

# EPISTEMIC RIGHTS FOR CHILDREN: BIG DATA ON SOCIAL MEDIA

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# MOTIVATION

Forbes

BREAKING

## Utah Bans Teens Under 18 From Social Media Without Parental Consent

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

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Mar 23, 2023, 08:07pm EDT

The Washington Post  
*Democracy Dies in Darkness*

THE TECHNOLOGY 202

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



Analysis by [Cristiano Lima](#)

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 changing contexts



## Three Generations of Expansion :

1. Civil and Political Rights
2. Economic, Social, and Cultural Rights
3. Positive collective rights of peoples,  
**including children**



## MATHIAS RISSE: 4<sup>TH</sup> GENERATION OF HUMAN RIGHTS

In the era of Big Data and AI,  
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

	<i>Knowers</i>	<i>Knowns</i>
<i>Individual</i>	Know how to gather and process information	What information can be shared about oneself
<i>Collective</i>	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* → “economic, social, technical, and legal claims”

3. *Mythology* → access to a “higher form of intelligence”

# BIG DATA + PRIVACY

Product of three components:

1. *Technology* →

2. *Analysis* →

3. *Mythology* →

“Digital privacy laws help control how your **data** is stored, shared, and used by **big** businesses”

## What does Privacy Protect?

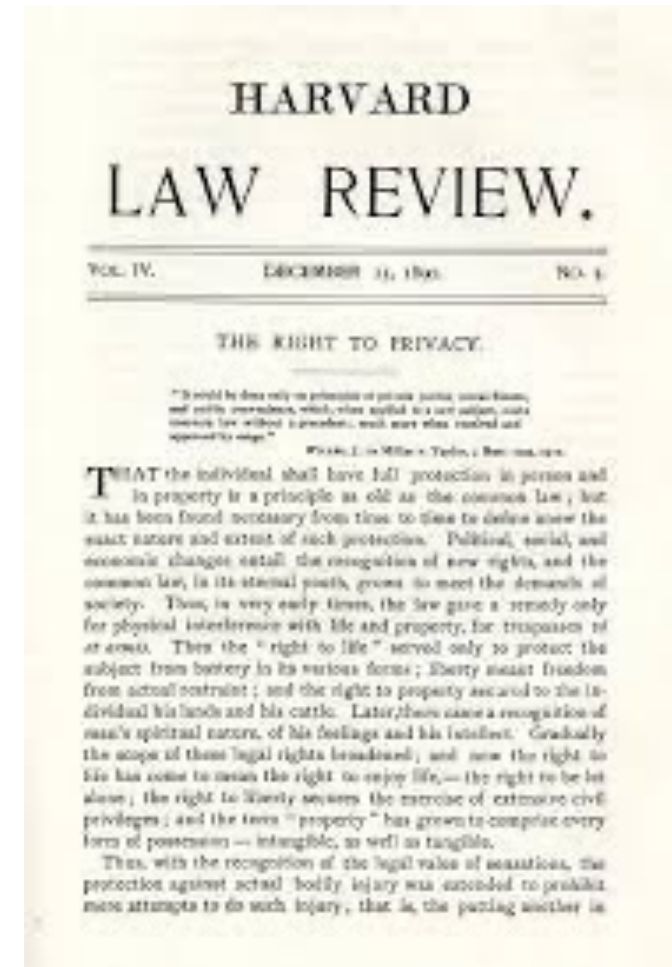
# HISTORICAL VIEW OF PRIVACY

Began with *The Right to Privacy*:

1. “Right to be left alone”
2. “Property” as Tangible & Intangible

Currently, by Article 12 of UDHR:

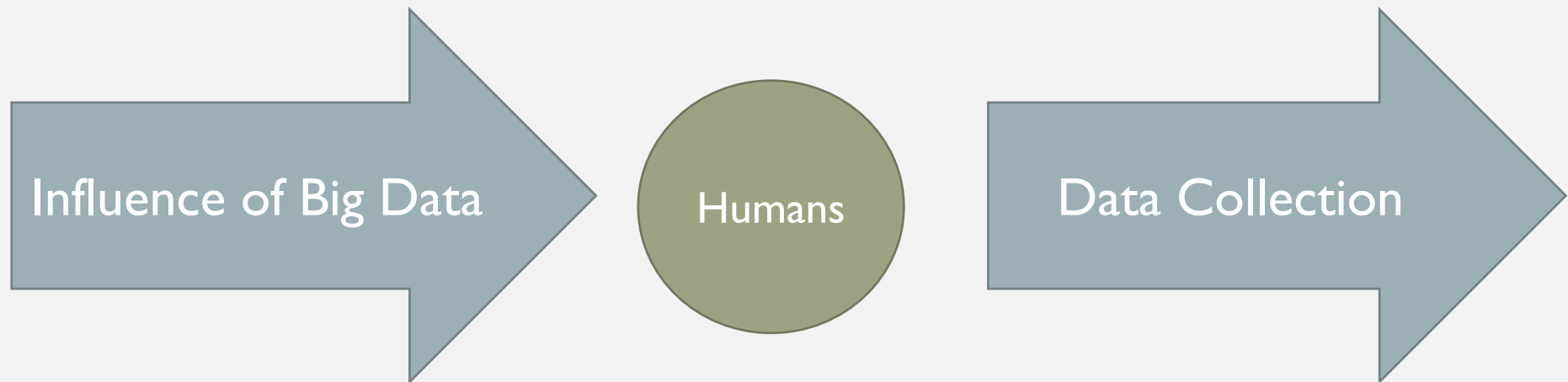
Privacy = No arbitrary interference



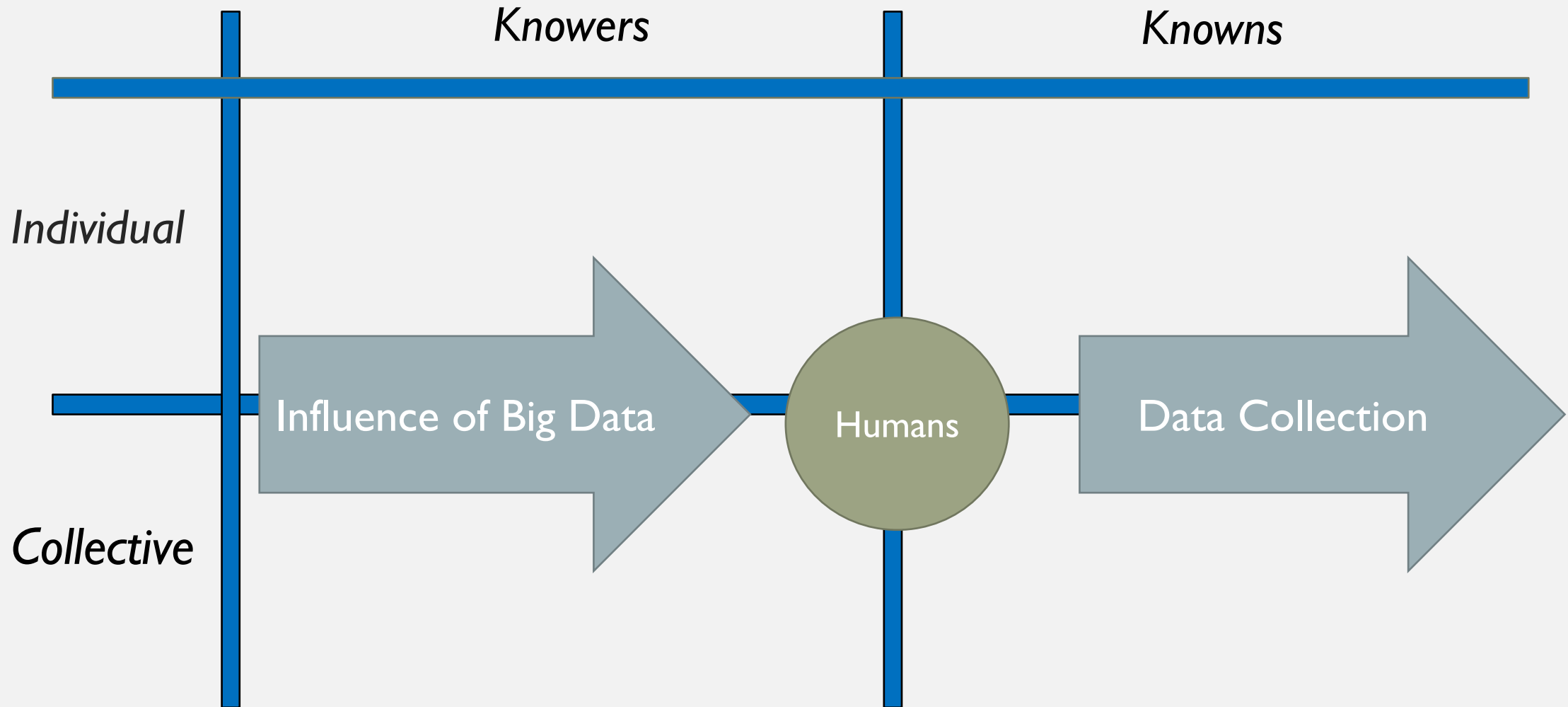


# INTERFERENCE OF BIG DATA

Def: 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**

“one of the oldest and deeply rooted principles in Anglo-American jurisprudence”

"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

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**Spaces:** Katz vs United States (1967)

Established “reasonable expectations of privacy”

The Fourth Amendment protects conversations regardless of location.

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**Property:** Riley v. California (2014)

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

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**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*

*Individual*

Unrestricted  
Influence  
Behavior Modification,  
Influential Content

Unrestricted  
Collection  
Behavior Surplus,  
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:

1. No choice
2. 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 ...*

		Companies	The government
<b>Lack of control</b>	They have very little/no control over the data __ collect(s)	<b>81%</b>	<b>84%</b>
<b>Risks outweigh benefits</b>	Potential risks of __ collecting data about them outweigh the benefits	<b>81%</b>	<b>66%</b>
<b>Concern over data use</b>	They are very/somewhat concerned about how __ use(s) the data collected	<b>79%</b>	<b>64%</b>
<b>Lack of understanding about data use</b>	They have very little/no understanding about what __ do/does with the data collected	<b>59%</b>	<b>78%</b>

Note: Those who did not give an answer or who gave other responses are not shown.

Source: Survey conducted June 3-17, 2019.

"Americans and Privacy: Concerned, Confused and Feeling Lack of Control Over Their Personal Information"

PEW RESEARCH CENTER



BIG DATA  
BYPASSES  
CONSENT

## 1. 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*

*Collective*

Legality of Consent:  
No Choice and  
Lack of Education

Bypass Consent:  
Networked Privacy and  
Big Data Analytics

# EPISTEMIC RIGHTS BETTER PROTECT US FROM INTERFERENCE

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