

Proposing a Charter of Personal Data Rights

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Our Personal Data

- ▶ Our growing reliance on information and communication technologies (ICTs), coupled with a hunger for more and more data by diverse public institutions and private companies and interests, is resulting in an explosive growth in the collection, accumulation, management, storage, and widespread use of personal information.
- ▶ Most of this accumulation of personal information is beyond the knowledge, let alone consent or control, of the countless individuals affected.
- ▶ Our lives are being increasingly transformed into data and, in turn, information assets.
- ▶ Begin a challenging conversation on our data rights: to own and control our personal information in addition to our rights to privacy and anonymity.

Our Personal Data is Under Threat

- ▶ It is under threat by those parties who are able to harness, exploit, and use our personal data for their own benefit, (usually to the detriment of our own...)
 - ▶ For example, our personal data is being created or collected by powerful commercial enterprises for their own financial profits and monetary gains of which we tend not to receive any share.
 - ▶ Another example, our personal data is being monitored and analyzed by government agencies for their own Big Brother-esque surveillance and security activities for which we are monitored and watched regardless of whether or not we have any kind of criminal pasts or tendencies.

An Informational Extension of Ourselves

- ▶ Our personal data are not meaningless or unimportant bits or bytes about small, random information abstracted from our lives.
 - ▶ Personal data is an informational extension of ourselves.
 - ▶ It is a kind of personal appendage of us, extending our lives, into the informational (which increasingly means digital) realm.
- ▶ It is not just our personal data that is being exploited; it is *us* who are being exploited.
- ▶ Personal data fundamentally belongs to the person it identifies, stands in for, and represents.
 - ▶ It should not be regarded or treated as the property of powerful institutions or interests, governmental, corporate, or otherwise.

An Informational Extension of Ourselves

- ▶ Aleecia M. McDonald from Stanford Law School's Center for Internet and Society reminds us: "we have learned the hard way that we cannot trust companies or governments to exercise basic decency and restraint in collecting [and managing, storing, using, etc.] our data."

A Charter of Personal Data Rights

Everyone has the following personal data rights:

- 1. The right to own their personal data.*
- 2. The right to control and use their personal data.*
- 3. The right to privacy regarding their personal data.*
- 4. The right to anonymity regarding their personal data.*

The Charter's Application

Possible steps to take to implement the Charter:

1. Annotation, or wrapping, of personal data in metadata at its point of origin.
2. Legal and industry regulations.
3. Encryption and further metadata to embed personal data rights within digital services, programs, and products.
4. Regulated and effective systems connecting legally recognized personal data to individuals.
5. Substantive penalties for violations of personal data rights like privacy.

No One is Exempt

- ▶ This proposed Charter is important for all individuals because no one is exempted from the continuing and increasing expropriation of personal data.
- ▶ We, as individuals, have the right to own our personal data, control and use it, ensure its privacy, and demand its anonymity.
- ▶ We have a right to exercise **informational self-determination** over our personal data and therefore over our lives.

Thank you.

This presentation is based upon my recent article “Proposing a Charter of Personal Data Rights” for *Information Management*, the official magazine of ARMA International.

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