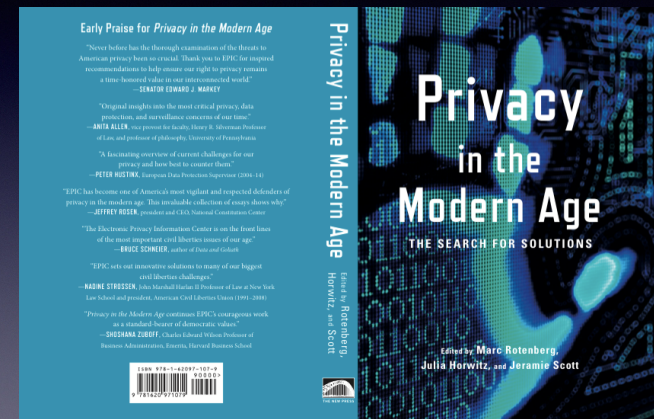


“Algorithmic Transparency and Emerging Privacy Issues”

Marc Rotenberg, EPIC

UNESCO
Paris, France
2 December 2015

EPIC - Focus on “emerging privacy issues”



2

EPIC 2015

“At the core of modern
privacy law is a single goal:
to make transparent the
automated
decisions that impact
our lives.”

3

EPIC 2015

“Fundamental Rights
include principles of
procedural fairness and
transparency”

4

EPIC 2015

“As decisions are automated, processes become more opaque, less accountable.”

5

EPIC 2015

- *Admission*

Employment

Housing

Insurance

Commerce

Access to knowledge

6

EPIC 2015

“Even large, powerful organizations, such as the National Security Agency (NSA), do not fully understand the systems they are building”

7

EPIC 2015

“We need a new way to talk about ‘Internet policy,’ one that builds on familiar paradigms, but is more far-reaching and more forward-looking”

8

EPIC 2015

The New Paradigm: “Algorithmic Transparency”

- Next Stage in Development of Transparency Law

*FOIA / Right to Information -> “Open Data” ->
“Algorithmic Transparency”*

- Next Stage in Development of Internet Law

“Open Internet” -> “Algorithmic Transparency”

- Next Stage in Development of Privacy Law

*“Fair Information Practices” -> “Algorithmic
Transparency”*

9

EPIC 2015

“At the intersection of law and
technology — knowledge of
the algorithm is a fundamental
right, a human right”

10

EPIC 2015

Related Work on Algorithmic Transparency

- Frank Pasquale - *Black Box Society* (2015)
- Julie Cohen, *The Networked Self* (2012)
- Alessandro Acquisti, Price Discrimination, Privacy Technologies, and User Acceptance (2006)
- Oscar Gandy - *Panoptic Sort* (1993)
- Gary Marx - “Block modelling” (1983)
- Willis Ware - “Records, Computers, and the Rights of Citizens” (1973)

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EPIC 2015

Current EPIC Cases

- “EPIC Calls for Suspension of Homeland Security's “Risk-based” Profiling System” (2012)
- EPIC Files Lawsuit For Details of Government Profiling System” (2014)
- “EPIC Objects to Secret Profiling of Air Travelers” (2013)
- “EPIC Warns White House About Privacy Risks of ‘Big Data’” (2014)
- “Student Privacy Bill of Rights calls for algorithmic transparency” (2013)

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EPIC 2015

Next Steps - EPIC 2015

- Program Development
- Litigation
- Public Campaign
- Academic Outreach
- Purposeful - Seek Constructive Outcome

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EPIC 2015



EPIC v. DHS. Not a Movie. EPIC is seeking documents about Homeland Security's plans for "pre-crime detection." Tom Cruise starred in a 2002 movie about "a special police unit that is able to arrest murderers before they commit their crime."

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END SECRET PROFILING

epic.org/algorithmic-transparency

OPEN THE CODE

epic.org/algorithmic-transparency

**STOP DISCRIMINATION
BY COMPUTER**

epic.org/algorithmic-transparency

**BAYESIAN DETERMINATIONS
ARE NOT JUSTICE**

epic.org/algorithmic-transparency

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Other Emerging Privacy Issues

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EPIC 2015

- Tracking of vessels (EPIC v. US Coast Guard)
- Surveillance by drones (EPIC v. Federal Aviation Administration)
- Connected vehicles and “Internet of Things” - privacy and public safety concerns
- Transborder data flows after the Schrems decision
- (Consult epic.org for more information)
- One more big idea - - -

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EPIC 2015

“Registration of Robots”

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EPIC 2015

Themes

- Claims of privacy are also claims about the ability of the individual to control disclosure of identity
- Anonymity protects privacy and freedom of expression
- Anonymity is a right of natural persons
- “Initiatives to protect privacy and anonymity online” (UNESCO 2014)
- But accountability is needed for machines, and autonomous devices (drones, robots)

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The screenshot shows the EPIC.org website. The header includes the logo 'epic.org' and the text 'ELECTRONIC PRIVACY INFORMATION CENTER'. Below the header is a navigation bar with links: 'About EPIC', 'Policy Issues', 'Press', and 'Events'. The main content area features a news article titled 'EPIC Supports Drone Registration Proposal'. The article text discusses EPIC's stance on drone registration, mentioning a federal drone registry and the FAA's task force. At the bottom of the article, there is a date 'NOVEMBER 11, 2015' and social media sharing icons. Below the article, there is a footer with links: '« EPIC Obtains Documents on Secret DNA Forensic Source Code | Main | Federal Appeals Court Revives Google Cookie Tracking Suit »'.

Consequences

- Need for accountability for autonomous devices
- Example #1: people may act anonymously - machines may not
- Example #2: people may speak anonymously - machines may not
- Example #3: people may keep secrets - machines may not

Asimov, “Law of Robotics”

(Handbook of Robotics, 56th Edition, 2058 A.D.)

- “A robot must obey the orders given it by human beings except where such orders would conflict with the First Law.”
- “A robot must protect its own existence as long as such protection does not conflict with the First or Second Laws.”
- “A robot must protect its own existence as long as such protection does not conflict with the First or Second Laws.”
- NEW - “A robot must always reveal to a human being the basis of its decision.” (Algorithmic Transparency)