

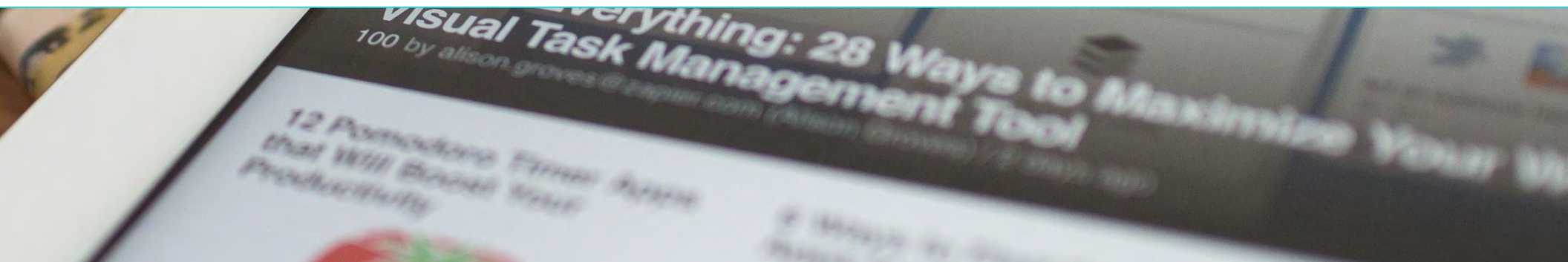


e-SIDES

Ethical and Societal Implications of Data Sciences



Implications of the General Data Protection Regulation A Media Analysis



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Ethical and Societal Implications of Data Sciences

About the e-SIDES project

Data-driven innovation is deeply transforming society and the economy. Although there are potentially enormous economic and social benefits, this innovation also brings new challenges for individual and collective privacy, security, as well as democracy and participation. The main objective of the CSA e-SIDES is to complement the research on privacy-preserving big data technologies, by analysing, mapping and clearly identifying the main societal and ethical challenges emerging from the adoption of big data technologies, conforming to the principles of responsible research and innovation; setting up and organizing a sustainable dialogue between industry, research and social actors, as well as networking with the main Research and Innovation Actions and Large Scale Pilots and other framework program projects interested in these issues. It will investigate stakeholders' concerns, and collect their input, framing these results in a clear conceptual framework showing the potential trade-offs between conflicting needs and providing a basis to validate privacy-preserving technologies. It will prepare and widely disseminate community shared conclusions and recommendations highlighting the best way to ultimately build confidence of citizens and businesses towards big data and the data economy.

Deliverable D4.1 Results of the Gap Analysis

Find more at: <https://e-sides.eu/resources/deliverable-41-results-of-the-gap-analysis>

About this white paper

This white paper is based on Deliverable D4.1 of the e-SIDES project, which does not only provide a gap analysis based on the findings related to the key ethical, legal, societal and economic issues emerging from the use of big data and the assessment of existing privacy-preserving technologies but also an analysis of the implications of the General Data Protection Regulation (GDPR). With respect to the implications of the GDPR, we analysed how the media in Germany and the United Kingdom reported on the GDPR around the regulation's effective date.



METHODOLOGY OF THE MEDIA ANALYSIS

Goal: Investigation of GDPR-related media coverage and its implications

Focus: GDPR's expected impact on the competitiveness of EU companies and the deployment of Privacy-Preserving Technologies (PPTs)

Sample:

- Two countries: Germany, UK
- Six newspapers and two news websites
- 267 GDPR-related articles published between 15 May (entry into force of the GDPR) and 15 July 2018
- 3 categories of articles:
 - General issues
 - Consequences of the GDPR
 - Relevance of PPTs

Selected media:



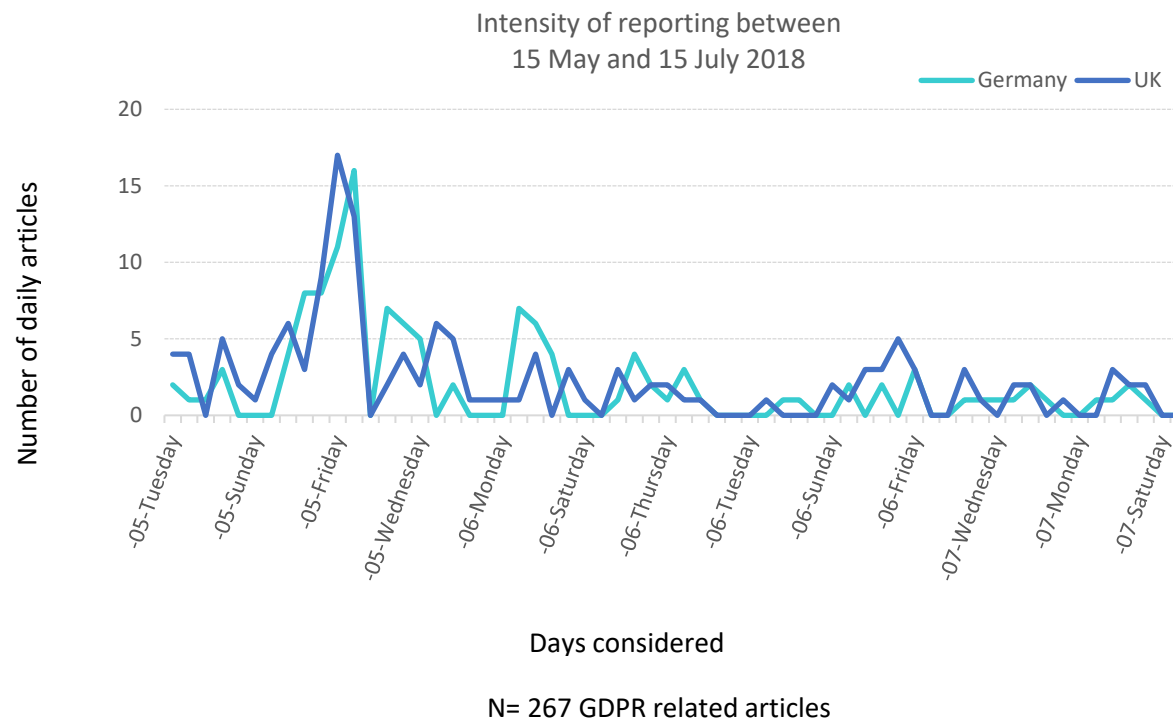
Süddeutsche Zeitung	Quality, liberal	0.4 M
Frankfurter Allgemeine Zeitung	Quality, conservative	0.5 M
BILD	Tabloid	2.2 M
Spiegel Online	Online	84 M



The Guardian	Quality, liberal	0.1 M
The Daily Telegraph	Quality, conservative	0.4 M
Daily Mail	Tabloid	1.3 M
BBC News	Online	15 M

REPORTING INTENSITY

- Total numbers of articles dealing with the GDPR are comparable in the two countries
- Intensity of reporting followed the same pattern
- Peak of reporting was on 25 May 2018 +/-3 days
- Reporting intensity declined quickly after the effective date



CONTENT: GENERAL ISSUES

General information on the GDPR

- Articles deal with the effective date of the GDPR, the organisations and individuals affected and the consequences of not being compliant
- Emphasis on the regulation significantly strengthening a number of rights
- Articles belonging to this category were found most frequently around 25 May 2018

The role of Facebook & Co.

- References to companies that are considered particularly privacy intrusive: US technology giants such as Facebook, Apple, Google and Microsoft
- Companies accused of launching tools to officially put people in control over their privacy, but actually often hiding privacy-friendly choices and making use of dark patterns
- Facebook is referred to as the “tip of the iceberg”

Data as the currency of the 21st century

- Data described as the “new oil” of the global economy
- Focus on the increasing importance of data flows
- Data brokerage as one of the fastest growing still largely unregulated sectors of the economy
- Emphasis on users often giving data in exchange for free services willingly

Difficulties for small businesses

- Articles deal with difficulties that small businesses and other organisations like local authorities, associations and bloggers face (e.g. high fines, expensive legal advice, etc.)
- Emphasis on small businesses lacking resources to effectively prepare for the GDPR
- The GDPR is referred to as a “brute force” and “bureaucratic monster”

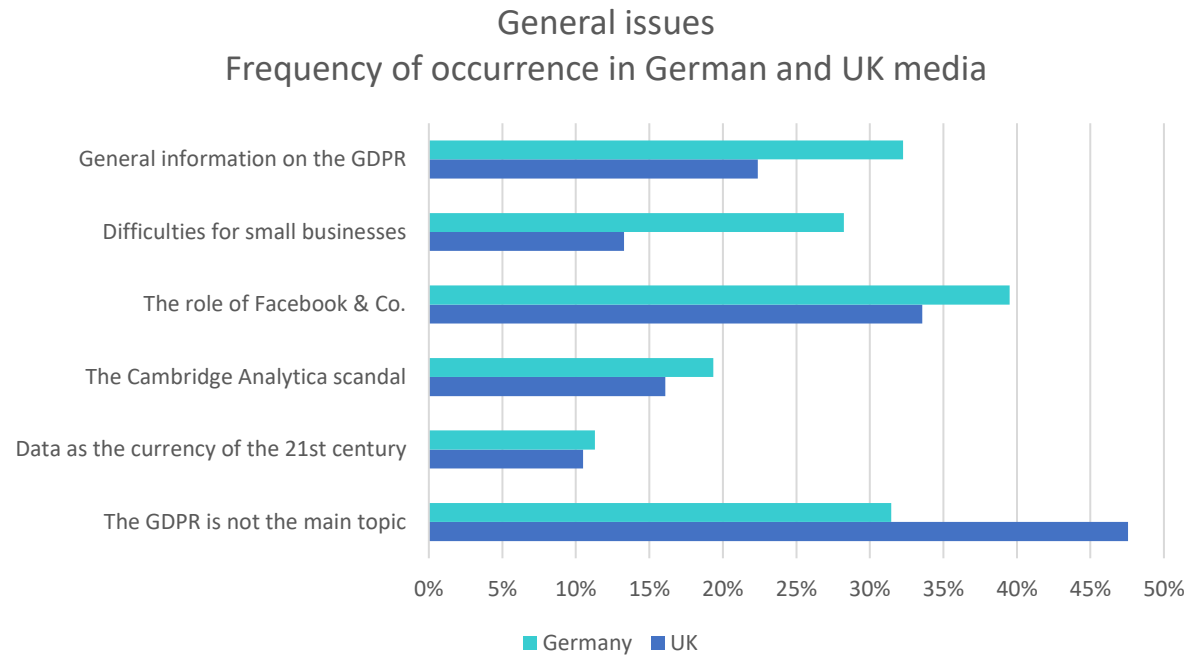
The Cambridge Analytica scandal

- The personal data of tens of millions of people harvested by Facebook was shared with the political consultancy Cambridge Analytica from 2014 on and was used to influence voter opinion (including the campaigns of Donald Trump and the Brexit vote)
- Appearance of Zuckerberg (CEO of Facebook) before the European Parliament is portrayed critically throughout the sample

The GDPR is not main topic

- Especially in the very first days of our period of research and also from the middle of June on, many articles only refer loosely to the GDPR, but have another main topic and intention
- This reflects the declining interest in the GDPR after the new regulation became effective on 25 May

CONTENT: GENERAL ISSUES



N= 267 GDPR related articles

CONTENT: CONSEQUENCES OF THE GDPR

Restrictions on the provision of services

- Reference to limitation of access of EU users to certain international services
- LA Times as a prominent example: users were redirected to a page saying that the website was unavailable in EU countries
- While most services stressed that the cut-offs were temporary, many of them remained unavailable to EU readers for months

Countless re-subscribe e-mails

- Discourse much more prominent in the UK than in the German coverage
- Consumers were flooded with e-mails asking them to “opt in” to continue receiving material
- E-mails are based on the legal requirement that businesses must secure consent before e-mailing people with marketing materials

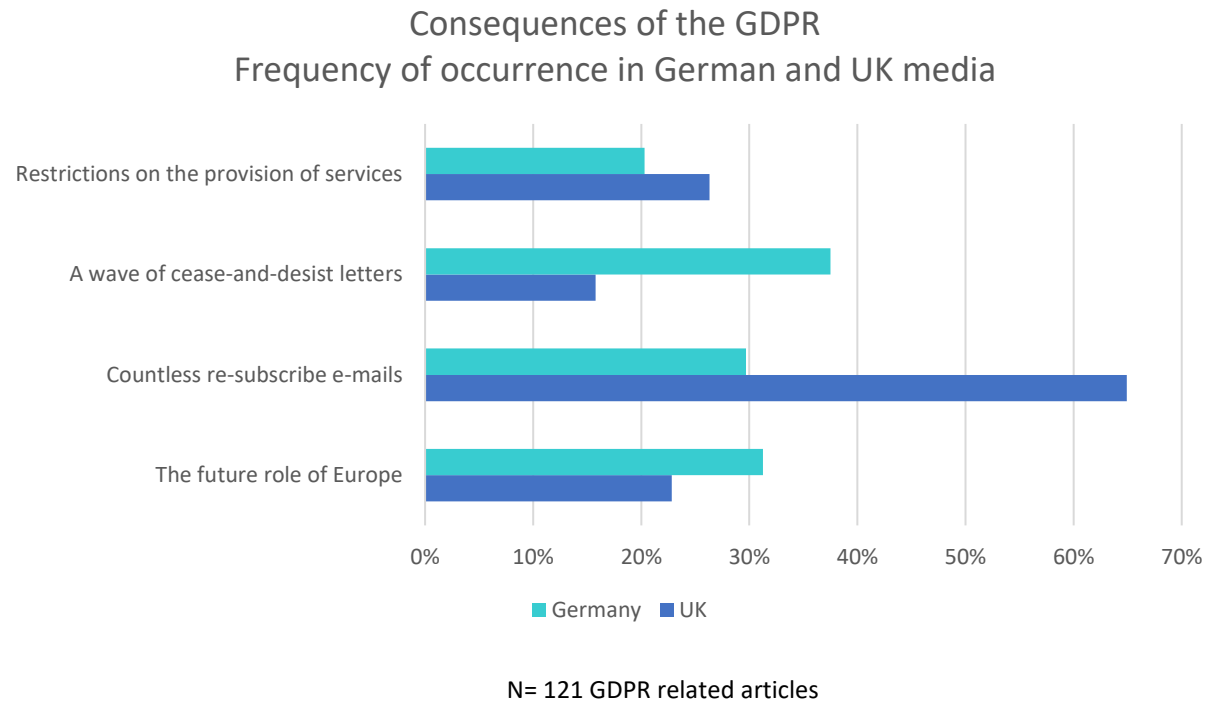
A wave of cease-and-desist letters

- Discourse much more prominent in the German than in the UK coverage
- Caused by coverage on political efforts by German political parties to prepare for a wave of cease-and-desist letters
- After a certain time it became clear that no such wave was coming – references in the German media as “phantom”

European competitiveness













- Germany: positive and negative views and expectations were found to be quite balanced
- UK: portrayal of negative consequences dominated
- Positive portrayal: GDPR as “the best privacy shield for citizens that ever existed”, “EU has set the standard for data protection”
- Negative portrayal: additional costs for Europe, “data bureaucracy”, “exaggerated barrier”

CONTENT: CONSEQUENCES OF THE GDPR



CONTENT: RELEVANCE OF PPTs

Articles made explicit references to PPTs or mentioned requirements that can be met particularly well by using such technologies

Technology		% of references in the German media	% of references in the UK media
 Anonymisation	Encryption or removal of personally identifiable information	0%	0%
 Sanitisation	Encryption or removal of sensitive information	0%	0%
 Encryption	Encoding of information so that only authorised parties can access it	18.2%	16.7%
 Deletion	Permanent erasure of data from a physical medium	42.4%	26.2%
 Access control	Selective restriction of access to places or resources	33.3%	11.9%
 Multi-party computation	Distribution of data and processing tasks over multiple parties	0%	0%
 Policy enforcement	Enforcement of rules for the use and handling of resources	9.1%	4.8%
 Accountability	Evaluation of compliance with policies and provision of evidence		
 Transparency	Explication of information collection and processing	57.6%	35.7%
 Data provenance	Attesting of the origin and authenticity of the information	0%	0%
 Access and portability	Facilitating the use and handling of data in different contexts	57.6%	33.3%
 User control	Specification and enforcement of rules for data use and handling	21.2%	88.1%

CONTENT: RELEVANCE OF PPTs



User control

- User control is prominently mentioned because it is closely related to consent, which is a key concept of the GDPR
- Articles stress that the GDPR requires organisations to obtain explicit consent before processing personal data



Transparency

- Proper information and transparency is critical to ensure trust by allowing individuals to understand better how their data is being processed
- Articles highlight that users need to be able to see exactly how their information is being used



Access control

- The need for access control mechanisms is mostly hidden in statements like data must be held “as safe as it can be” and with a “high level of data protection” so that it cannot be stolen or get lost



Encryption

- Encryption often not mentioned explicitly but hidden among possible technical and organisational measures to secure data
- “GDPR [...] is encouraging companies to adopt secure, encrypted email services”



Access and portability

- Mostly mentioned in the context of companies introducing tools to access and download the data that they store about their users
- Users can request a copy of any personal information held



Accountability

- References to accountability are mostly found in the sense that organisations are accountable for consumers’ data
- References to recent misuses of personal data (i.e., Cambridge Analytica scandal)



Deletion

- Connected to the right to be forgotten
- Consumers gain new rights, including “the right to see what information companies have about them, and to have that information deleted”



To know more about e-SIDES:

www.e-sides.eu

To contact us:

 info@e-sides.eu

 [@eSIDES_eu](https://twitter.com/eSIDES_eu)



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