Whose Job Is It to Protect Your Online Data?

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SPEAKERS

Tricia Johnson, Jen King, Tom Wilson, support message, Kristine Gloria

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S **support message**   00:00

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T **Tricia Johnson**   00:35

It's Aspen Ideas to Go from the Aspen Institute. I'm Tricia Johnson. When it comes to personal privacy online, consumers aren't getting a fair deal. Tom Wilson, who leads the insurance company Allstate says the average person has 350 online accounts and 1000 apps are available that track your location up to 14,000 times a minute.

T **Tom Wilson**   00:58

You have no privacy. We've willingly given it up. We all check those boxes, but we didn't really know what we're checking. And so what I would say is what that's leading to is infringement on freedom. We're giving up our rights to be who we want to be.

T **Tricia Johnson**   01:14

Wilson says today's currency is consumer data. He speaks with an information privacy expert on how to make your online footprint more secure. Aspen Ideas to Go brings you compelling conversations hosted by the Aspen Institute. Today's discussion is from Aspen Ideas Now. When you sign up for a service online, or allow your phone to track your location, it's difficult to understand the ramifications. What are the real trade offs? One thing is clear, consumers are at a disadvantage because there's no limit on what a company can collect. And right now it's largely up to the customer to figure out how their data is used. Allstate CEO Tom Wilson believes there should be a standardized data access agreement, a sort of digital Bill of Rights. that improves transparency around how businesses and consumers share and use data, and it should be governed at the federal level. Jen King is the privacy and data policy fellow at

the Stanford Institute for Human Centered Artificial Intelligence. To increase control over personal data, she believes data trusts, or legal vehicles for managing data by trusted third parties, could be one solution. What is the best alternative to taking a box on an online privacy notice? King and Wilson are interviewed by Kristine Gloria, the director of artificial intelligence for Aspen digital, a program of the Aspen Institute. Here's Gloria.

K Kristine Gloria 02:39

I have a pretty general question up top. But I think we'll get right into the heart of some of the issues and challenges. Now, consumer privacy, particularly online, consumer privacy has been in public discourse for a while now. And I'd like to start off with, you know, in your opinion, how has the conversation around consumer online privacy changed, whether good or bad? Tom?

T Tom Wilson 03:06

Sure. There's been lots of talk. There's been no comprehensive action by you, the government or companies? I think that's because it's so complicated. Kristine made I think it just really counted. But the result is we put the future benefits of this whole digital economy at risk.

K Kristine Gloria 03:28

Very true. And we're going to get into what those risks are and what the trade offs have been. In the pathway we're currently on Jen, I'd like to give you the opportunity to answer that question as well.

J Jen King 03:40

Sure. So I mean, I think Tom summarized it. Well, I mean, it certainly has evolved. From my perspective, it's both good and bad, bad from the sense that I've been at this for almost 15 years. And like, like Tom just said, we still don't have any good resolution in this country. So that's very frustrating. But at the same time, the general awareness, I think, is a good thing, that most people today you can start talking about things like internet privacy, and you don't you no longer just get blank stares. People seem to really be understanding that there's a trade off at hand with their personal data, and that they're not always on the kind of plus side of that equation. And so I mean, I think that general consumer awareness is good, but like, Tom, I'm frustrated by the fact that we still haven't moved forward with any kind of comprehensive legal solution here in the US.

K Kristine Gloria 04:30

I'd like Tom, if you don't mind, speaking specifically to this consumer lens, right. What do you see in your work and in your experience, think the current relationship between corporations and consumers and what comes to their data and and whether, you know, I think Jen put a bit of a hat tip there that consumers are not getting a fair trade. But I'd like to hear a little bit more of your perspective on that.

T Tom Wilson 04:55

I agree with Jen that consumers are not getting a fair deal today, but I Go back a little bit and say, Now 15 years ago, there was a fair deal because the data they generated wasn't worth a lot and access to internet search was, you

know, of great value in trading it. But the world's changed a lot since then. And so when you look at fair deal, yeah, first thing you say is, there's been a lot of benefits to society. I mean, you know, whether it's you can connect with more people, you, you can drive places faster, because you get though the Google Maps thing, or there's just a lot of benefits to that have come to society, which is one of the problems, we don't want to give up those benefits. That said, customers, consumers are not going to do if you look at Google and Facebook, have about a quarter of a trillion dollars in revenue, they make about $60 billion, which is a really high margin relative to revenue. I don't know any other industry that makes that much money. And so when you look at that, you'd say, Okay, well, lots of other industries generate a good return for the shareholders do a good job for the customers and have less than profit. So what that says to me is there's an imbalance between the companies and consumers today.

K Kristine Gloria 06:12

I I'd like to drill into that a little bit. If you don't mind. Tom, you know, I think for some it is the monetary trade off is pretty clear. Right? It clearly we're not benefiting as much as they tech companies are so curious if you have any thoughts or examples of, you know, of where that fairness is, is not a monetary discussion, like, for example, whether, you know, it's a public health concern, I think what we're seeing, in particular with, again, the consumer awareness is that it's not just the fact that we're not getting money, right, that there's a lot of other things here that are unfair for consumers. And curious if you've given thought into some other examples.

T Tom Wilson 06:58

It's an interesting angle. And let me take a shot at which is, I think it's about lack of freedom. I think what we've given up is for some of these benefits is freedom. You have no privacy today. So we have this product where people can look at their digital footprint, average person has 350 online accounts, there's 1000 apps today that track your location up to 14,000 times a minute, you know, Google, read your emails, I mean, go down the list, you have no privacy, we've willingly given it up, we all check those boxes, but we didn't really know what we're checking. And so what I would say is what that's leading to, is infringement on freedom. So the digital, so besides the economic trade off, we're giving up our rights to be who we want to be.

K Kristine Gloria 07:46

I'd like to kind of take that into question for you, Jen, about, you know, the intervention. You've both mentioned that, you know, the federal government has not stepped in, there's, you know, the market is not bringing anything, as much as it should not by itself, I'm curious, the interventions that we've seen, at least in this first segment of online, consumer privacy is really focused on that end user individual choice, whether that was personal data stores, or the data markets where you can set you know how much you would want to sell your data for? Why haven't those worked? In your opinion? And what are, what are some things that we should be looking forward to in new interventions in this space?

J Jen King 08:32

Sure. So part of the trouble is that putting privacy in all of our kind of individual hands, just doesn't work. In part because, you know, companies know more about us than we know about them. And so inherently, that kind of decision point where we make the exchange of our data for access to a service, we're always kind of disadvantaged, especially in a market where there's just no limits on what companies can collect. I mean, we're just fundamentally disadvantaged. And further, it's just harder for us to even conceptualize what's going to happen with our data. So

you know, the longer we kind of keep doubling down on thinking about solutions that are just about me, in one moment of time, trying to make a decision about whether to engage or disengage with a company and what data I'm giving up. It's just, you know, I'm extremely well educated person on this topic. And I find it impossible. And so I'm very empathetic with, you know, the most of the world that has no background on this topic. And, you know, I just, it's an impossible situation to put people in. And so then we need to think more about how we collectively solve this problem because at the same time, like while privacy is kind of composed of all these individual decisions that we're making, they have a collective effect, right. And so, you know, the fact that so many of us are being put in the position of trading away our location data, for example, just to pick out one time locate data type, you know, ends up leading to this kind of collective aggregation of that data. And the other real challenge here is that my individual data unless I happen to have some particular characteristic, you know, there are some people, I think, unfortunately, that are more valuable than others in the consumer economy. You know, pregnant people, for example, are particularly a consumer that's always very attractive to companies. Because when you're pregnant, you're going through major life choices, and you're changing a lot of things. And you're very open to thinking about new ways of, you know, what you need to buy, because you're about to be a parent. That's one specific category. But in general, we just don't have the capacity to kind of figure out what trades are the best for us and which ones aren't. Add to that an economy that's based on surveilling us at every turn. And so you know, there's a lot of information collection that takes place without us even knowing that it's happening. And that's another kind of huge piece to this puzzle. But ultimately, our individual data is not worth very much. And so Tom alluded to this earlier, I mean, in 2005, for example, there was a lot less data being collected about us, we certainly our physical location wasn't being tracked the way it can be today. And, you know, just thinking about those, like independent Google searches, for example, you know, Google, at that point, only had a handful of years worth of data. And, you know, those searches probably weren't particularly useful in and of themselves, but aggregate them over a 15 year period, you know, for individual consumers, and suddenly, they become a much more valuable. So as part of its long longitudinal part of its that our individual data, we just can't put a price on it. And it's much more valuable to companies in the aggregate, and all these things, all these different kind of pieces of the puzzle end up disadvantaging individual consumers. And so thinking for like, what do we do? I mean, part of it, I do agree that part of it is giving us individual rights. What we're doing in California, which is kind of an interesting experiment, is at least one way forward. But I would really, I think what a lot of us fear in the privacy community is that what we have is this blueprint in California becomes the national blueprint. And I think many of us are concerned about that, because it is so focused on individuals having to avail themselves to these particular rights. And if I don't make a do not sell request, you know, nothing's going to change. So, you know, the reality on the ground here is the approach we've taken in California, while I think there may have been some positive changes on the back end for companies, not to companies, but for consumers and the way companies have had to be more careful in accounting for what they have, in terms of data on the ground. For most of us, there's been zero change. And certainly if you don't even know about this law, how would you know, to even exercise these rights? So part of this is thinking through what are these not just larger scale laws that protect consumers? But what are some more kind of collective ways of thinking about how we manage data, and not just thinking about it in terms of individuals?

K   Kristine Gloria   13:14

I like where you're going there? Because I think one of the questions that I've been mulling over is we do have very, there are lots of different approaches here, whether it's the on the federal level, we've seen a lot of the states popping up with their own versions of California or even, you know, more narrower, where it's maybe targeting certain industries and their uses of third party data. And then obviously, we've got Europe, I'm curious, is there a mixture of these is GDPR and Europe's version there way to be going thoughts from either of you on what level of which either it is federal state, or, you know, a combination of both might actually be the right way to do this.

T   Tom Wilson   14:01

I think it's needs to be at the federal level. Because people were regulated in 50 different states, and we have 50 different set of rules. And that means you got to have your computers do different things in Tennessee than Kentucky, even though they're close to each other. And so if you think about data in its ubiquitous nature, being able to move it around, and really the collective benefits that Jen talked about, I think it's got to be at the federal level, you get this patchwork of state laws. And it's it's a mess to deal with. So I think it has to be a federal one.

J Jen King 14:35

I agree. Yeah, I agree. And even not from the perspective of running a business, which I empathize with, because yes, you will be subject just like you are subject to 49 different security breach notification laws today. You do have the potential to be subject to just as many privacy laws. But you know, certainly there's an argument to be made that you know, you shouldn't lose your privacy when you cross, you know, from one state to another. You know, I think we can argument about a lot of kind of fundamental rights. But yes, for simplicity sake, I agree. And again, I think many of us, especially those of us in California, are just concerned that what we'll see in, in a federal law will be weaker than what we have here in California, but also, you know, doubles down on that model,

T Tom Wilson 15:19

I want to go back to the thing about why consumers don't do that much. I think we've all gotten used to the computer doing the workforce. So we kind of want to do one or two clicks. And it's complicated in companies make it really hard to part ways. So even the California law, the gentaro, but it's not that easy to get your data from Google like it, it's, it's not like I can just open the door and it gets there. So that said, I think we have to just assume we can do it, regulation is a mistake. I think we need to harness the power of people. And I think we need to give them more simple choices, where you don't have to spend a bunch of time. And I think one of the ways we could do that is have standardized federal data access agreements, they're not privacy agreements, like it's a joke to call them a privacy agreement. That's not again, nothing to do with privacy. It's got everything to do with lack of privacy. So let's call them data access agreements. And I think really simple, like, you know, in ninth grade education, you can read them, you know, like one page, it's like, you know, it's a guest, if I'm a guest. All you can use it as far as a current interaction, right? Private would mean, like you and I, if you're an Allstate customer, I can interact with you, but I can't sell your data, I can't do anything anonymous would mean I could take your data and merge it together, the bunch of other people can't give an open would be what you have today with most places, which is, I can do whatever I want with it. So I think if you gave consumers an easy choice, so when I want to click through to some website, and it says, you gotta agree to my privacy thing, and I can say I only want to do guest, because I'm just kind of testing this one out, as opposed to read my five page, you know, make that length thing before you can click through, like, nobody reads that stuff. So I think we could harness the power of people in totally groups, and that we need to do something on the legislative front as well. But I think if we just do legislation, the power, the economic in the communication power, that the people who control this data today, we're never going to win that game like that, there's just the government's not powerful enough to take to change that direction.

J Jen King 17:36

Tom, I'll one-up that and say that we need to have an infrastructural solution, we need to have, I wouldn't even just say it's a software based solution, I think it's a re architecting components of the internet solution to enable us to build tools that make those decisions that we delegate those decisions to, because, you know, again, I think you you put the number out there 350, the average person has something like 350 online relationships, like Absolutely, so we can't manage those. And so if you know, it's kind of ironic that we live in such a technological age, and yet, we don't have the capacity to use technology to solve some of these problems for us right now. And so I think that's another big piece of the puzzle is, people shouldn't have to manage all those relationships. And I use this example a lot. I

mean, I have password manager that manages all my passwords for me. And I wouldn't be able to function without it, you should be able to have, you know, a similar tool essentially, that manages those different relationships with you and, you know, basically signals to a company, to what extent you're, you're willing to take one of those data use agreements that you've just described. And, again, they should not be called privacy policies. I've done research on that topic. It's very misleading term. But yeah, you shouldn't have to do this. You should have tools that essentially manage these things for you and make it clear like what you're willing to engage in and what you're what you're not.

T   Tom Wilson   18:59

And I think we could tie we can put regulation on company so we have a tool, it's called digital footprint, you can get on it. And we can tell you, you know, here's how many people track you. So I find out that advanced autoparts in Los Angeles is tracking I live in Chicago, one of my daughters used to live in LA and work for a filmmaker and, and I had helped her buy a battery for power systems three years after So, but then I want to go on, I want to unenroll and our tool won't let you do it because it's their tool stop robots from doing it. I think that there should be some rules that say, hey, if Tom wants to get off your website, it's one click, like, you know, don't make them go through all this stuff, get a separate thing, send you a note. So I think we could tie it and I think that's what you're talking about. Jen is re architect the infrastructure. I'm not sure how to do that. But I it's really interesting. I think

K   Kristine Gloria   19:52

I have heard some murmurs, Jen, of the the same line of thinking where you know, you would essentially have an AI agent Do that negotiation on bit on your behalf. Right? I think that would be an interesting technical approach to negotiating both between the consumer and the end organization. One thing I can't quite get my head wrapped around is beyond whether it is, you know, regulated, you know, what is the incentive for any organization to want to do this unless they're being forced to by a new government? I don't, I'm I'm keen to hear you know, I think there's a lot of movement and be being better data stewards, as industry or in by organizations. But it seems that it's mostly just talk in that space. I'm kind of curious, like, what what is the incentive for those types of organizations to engage with even like, having that third party be able to negotiate on a consumers behalf?

J   Jen King   20:59

Right, I'll, I'll take a stab at that. And I bet Tom will have much to add to. So you're right. There's not an incentive, if you're Facebook, or Google or Amazon today, just throw those out there. Because you want to hold your customers data, it's part of like the value of what you build on. I think there are actually a lot of other actors in the ecosystem who aren't happy with the dominance of those countries of those companies in the sphere. And so I think there's a lot of different kind of pathways that one is thinking about issues of antitrust, like, in fact, I'm not even sure antitrust is the right lens here. Because I think the focus has been on kind of trying to take those big companies and kind of break pieces off. So you know, for example, for example, if I took Google and divorced Google search, you know, from the rest of Google, you know that that could, that could be an interesting antitrust solution, but I'm not sure it solves the data problem, ultimately. And part of part of the issue is that there is a level of self dealing, I think, with these companies, that is just kind of just unprecedented. And, for example, what if you split off the ads piece from Google, instead of just the search piece, like if the whole advertising arm was was split off, then maybe I think you're getting somewhere. But just to say that, I think there are a lot of, if you get past the big platforms, there are a lot of other companies that would have an interest in seeing data, liberated from all these kind of individual silos, and giving consumers more active control over it and being able to kind of take components of what they do, from company to company to company. Again, I'm really curious to hear Tom's perspective from his work, if he thinks that any part of that solution would be useful for the type of data he holds. But you know, yes, it probably opens up these portability questions that some companies wouldn't be happy with. But I think, to only kind of think of the data issues that we're

dealing with today in terms of breaking up the companies versus thinking about instead, what would it mean to divorce them have total control over the data and kind of open up Open up the data ecosystem in a way that allows people to move around more freely, and to not have different companies dominated? I think, again, there will be, I think there'll be a lot of actors that are really interested in that space. But you'll have to fight the really big companies, I think, to potentially get that solution. And I'm sure they won't want to go along with it.

T Tom Wilson 23:30

Yeah, no, I agree with Jen there, you know, Facebook describes their advisory panel as the Supreme Court. The only thing is differences, what President wouldn't like to have a Supreme Court they could ignore. And, you know, so like, they have their power, they are not going to give that power up easily. And it's it's so but so how do you incentive how you create, I think it you got to go at it multiple ways, and it takes multiple years. But I think you could figure out where to start. So I come back to this is one of the things with this patchwork of states with California, Colorado, Virginia, all coming up with these different rules. Companies have to comply with those rules. And then you can be sued in each of those states. And so if you said, Look, if you use a standard data access agreement that's federally approved, and it's in a federal court, you're not going to be subject to state baseline. So that's an incentive to get people to bring some reality to this part. I think John's point on the the old antitrust laws aren't really set up to deal with the digital economy. So one needs to figure out in antitrust is all about money. But also if you look at the communication power, and that's got a whole bunch of issues rattling around in society today. You know, should they be able to take somebody off should they not, you know, and there's different points of view on section two 30 but like someone's got to figure that part out. And I think that could create some incentives to to go to. I also like the idea of giving people the control and the ability for the ownership of the data. I don't know if it's really about monetization, but like, most people think they own it. And everybody thinks they should own it in most people think they should be paid for it. Now, whether it's five cents, and it's worth all the effort, I don't really know. But I think if you hit if you find a way to have the ownership in it, and if there is a cost to the good businesses today, and we collect a lot of data, it's there's no cost to incremental piece of data. And there's very, very little cost of storing it. So what do you do, you get as much as you can in your store as much as you can, even if you're not using it. And that creates issues with lack of privacy, it also create cybersecurity issues, really like so you know, if this stuff's free, and I'm not saying people don't spend, but if you, if you paid for it, maybe it's spent a little more time protecting it, you certainly wouldn't collect as much if you had to pay for it. So I don't know whether it's individual, but there's no market forces on the collection and dissemination of data other than a couple of really big players. And they got all the money. So I would try to find some way to put a cost on collecting and using data. But I don't know how to do that. But I think you could attack it from multiple ways.

S support message 26:33

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Kristine Gloria 27:49

I think that actually brings me to a next set of questions that it's tangental. But one that is very much in the forefront of the last year's conversations is Miss classification, within data collection and usage, right. And I think if I could connect the dots here on my earlier question about some of the other potential risks that are not economic or or tied to money, but we're learning that there are other trade offs here. And that we're seeing in the violation of lots of data collection, and then the misuse and mislabeling of data. And I think we're also seeing an A lot of you know, a surge of data that we may have not anticipated would be so robustly used, like your physiological information. Now, I think we're looking at things like digital biomarkers to detect depression. You know, all of these issues, as you say, are complicated, but they're coming down the line a lot quicker than at least I had anticipated. What are some of the immediate steps here that could be taken, particularly by the consumer, knowing that there are new data points that you're probably producing that you didn't know that you're producing and that are being collected and maybe mislabeled? I just think there's a lot being thrown at the individual and whether there are, you know, things that we could be as end users and consumers be a little bit more proactive about? gentleman taking a stab at that one.

Jen King 29:29

So I think that what's important in this landscape is making sure that people have a way to correct their data, which you know, going back to everything we just talked about, you know, the more the more sources, the more actors that collect your data, the more opportunity there is for mistakes and misclassifications to occur. I'll give you a really quick example in some database somewhere My husband has been mis aged, so You know, starting in his, like very late 30s, he started getting AARP solicitations for someone who was, you know, presumably 2030 years older than him. And then it continued from there. I mean, we got so many different offers for so many things, you know, targeted to an audience much older than we were at the time. Mostly annoying, mostly silly, but then we'd also get, you know, phone spam for Medicare fraud, you know, trying to entangle us in different kinds of like fraudulent deals. So, again, you know, an amusing side note, but we had no idea, you know, where was like, where did it come from, and whose database has been, you know, aged 2030 years. But I think another piece of this is, you know, not just, you know, this is a basic information access, right, you know, the so called FIPS, the fair information acts, fair information, access principles. But there's another piece here, which is your right to refuse. And this has become much more of a topic lately, in my circles, at least, which is your ability to say, No, I'm your ability to tell companies, I don't want you to use this technology, I don't want you to subject me to this, you know, give me another way. And I have another quick, just anecdote, which is, as a privacy person, when I use my phone, my mobile phone, I always have location turned off unless I need to do something that involves location, and then it's a real pain in the butt to go through and turn it on. Even on an Apple device, which is what I use, they make it really challenging. But initially, when I started using maps apps, often the Google Map app to turn that on with location off, it would it would crash, like it just wasn't anticipating that you could possibly have a use case that you would turn the app on and not have location enabled. And it took them several years before the app finally allowed that to be a valid condition that you could turn it on without location on and it would go, oh, maybe you're just trying to search for something. But it was so embedded into the architecture of it, that it just the designers were weren't even thinking that could be a possibility. And at some point, they finally realized, okay, that is a valid use case, people really do have location turned off on their phone, so they don't want the app to crash. And I'd say similarly, we it, if you're thinking through things, like I want to try to, you know, get a sense of what people's emotions are, from their use of video on this app, you just can't do that, and not give people a way to first, you don't do it without their permission. And second, you give people a way to refuse to say no. And so I think that's one of the things I would highlight that as, as companies start to explore these new technological frontiers, you just can't assume that people are gonna go along for the ride. And so much of what we see in this space has has been kind of forcing people to go along for the ride. You know, the classic case being Facebook, circa 2009, when they basically forced all of their users to be public by default. That's one of the highest profile examples I can think of. And so that would be I guess, my warning sign, because while that was seen as a aggressive strategy in the past, I think, in Europe, for example, I think that's a that's completely off the table. And I think there's become more resistance to these changes that kind of drag us along, even though we're resistant, with less kind of wiggle room to do that these days.

K Kristine Gloria 33:29

Got it? Yeah, that's great. Tom?

T Tom Wilson 33:31

I think they, you know, the inherent bias misclassification to data is a real problem. And, but it's not just data being mislabeled, because what people are really doing is building a 3d hologram of who you are, and so in so that they build that 3d hologram, which may or may not be who you really are, I don't think that you're going to get people to go in and fix it, I get my experience with customers, and consumers, they don't want to spend time, right? Like, it's just too complicated. You know, it's like, how do I dig it out? It's too hard. Even if it was easy, I don't know, that they really spend much time on. So I think, you know, Christine, with your background in artificial intelligence, you know, the objective of algorithms is to make things more efficient and effective. And so that requires choices to be made, in choices to be made, are hidden your biases, and discriminatory action. And so rather than putting the burden on people, I would say people who use algorithms should have the burden on them to make sure improve that the algorithms don't have inherent bias in it. And so basically, what you would have is algorithms checking algorithms. And it's totally possible from a math standpoint, you can you run test data through it and and then to the extent your algorithm doesn't work, right. It has inherent bias in it. It might not fix my individual Holic 3d hologram, but it will certainly reduce the amount of bias that comes in the digital world.

K Kristine Gloria 35:11

Yeah, I agree, I think we are seeing a lot of algorithmic auditing as part of lots of different industries attempts to get at this bias and mis classification question. I am. One thing I'd pose again to both of you is, I think, you know, outside of any regulatory mandate to do algorithmic audit, I think one way people have been approaching it is essentially shaming companies that don't do these correctly, where the misclassification is so threatening or risky that it puts them in bad light. So obviously, I think the criminal justice world has seen a lot of exposure here where their algorithms are not sound sounder or discriminatory. I wonder though, if there is room here also for maybe positive reinforcement of this type of work. I think one of the things we struggle with in the work that we do at Aspen digital is actually finding good use cases to highlight like, if you do this, there was both economic incentive, and you're helping the good of society. So I I'm, I'm wondering one, if there's examples in the work that you guys have come through where, you know, yes, follow this line in it, and it works for everybody involved consumer and organizations, and to if that's going to be the right way,

T Tom Wilson 36:37

I think I think bad press is just, I mean, it's, it's good, and it should be a tool in drive people. We've tried it, but I think it has to be more granular than that, because it just catches up to big ones. And, and then it goes away. After a couple days, nobody pays attention. Nobody does anything about it, I would say what our experience has been, we went through and rated the privacy statements for hundreds, maybe 1000s of companies, and ABCD. And, and, and I was like, okay, what's our ela we use the same thing, and we came out, okay. We were not an A, but we were B. But you know, there are some other people who you we all know, ever we're like C's and DS, the problem was people didn't really do anything with it. So I think your concept of, you know, increased transparency, letting people know, but maybe you have to merge that together with Jen's idea that you know, you need somebody to kind of do this for you, because you really don't want to do it. So you say, hey, to my AI bot that you are talking about? Don't sign me up with anybody that has a privacy agreement, that's a C or below. And just like when I try to click through, say no,

you know, this is not allowed. So I think I think that the potential is there, I think it's will be a powerful tool to free people have to do something with it. But we haven't yet developed it. But in the reason is because most of the people have no incentive to do it. I mean, the big companies like you know, they're happy with what they get. So we do have to change the playing field, such that it makes it in people's best interest to empower people to be in the digital world. Because I think if we go the other way, which is just shut down all the use of data, we're going to give up all these benefits we have.

K   Kristine Gloria   38:26

Right. Yeah, I think there's a much bigger trade off than we think that would be. Jen, do you have any thoughts on that last question?

J   Jen King   38:35

Sure. Yeah. So it is interesting. What Tom just said that I actually don't hear people in general arguing to stop all data collection and all data exchange, because I think even even the most privacy concerned, generally tied it see that there are benefits. So it's interesting, I just want to remark on that, because you would think there'd be kind of an absolutist position like no data. And I don't find that usually to be the case, at least not in most of the discussions I have. But to go back no absolutely position in America. Even in this environment, I have, I'm sure they exist. And I live in Berkeley, California, and I'm sure there are definitely people here who probably don't believe in collecting data under any circumstance. But I think we do. There is usually a baseline where we agree that you know, some forms of data exchange are good. But to go back to your positive regulation question, I've spent all summer trying to think about algorithmic impact assessments and that whole area, it's a really challenging area. At least I've been challenged by it. It's so early, I would say in the kind of evolution of AI So thinking about how to regulate it is a it's a really, really tough question and what we do, and so I have thought a lot about the positive regulate regulatory aspect which I think of is maybe this is not the right way to characterize it. But I kind of think of like, as you get a free pass, essentially, if you do you know, some number of things as a company that we think are, you know, a positive way to kind of deal with some of these potential risks. And so, one thing that I've been thinking about a lot in the AI space, we spend a lot of time talking about algorithms, we don't spend nearly as much time talking about data. And so I've been trying to focus more on what are some of the approaches to data that would help us regulating data or thinking through the data side of AI, that would be a useful way in to regulating some of this because I feel like, again, we just haven't thought about it. There's been just a beginning of some academic work that's been poking at this issue to say, essentially, like, all the glory is what the algorithms, we don't spend a lot of time thinking about, you know, the kind of grunt work of, how do you build a data set that's, you know, of good quality? And what are the consequences when you're dealing with shoddy data? And so and there's also been some good, interesting academic work too on, what are some of the tools we could build to help us ensure that we're building datasets that are fair? Or that at least are we have a good idea of what's in there? I think that's another big piece of the puzzle is kind of the data provenance. You know, what's in these buckets? And where did it come from? And do you have consent? And so I think there are some interesting kind of interesting to me. I realize not everybody's gonna find this interesting. But I think there's some really interesting approaches to thinking through how to, like ensure data quality, and that you're using data that is consented, for example, that can help deal with some of these issues. To me, the kind of worst example that I work from right now as honestly as Clearview AI. Like, what can we do to change the equation such that you don't have more actors like Clearview, scraping the Internet, and, you know, basically working behind other companies kind of fences to scrape as much data as possible, and then, you know, try to use whatever defenses they can to say that's a valid way of obtaining data. And this is quote unquote, public. Like, you know, part of that is an incentive question. I think, like the incentives here are absolutely scrape as much data as you want, get it for free. Don't worry about consent, don't worry about you know, the fact that now you're going to have to be fighting legal battles on every front. There's kind of an extractive mindset there that we need to think about what

would be the incentives to do things, aboveboard, fairly, you know, in a way that you're using data that, you know, hasn't been taken from people without their knowledge or consent? So that to me is a big piece of the AI regulatory discussion that I just I don't even see happening yet.

K Kristine Gloria 42:56

In some ways, I think I've heard the argument that privacy if we could get privacy done correctly, that it would help address a lot of that, do you share that sentiment? Or do you see these as two completely separate buckets that need to be, you know, further matured?

J Jen King 43:16

I don't, I do see them as coupled. But I don't see that just passing, let's say a federal privacy law that, you know, a lot like what we have here in California that just doubles down again, on kind of individual access rights solves any any of the things that we were just talking about, especially the consent issue. You know, I think Europe is ahead of us on that, well, Europe is ahead of us on a lot of data issues. But I think the Europeans are already trying to think through some of that from a regulatory perspective. And I don't feel like we're there at all. You know, but if you're going to have a data ecosystem that relies on people having given consent, and especially in one where there are tight restrictions on data reuse, meaning I collected your data for one purpose, right now, you know, we know that big platforms, in particular in this country have collected the data for one purpose and usually aren't getting consent from you to reuse it. And another, that is a big part of what has fueled their gains and AI. And so I think already, because they have that is part of the GDPR. You can't just take data collected for one use and just magically reuse it for another without consent. There's already thinking about how do you actually do that on the ground. And I think that has to be a part of anything we consider here because even the even the ccpa here in California has limitations on what you can reuse data for. So know whether that's enforced and how well you can actually track that I think is a different story. But I know if that is if we do consider that that is again, one of the fair information practice principles. If we do consider that as a key part of whatever we do on our regulatory front, then we actually really need to think through like how do we deal with With that, you know, across many sources of data.

K Kristine Gloria 45:04

We talked about the internet infrastructure. And you've both been pretty clear that, you know, this should be a federal level, do we have the right federal infrastructure to handle kind of these things that you're both proposing? Whether that is the FTC, or are we equipped to handle a data? Darrel data standards? Like who would? Who would that be? What would the Where do you think that would fall within the federal current infrastructure?

T Tom Wilson 45:33

I think it's unclear. I mean, you got everybody whether it's CFPB FTC got going on unless there's a whole bunch of people who have something to say about it, I don't actually need to take it away from all of them. Because to John's point, a lot of this stuff is coupled together even it's that said, somebody needs to put them on a room and come up with a plan to start over was, if it was our company, we'd be like, Okay, well marketing get together distribution and pricing and, like, Let's sit in a room, let's figure out who gets to do what and where, to whom, and let's get a plan here. I think that needs to be done. I don't think it's been done. But I think it's really lack of leadership is what we have in the privacy or there's like no one person in the government who's really leading that. So I think if we could just get a leader, they could bring all the disparate, important parts of government to bear on.

Jen King 46:28

So I would add, I've actually spent the last 10 months working on a project where we have been thinking through how to build a national research resource, a cloud based AI research resource that sits in the public sector. And so my answer has been influenced by the work I've been doing on that just to say that it's possible you can modernize something like the FTC. I know there's a lot of discussions right now just simply giving them a lot more money which I think would help but there is such a fundamental lack of a data strategy in the government itself that I think this is another area that we haven't really had the conversation of seeing how those two are interrelated and I think they really are because if you don't have a US federal government that has any kind of data strategy, any type of kind of infrastructure for even understanding this landscape, then I feel like just having having regulators try to cope with it when they can't even you know, exchange data between agents is a very narrow way of trying to solve this problem and so I think it actually it goes hand in hand I don't think we can have magically create a much more modernized forward thinking data regulator in this country whether it's the FTC or a new agency without also dealing with the kind of abysmal state of how we manage government data today and there being a much more holistic view of how important this is and it's not even just at the federal level at the state level to I'm not sure any states are leading in this area I have the most experience of California California is trying but i mean it's it's so incremental and we don't we it shouldn't take another 10 or 20 years to modernize this stuff we got to do it much sooner and so I would you know, I really feel like there needs to be a thorough rethinking and embracing of exactly how to kind of modernize the entire you know, public sector otherwise continue to struggle.

Tom Wilson 48:34

I'm gonna guess at the public sector is a horror show in terms of its data and I think it will take 10 or 20 years because the way that computer systems were built is the data was resonant in the application itself not in a separate store so today you build software it goes to the central database it pulls the stuff it needs it puts back where it is but it doesn't keep it a disappears the old model in building systems was the data resided inside the application itself so Social Security go go down the list they all got their own data I bet the amount of data that the government has on individuals with stone and soul but to change it you got to change all those underlying systems you got to get the IRS to point to one database to get the customer that taxpayer ID that kind of stuff you got to get social security to point to one database like I get it that it just it blow your mind like how hard that would be but it needs to be done I completely agree with john that it needs to be done but it's it's massive amount of work.

Kristine Gloria 49:40

I find it, now that you highlight that Jen and Tom, I think it's interesting that we have like a national strategy for AI but we don't have one for you know the the the bolts that that feed which is again the data side so it's not that we can't maybe it's just that we put the you know, jumped right into as quickly and resolve the other portions first. So I think that's an excellent recommendation. I am cognizant that we're coming up to the end here. So I want to give you both. One final question and one that's really hopefully geared towards our listeners of, you know, the end can end user and the consumer here, given all of this that we just talked about, which was a lot, what would you advise, like general for consumers to do both do and enact on or think about as they look at their own online privacy, interactions, relationships, maybe even their concerns? Like what what are some things that they can either do as a general consumer, and or, you know, take up to really hone in on or be educated with as the space kind of continues to evolve?

Jen King 50:53

This is always such a tough, that's always such a tough question. Because I don't want to be hopeless. And you don't need to be hopeless, there are things you can do, it's just that you know, how much your life you want to spend doing them. My my 12 year old, I'm always impressed. He actually really is interested in what I do, and just is always spending his time using privacy blockers on like, every, everything he can possibly use. So it's really fun to watch it, you know, part of it is, is engaging with the different platforms that you use, or using, you know, whatever mobile phone you're using, I mean, I will actually say, I will make one pitch, which is like turn location data off on your phone. You know, yes, it's a pain to have to re enable it when you need to use it. But I would say it's like, turn that off, that is like one source where, you know, we know, there are many apps grabbing that data and using it to feed an ecosystem that you know, your your physical location and time really implicates a lot about you. So that's one easy one. Oh, easy, not easy. You know, and after that, it's, you know, kind of all the different privacy enhancing tools that exist, you know, use some type of privacy blocker on your browser. You know, think about what apps you're using, don't just download the coolest app that you see and assume it's going to, you know, yes, it may be a fun game, but you know, turn off as many permissions as you can. It's that type of thing.

K   Kristine Gloria   52:16

Got it. Yeah, that's, that's those are easy enough. I think but you're right. It's a Are you willing to do the convenience trade off as a consumer, that is a personal choice, you have to kind of work through. Tom?

T   Tom Wilson   52:32

Yeah, I would build on I would put in categories, reduce your footprint, and use your digital power, which is an addition, reduce your footprint, go through your friends through your screen, get rid of the apps, you're not using, you know, just get rid of them. And, you know, go incognito on Google? do all the things Jen talked about be just like, always think about less is more. And in and then I would say use your digital power. It's interesting to me that consumers with indicated with a couple of clicks have an enormous amount of power. So if you see a you know, if you see an article on privacy that you're interested in, like, it takes like two clicks to flip into a congressperson, right. Or it takes two clicks to say to Google or Facebook, like, I'm not happy about this, I'm reporting a complaint, if you you know, so I think it's easier than ever to socially protest. And yet, for some reason, we don't like we're, you know, and I'd be like, use your digital power, like if you're unhappy with somebody coming. And it could be a company and just use that digital power. And that will create that incentive for people to try to do something different.

K   Kristine Gloria   53:55

That's great. I love that we ended on a positive note that we it's not all doom and gloom. I would just want to say thank you very much, both Tom and Jen, for taking the time to to have this conversation with me and to share your thoughts on the big wide world of consumer privacy.

T   Tom Wilson   54:15

It was a fun conversation. Thank you. I enjoyed it.

J   Jen King   54:17

Thank you.

T Tricia Johnson 54:22

Tom Wilson is chair, president and CEO of the Allstate Corporation. His primary focus in the data space is on creating a free and fair data market where consumers participate. Jen King is an information scientist by training and an expert and scholar in information privacy. She is the Privacy and Data Policy Fellow at the Stanford Institute for Human Centered Artificial Intelligence. Kristine Gloria is director of artificial intelligence for Aspen Digital. Her initiative aims to challenge provoke and advance the evolution of future technologies with meaning and dignity for humans. They spoke on October 1. Make sure to subscribe to Aspen Ideas to Go wherever you're listening. Follow Aspen Ideas year round on social media at Aspen Ideas. Today's show was produced and engineered by Marci Krivonen and me. Our music is by Wonderly. I'm Tricia Johnson. Thanks for joining me.

S support message 55:23

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