

Unit 4 Seminar Preparation

Title: Case Study - Privacy

Please read the case below and answer the questions. You need to determine the ethical issues involved with this case.

The Case

Ricardo works for the records department of his local government as a computer records clerk, where he has access to files of property tax records. For a scientific study, a researcher, Beth, has been granted access to the numerical portion “but not the corresponding names” of some records.

Beth finds some information that she would like to use, but she needs the names and addresses corresponding with certain properties. Beth asks Ricardo to retrieve these names and addresses, so she can contact these people for more information and for permission to do further study.

Now consider, what are the ethical issues involved in deciding which of these options to pursue?

- If Ricardo is not responsible for determining allowable access, should he release the names and addresses?
- Suppose Ricardo were responsible for determining allowable access to the files. What ethical issues would be involved in his deciding whether to grant access to Beth?
- Should Beth be allowed to contact the individuals involved? That is, should the Records department release individuals' names to a researcher? What are the ethical issues for the Records department to consider?
- Suppose Beth contacts the individuals to ask their permission, and one-third of them respond giving permission, one-third respond denying permission, and one-third do not respond. Beth claims that at least one-half of the individuals are needed to make a valid study. What options are available to Beth?

Be prepared to discuss your answers during the seminar session.

1. This prompt is perhaps the most straightforward. Ricardo should not release the names and addresses of if he is not responsible for allowing access to the files, as this violates the requirement to “avoid unlawful conduct in professional activities” (IEEE, 2020), to “only undertake to do work [...] within [an employee’s] professional competence” (BCS, 2022), and does not consider “the public good [as the] explicit consideration” (ACM, 2018) for the

research request, not least because of the action's incongruence with GDPR (2018) statues for data privacy.

2. Based upon the UK Ministry of Justice's 2022 report *Data Sharing Guidance for Researchers Seeking Permission to Secure Access to Data*, the following points would be key to know before granting access to the data:

- What is the purpose of the research?
- Can the researcher guarantee the scope of data use as presented in the application?
- Can the authorities responsible verify how the data will be used?
- Has the study been ethically cleared / shown to satisfy GDPR (2018) regulations?
- Is the research public or private in nature – are there any conflicts of interest in any way when loaning out the information contained in the data?

If these questions can not be answered thoroughly, then it would be unadvisable to loan out the data to the researcher.

3. The GDPR (2018) is very clear about privacy requirements when collecting private citizens' data for government use. The Records Department should therefore

- clarify why Beth wants to change the clearance of her data request – if she were originally approved for numerical data only, why would she now want names and addresses? Did she request this type of data before and was she denied? Was the original application false or misleading in any way?
- understand what is the overall purpose of Beth's research. Is it compliant with the ethics code of her institution, profession, or organization? Is it in line with the government agency's own code of ethics? Does it satisfy the ethical requirements of privacy for compliance with GDPR statues?

- reference what was the original purpose of the data collection. Would Beth's research utilize the data in a way unrelated to its original purpose (such as in violation of GDPR statutes)?
- consider that allowing Beth access to names and addresses may violate the reasonable assumption of anonymity the subjects may feel they have when giving information to their government. Could this be seen as a violation of privacy through no fault of a taxpayer's own?

Depending on the GDPR statutes, positive or negative answers to the above may render Beth's request ineligible for consideration.

4. The truly ethical choice is to find other sources of data to complement those pieces Beth has been given permission to use, and to respect "the rights of individuals to privacy, confidentiality, and self-determination" (APA, 2016) regarding those who did not respond. Another route Beth could take is to see if she could somehow find untapped subjects in other data sets – but only with the permission/knowledge of the Records Department. It could be ethical to once again ask permission from those who did not respond, but only within a set period of time/set number of times which would have to be decided before acquiring the data/submitting the application in the first place (UKMOJ, 2022). It would not be ethical to appropriate to harass/bully/bribe unresponsive subjects in any way to get permission to access the information.

References

ACM (2018) *ACM Code of Ethics and Professional Conduct*. acm.org. [Available Online] <https://www.acm.org/code-of-ethics>

APA (2016) *Ethical Principles of Psychologists and Code of Conduct | American Psychological Association*. apa.org. [Available Online] <https://www.apa.org/ethics/code>

BCS (2022) Code of Conduct for BCS Members. *BCS, The Chartered Institute for IT*. [Available Online] <https://www.bcs.org/media/2211/bcs-code-of-conduct.pdf>

IEEE (2020) IEEE Code of Ethics. [Available Online] <https://www.ieee.org/content/dam/ieee-org/ieee/web/org/about/corporate/ieee-code-of-ethics.pdf>

GDPR (2018) General Data Protection Regulation (GDPR). *General Data Protection Regulation (GDPR)*. [Available Online]: <https://gdpr-info.eu/>

UKMOJ (2022) Data Sharing Guidance for Researchers Seeking Permission for Secure Access to Data. *Ministry of Justice Working with HMCTS and Department for Education*. [Available Online]: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1053710/data-sharing-guidance-researchers.pdf