EPISTEMIC RIGHTS FOR CHILDREN: BIG DATA ON SOCIAL MEDIA

Silvia Craig

MOTIVATION

Forbes

BREAKING

Utah Bans Teens Under 18 From Social Media Without Parental

Consent

Nicholas Reimann Forbes Staff

I cover breaking and trending news, focused on national politics.



Mar 23, 2023, 08:07pm EDT



THE TECHNOLOGY 202

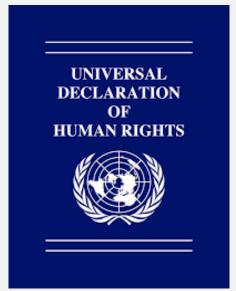
A new bill would ban anyone under 16 from using social media



February 2, 2023 at 9:07 a.m. EST

Rep. Chris Stewart (R-Utah): Social Media Child Protection Act

Human rights serve as a tool to collectively define human experience in <u>changing contexts</u>



Three Generations of Expansion:

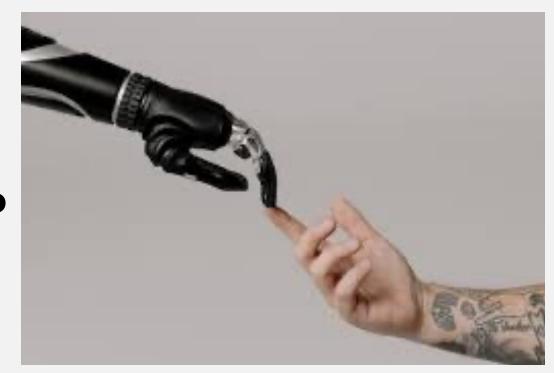
- I. Civil and Political Rights
- 2. Economic, Social, and Cultural Rights
 - Positive collective rights of peoples, including children



MATHIAS RISSE: 4TH GENERATION OF HUMAN RIGHTS

In the era of Big Data and Al, we need a set of **Epistemic Rights**

"a new kind of human right, the right to the exercise of genuinely human intelligence"



RISSE: EPISTEMIC ACTORHOOD

	Knowers	Knowns	
Individual	Know how to gather and process information	What information can be shared about oneself	
Collective	Help establish and maintain systems of inquiry	Maintain and contribute to what is known about the collective Human Patterns	

BIG DATA ON SOCIAL MEDIA

Interaction of society with the product of three components:

- 1. Technology -> modern computational power and algorithms
- 2. Analysis \rightarrow "economic, social, technical, and legal claims"
- 3. Mythology \rightarrow access to a "higher form of intelligence"

BIG DATA + PRIVACY

Product of three components:

- I. Technology →
- 2. Analysis \rightarrow
- 3. Mythology →

"<u>Digital privacy laws</u> help control how your **data** is stored, shared, and used by **big** businesses"

What does Privacy Protect?

HISTORICAL VIEW OF PRIVACY

Began with The Right to Privacy:

- I. "Right to be left alone"
- 2. "Property" as **Tangible & Intangible**

Currently, by Article 12 of UDHR:

Privacy = No arbitrary **interference**

HARVARD LAW REVIEW.

YOU IV.

DECEMBER 16, then

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THE RIGHT TO PRIVACY.

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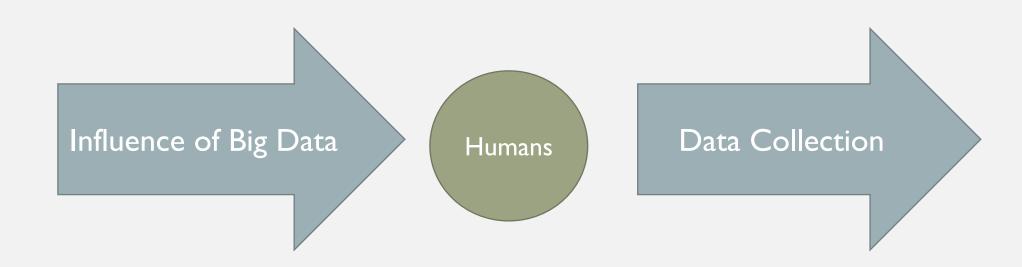
Physical in Miller's Today a Best and open

WIAT the individual shall have full protection in person and In property is a principle as old as the common law, but it has form found nendancy from time to time to deline innew the much nature and extent of such protection. Political, social, and economic changes estall the recognition of new rights, and the common law, in its stancal youth, grows to meet the demands of society. Thus, in very early times, the law gave a remedy only for physical interference with life and property, for tresponers of at erest. Then the "right to life" served only to protect the subject from bettery in its verious forms; Eberty meant freedom from actual contraint; and the right to property secured to the individual his lands and his cattle. Later, there came a recognition of man's spiritual nature, of his feelings and his intellect. Gradually the scope of those legal rights broadcasel; and now the right to his has come to mean the right to enjoy life, - the right to be let alone; the right to liberty secures the energiae of extensive civilprivileges; and the term "property" has grown to comprise every form of postersion - intengible, so well as tangible.

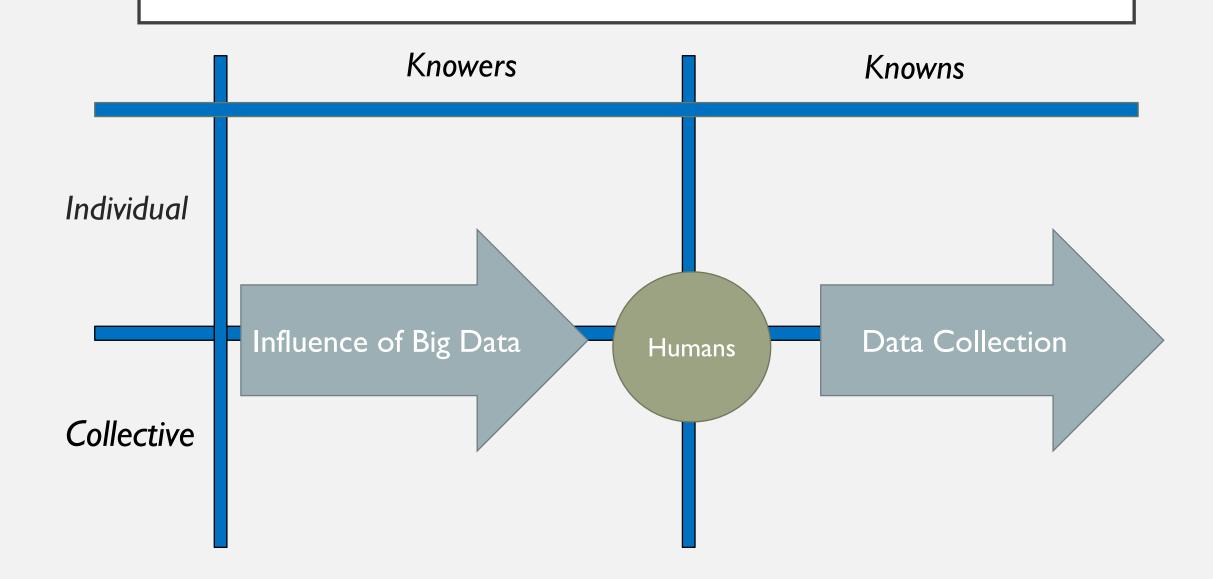
Then, with the recognition of the legal value of sensations, the protection against actual bodily injury was exceeded to probable more attempts to do such injury, that is, the partiag souther in

INTERFERENCE OF BIG DATA

<u>Def</u>: prevents or disturbs another in the performance of usual activities, **to come or go between our actions and thoughts**



INTERFERENCE OF BIG DATA



Argument:

Epistemic Rights better protect us from **interference** than translations of privacy rights

We can identify current interference of Big Data by the tangibility of property

U.S. PRIVACY RIGHTS FOR TANGIBLE PROPERTY

Sanctity of the Home

"man's house is his castle."

Fourth Amendment

Unreasonable searches and seizures

Article 16 of the Conventions on the Rights of the Child

TRANSLATED RIGHTS OF TANGIBLE PROPERTY

Spaces: Katz vs United States (1967)

Established "reasonable expectations of privacy"

The Fourth Amendment protects conversations regardless of location.

Property: Riley v. California (2014)

Digital contents of a cell phone fall under the Fourth Amendment.

What is missing?

We lack **Sanctity of the Home** as there is no digital "Home"

"The equation of home with sanctuary has depended less on the sanctity of property rights than on the commitment to 'privacies of life."

"Home is our school of intimacy, where we first learn to be human"



TANGIBLE PROPERTY INTERFERENCE

Knowers Knowns Unrestricted Unrestricted Influence Collection Individual Behavior Modification, Behavior Surplus, Influential Content **Predictions** Collective

U.S PRIVACY RIGHTS FOR INTANGIBLE PROPERTY Def: Control over personal information

Usage of Consent

Children's Online Privacy Protection Act (1998)
Social media companies to collect data from kids
without parental consent only from age 13 and up

Legality of consent:

- No choice
- Lack of education
 - Guardians
 - Children (13-18yrs)

Asymmetries of Knowledge is an Institutional Issue

Majority of Americans feel as if they have little control over data collected about them by companies and the government

% of U.S. adults who say ...

Lack of control	They have very little/no control over the data collect(s)	81%	The government 84%
Risks outweigh benefits	Potential risks of collecting data about them outweigh the benefits	81%	66%
Concern over data use	They are very/somewhat concerned about how use(s) the data collected	79 %	64%
Lack of understanding about data use	They have very little/no understanding about what do/does with the data collected	59 %	78 %
	d not give an answer or who gave	other responses	are not shown.

Source: Survey conducted June 3-17, 2019.

PEW RESEARCH CENTER

[&]quot;Americans and Privacy: Concerned, Confused and Feeling Lack of Control Over Their Personal Information"



I. Networked Privacy

"Privacy in social media cannot be entirely maintained and established by individuals, as it is **not wholly dependent on individual choices or control over data.**

We need to frame privacy in terms of networks, or the relationships between people."

2. Big Data Analytics

Claims from aggregated data sets

Human patterns are not about the individual

INTANGIBLE PROPERTY INTERFERENCE

Subject: Knowers **Object: Knowns** Individual Legality of Consent: Bypass Consent: Collective No Choice and Networked Privacy and Big Data Analytics Lack of Education

EPISTEMIC RIGHTS BETTER PROTECT US FROM **INTERFERENCE**

Subject: Knowers **Object: Knowns** Know how to gather and process What information can be shared information about oneself Individual Unrestricted Influence **Unrestricted Collection** Maintain and contribute to what Help establish and maintain is known about the collective, systems of inquiry Human Patterns Collective Bypass Consent: Legality of Consent: Networked Privacy and No Choice and Big Data Analytics Lack of Education