate."

Herbert, W. (2006). No Direction Home: Will the Law Keep Pace with Human Tracking Technology to Protect Individual Privacy and Stop Geoslavery. *I/S Journal of Law and   Policy for the Information Society* 2(2) 409-473.
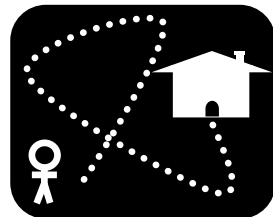
INFORMED CONSENT

- Why do we think consent matters?

  - Reduce harm (Nuremberg)

  - Respect dignity (Helsinki)

  - The difference matters! E.g. dealing with anonymized data

- Do we treat consent as a free pass?

  - Now we have consent, we can do what we want within the confines of the agreement?

- Part of a larger debate, but one with implications for use of data here
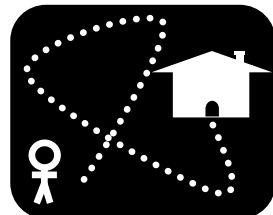
EXPLOITATION

- How legitimate is consent of the vulnerable?

  - People with dementia

  - Offenders

  - Immigrants

  - Terror suspects

  - None is an "ideal" research group

- Seek input from carers/responsible parties

  - Still problematic

- Ethical to refuse the option?

- Need more and ongoing engagement with individuals, responsible parties and communities
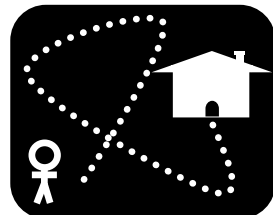
OWNERSHIP

- Who owns the data?
  - The person generating the data?
  - The carer for that person?
  - The company operating the device?
  - The company collecting the data?
- Does ownership matter?
  - Control over the data – right to use and destroy data
  - May not be the best model
   - Who owns your medical record?
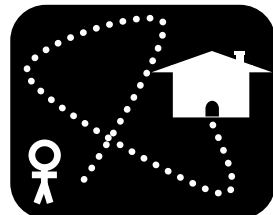
PRIVACY

- Different types of privacy
  - Information
  - Location
  - Space
  - Decision?
- Recognized as a non-absolute human right
- Are these waived/overridden/outweighed?
- What are the harms of dramatically reducing a person's privacy?
  - Unethical to find out!
  - But we might be about to, anyway…
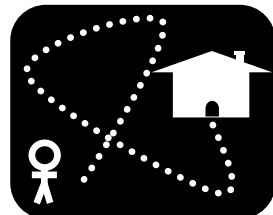
CHILLING EFFECTS

- The impact of an action to deter/with the effect of deterring a person from engaging in a legitimate action
    - Normally a problem…
        - Engaging in political debate, demonstrating, etc.
    - …but not always
        - Social/peer pressure (may/not be a problem)
        - Could "nudge" approaches be chilling?
- We *want* to deter some actions
- Need to acknowledge this is what we are doing and justify it
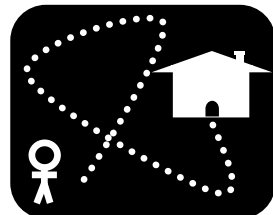
STIGMATISATION

- To mark a person or people out as bad (us. against their will)
- Prejudices others against that person or people
- *Can* be justified in theory
  - Imagine a situation where we had a gene such that if we put on a hoodie we are compelled to shoplift
  - Highly philosophical and unrealistic
- Almost never justified in practice

- Visibility of tracking devices: how visible are they, how visible do they need to be, how visible should they be?
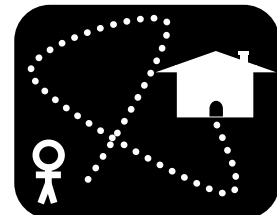
AUTOMATION BIAS

- Tendency to rely on what the automated system tells us is the case
  - Even when evidence is to contrary, leading to false positives
    - Pilots trust autopilot over their ability to read instruments
    - Drivers follow Satnav into rivers
  - Can be addressed through training
- Where are automated systems in tracking systems?
- What are the potential false positives in tracking systems?
- How to address these issues through training?
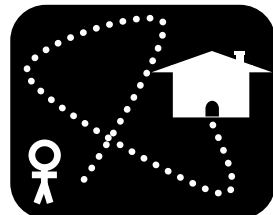
RESEARCH NEEDS

- Need more research in all areas, in particular?

  - More studies of psychological impact of 24/7 surveillance

  - Prevalence and implications of false positives in tracking

  - Prevalence and implications of automation bias in tracking

  - Understanding the relationship with "our" data

  - Alternatives to tracking technologies

    - Necessity considerations

    - Proportionality considerations
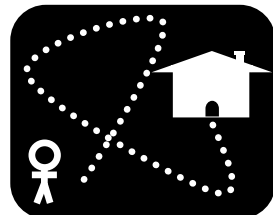
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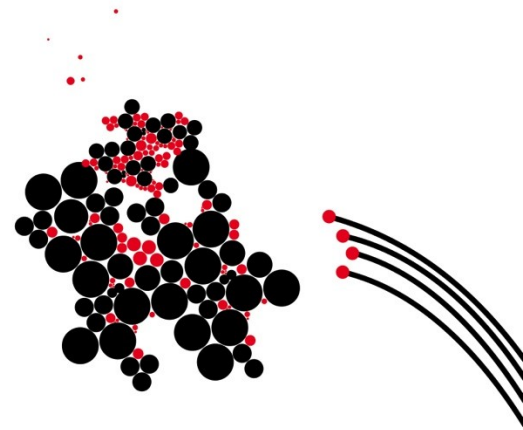
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