

Personal Information, Personal Property

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Abstract

Personal information is valuable. Businesses and other organizations are able to draw on insights gleaned from personal information to develop useful goods and services and to pass on information that enables consumers to make better decisions. However, some collection, mining, and uses of personal information are ethically problematic. Target's use of predictive analysis illustrates two problems posed by personal information: privacy and objectification. Target purchases and collects personal information to use in predictive analysis. The company has developed an algorithm to predict which customers are pregnant, in order to develop targeted marketing strategies (Duhigg, 2012). In addition to instituting private property rights in personal information, we need sphere-specific markets where information is exchanged. Cross-market exchanges should be blocked.

The problem of privacy is well-recognized and much discussed. Helen Nissenbaum has put forward an important and useful account of privacy arguing that privacy requires preservation of the norms that govern information exchanges. When we share information, we share it in specific contexts. Those contexts are governed by social norms that help shape our expectations about the flow of that information. A norm is a rule that governs our social relations and can be explicit or implicit (Nissenbaum, 2010). Personal information presents a threat to privacy because it is often collected, aggregated, and used in ways that do not respect norms of information flow (Nissenbaum, 2010).

The second problem is that some uses of personal information objectify and fail to respect persons. Aggregated data gives access to a very large range of a person's activities and preferences and enables accurate predictions where data is not available. This information has market value in part because it is useful for influencing patterned behavior. Target is interested in knowing whether it's customers are pregnant because shopping is mostly a product of habit rather than reasoned reflection. Most people do their shopping at many different stores and these habits are difficult to change. However, During periods of upheaval in our lives our habits are thrown off. Target wants to know which customers are pregnant in order to use targeted marketing to change their habits in a way that benefits the company (Duhigg, 2012). By offering coupons for items they may not associate with Target, the company pushes customers to pick up those items while picking the up items they do associate with the company. Very likely, these habits persist even after Target ceases to give coupons. Rather than thinking about customers as agents who use practical reason to make choices, this involves treating them like rats you are getting to go through a maze. When companies and other organizations try to leverage our unreflected, patterned behavior this way, they are treating us as objects to be manipulated by disregarding our own interests and attempting to structure our behavior in a way that benefits them (Nussbaum, 1995).

In order reap the benefits derived from the collection, mining, and exchange of personal information while reducing concerns about privacy, we should legislate private property rights in personal information that include:

- An exclusive right to sell the information in the relevant sphere.
- An exclusive right to transfer the information.
- A rights to prevent the collection of information--i.e., do not track.
- A right to destroy some information--to have some kinds of records expunged.

To discourage objectification, markets for personal information should be sphere-specific. Cross-market exchange should be blocked. Spheres are areas of social activity composed not only by specific norms, but united by a purpose and goal (Walzer, 1983). When information is tied to a particular sphere, it is less likely that we will see the individuals identified by personal information objectified. Their interests are reflected in the structure of the sphere itself. To illustrate, when the sphere of education functions well, the norms, values, and goals reflect the interests of students qua student as well as those of teachers qua teachers.

References

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