

# Human Rights Violation

## **Data Breach Scandal**

### Facebook & Cambridge Analytica

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# Introduction – Human Rights

- **Human rights** are moral principles or norms that describe certain standards of human behaviour and are regularly protected as natural and legal rights in municipal and international law.
- The **United Nations (UN)** is the only multilateral governmental agency with universally accepted international jurisdiction for universal human rights legislation.
- The UN Human Rights Council, created in 2005, has a mandate to investigate alleged human rights violations.



# Human Rights vs Labor Rights

- Human rights are the basic rights and freedoms that belong to every person in the world. They apply regardless of where you are from, what you believe or how you choose to live your life unless the person breaks the law.
- Labor rights or workers' rights are both legal rights relating to labor relations between workers and employers. These rights are codified in national and international labor and employment law.



# Regional Human Rights

- **Africa** - The African Commission on Human and Peoples' Rights (ACHPR)
- **America** - The Inter-American Commission on Human Rights (IACHR)
- **Asia** - The ASEAN Intergovernmental Commission on Human Rights
- **Middle East** - The Arab Charter on Human Rights (ACHR)
- **Europe** - The European Convention on Human Rights

# Types of Human Rights

- Individual (civil) rights
- Right to Equality
- Rights of political expression
- Economic and social rights
- Right to privacy

And many more...



# Human Rights Violations

- **Human rights violations** occur when any state or non-state actor breaches any of the terms of the UDHR or other international human rights or humanitarian law. In regard to human rights violations of United Nations laws. Article 39 of the United Nations Charter designates the UN Security Council (or an appointed authority) as the only tribunal that may determine UN human rights violations.
- Eg: Holocaust , Gun violence in US

A **few examples** of violations of economic, social and cultural rights include:

- Forcibly evicting people from their homes (the right to adequate housing)
- Contaminating water, for example, with waste from State-owned facilities (the right to health)
- Failure to ensure a minimum wage sufficient for a decent living (rights at work)
- Failure to prevent employers from discriminating in recruitment (based on sex, disability, race, political opinion, social origin, etc.) (The right to work)

# Privacy laws in different countries

- **India** - On August 24, 2017, Supreme Court ruled out that the Right to Privacy is a fundamental right for Indian citizens under the Constitution of India. Thus, no legislation passed by the government can unduly violate it.
- **Australia** - Australia's national privacy law is the Privacy Act 1988 (Privacy Act), which applies to the handling of information by both Australian (Commonwealth) Government agencies and the private sector.
- **General Data Protection Regulation in EU** - The General Data Protection Regulation (EU) (**GDPR**) is a regulation in EU law on data protection and privacy in the European Union (EU) and the European Economic Area (EEA).
- **Privacy laws of the United States** - The privacy laws of the United States deal with several different legal concepts.
- **Children's Online Privacy Protection Act (COPPA)**

# Overview – Facebook Data Breach Scandal



- A data scientist at Cambridge University, Aleksandr Kogan, was hired by Cambridge Analytica, to develop an app called "This Is Your Digital Life". (sometimes stylized as "thisisyourdigitalife").
- He provided the app to Cambridge Analytica and Cambridge Analytica in turn arranged an informed consent process for research in which several hundred thousand Facebook users would agree to complete a survey for payment that was only for academic use.
- The illicit harvesting of personal data by Cambridge Analytica was first reported in December 2015 by Harry Davies, a journalist for The Guardian.

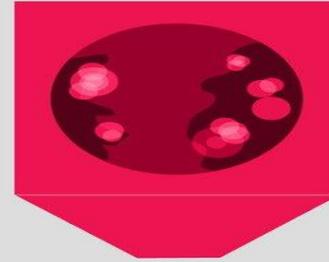
facebook

- The scandal finally erupted in **March 2018** with the emergence of a **whistle-blower**, an ex-Cambridge Analytica employee **Christopher Wylie**.
- Channel 4 News in the UK, The New York Times, The Guardian and The Observer published the scandal simultaneously on March 17, 2018, and caused a huge public outcry. More than **\$100 billion was knocked off Facebook market capitalization** in days and politicians in the US and UK demanded answers from Facebook CEO Mark Zuckerberg. The scandal eventually led to him agreeing to testify in front of the United States Congress.

## Facebook - Data Leak Timeline



Up to 87 million Facebook users



Had their data exposed by



Facebook



Exposed raw data of up to 87 million profiles to...



**Cambridge Analytica**

Political consulting firm



Worked on...



**Trump campaign**

# The Scandal

# How much Data was used?

- The New York Times, and The Observer reported that the data-set had included information on 50 million Facebook users.
- While Cambridge Analytica claimed it had only collected 30 million Facebook user profiles
- Facebook later confirmed that it actually had data on potentially over **87 million users**, with **70.6 million** of those people **from the United States**.
- Data was collected on 87 million users while only 270,000 people downloaded the app.



Whistleblower Christopher Wylie

# How they took information?

- App's users gave the app permission
- Data was **detailed** enough for Cambridge Analytica to create **psychographic profiles**
- Data also included the **locations** of each person

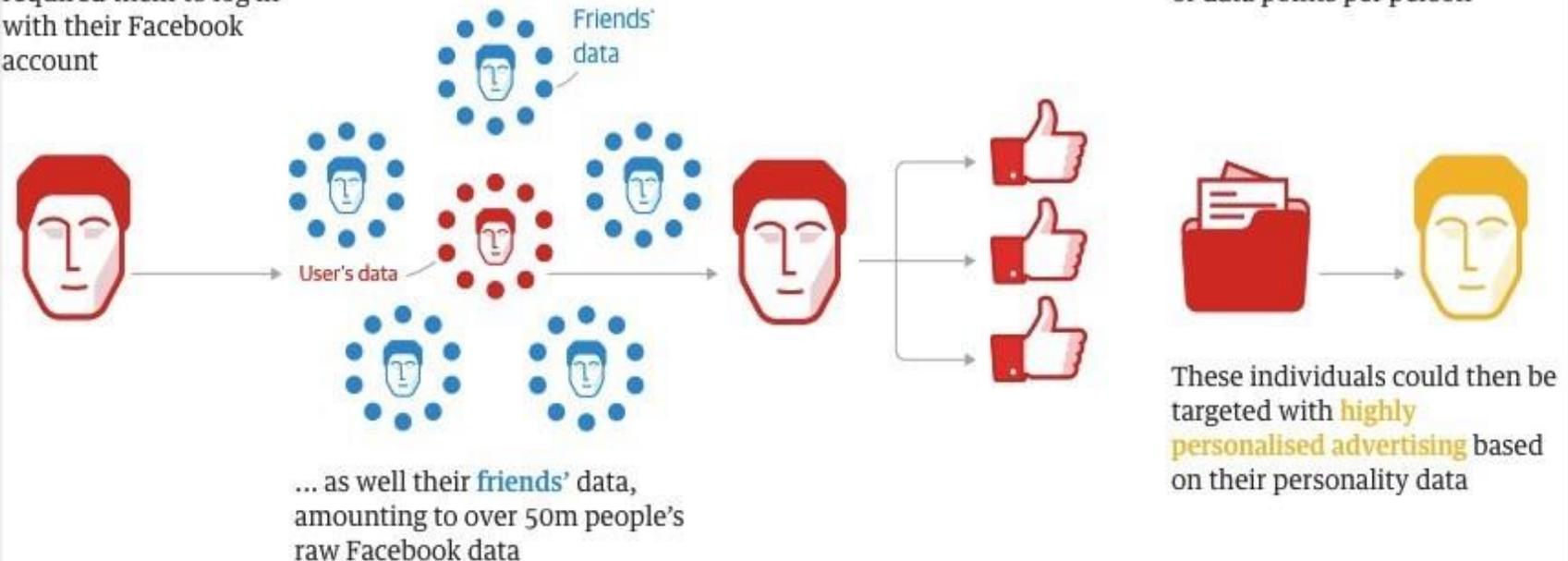
## Cambridge Analytica: how 50m Facebook records were hijacked

**1** Approx. 320,000 US voters ('seeders') were paid \$2-5 to take a **detailed personality/political test** that required them to log in with their Facebook account

**2** The app also **collected data such as likes and personal information** from the test-taker's Facebook account ...

**3** The **personality quiz results** were paired with their Facebook data - such as **likes** - to seek out psychological patterns

**4** Algorithms combined the data with other sources such as voter records to **create a superior set of records (initially 2m people in 11 key states\*)**, with hundreds of data points per person



Guardian graphic. \*Arkansas, Colorado, Florida, Iowa, Louisiana, Nevada, New Hampshire, North Carolina, Oregon, South Carolina, West Virginia

# Where the data was used?

## Ted Cruz Campaign:

- The Federal Election Commission reported that Cruz paid the company **\$5.8 million in services**.
- This data then was used to **create tailored advertisements** for each person to sway them into voting for Cruz.

## Potential Usage in Russia:

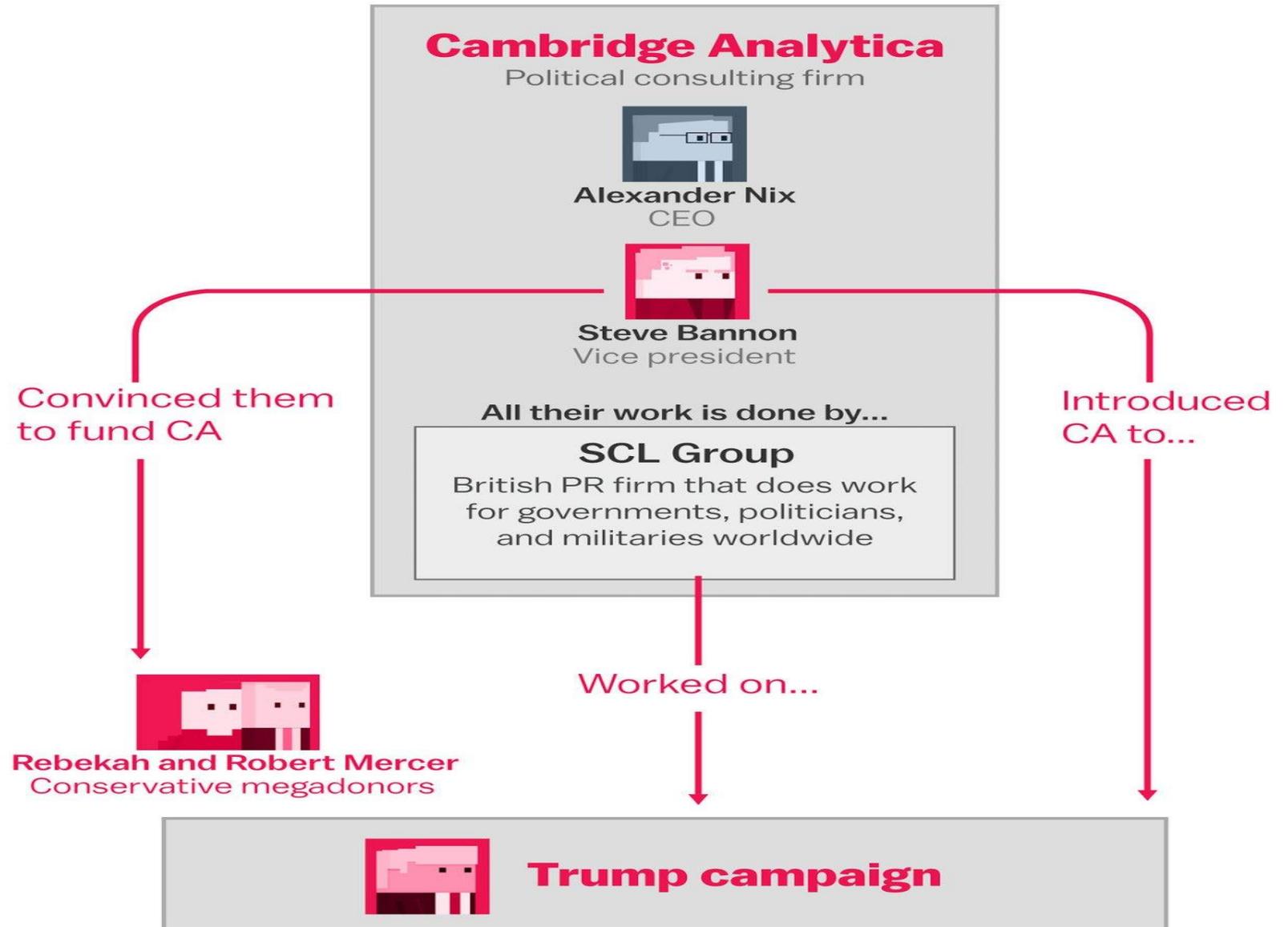
- In 2018, the British Parliament questioned SCL director Alexander Nix in a hearing about Cambridge Analytica's connections with Russian oil company, Lukoil.
- Democratic officials made it a point of emphasis for improved investigation over concerns of Russian ties with Cambridge Analytica. It was later confirmed by Christopher Wylie that Lukoil was interested in the company's data regarding political targeting.

## Donald Trump Campaign:

- 2016 presidential campaign utilized the harvested data to **build psychographic profiles**.
- This information was used as a **micro-targeting technique**.
- Ads were segmented into different categories, mainly based on whether individuals were Trump supporters or potential swing voters.
- **Supporters of Trump** received **triumphant visuals** of him, as well as information regarding polling stations.
- **Swing voters** were instead often shown images of Trump's more notable supporters and **negative graphics** or ideas about his opponent, Hillary Clinton.



# How was the data used by Trump Campaign



# Actions Taken By The Company & The CEO

- Facebook director Mark Zuckerberg first apologized for the situation with Cambridge Analytica on CNN, calling it an "issue", a "mistake" and a "breach of trust".
- He also reminded the platform's users of their right of access to personal data.
- Zuckerberg pledged to make changes and reforms in Facebook policy to prevent similar breaches.
- In April they decided to implement the European Union's General Data Protection Regulation in all areas of operation and not just the EU.



# Impact on Facebook

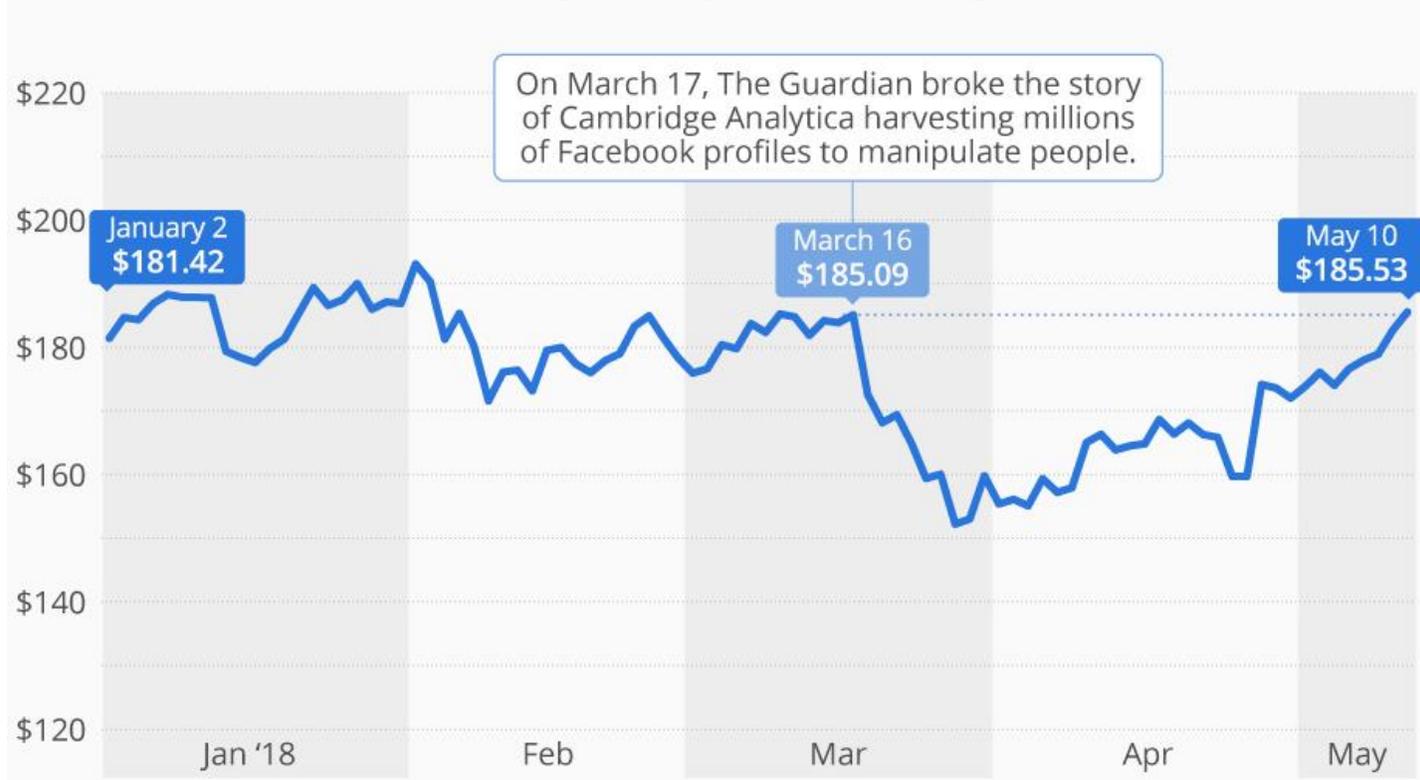


- ❑ Since April 2018, the first full month since the breaking of the Cambridge Analytica data scandal, the number of **likes, posts and shares on the site had decreased by almost 20%**, and has decreased ever since.
- ❑ Its stock plummeted by 13 percent in a single week in late March, wiping away **\$35 billion of shareholder value**
- ❑ The Italian banking company UniCredit and various other companies stopped advertising and marketing on Facebook.

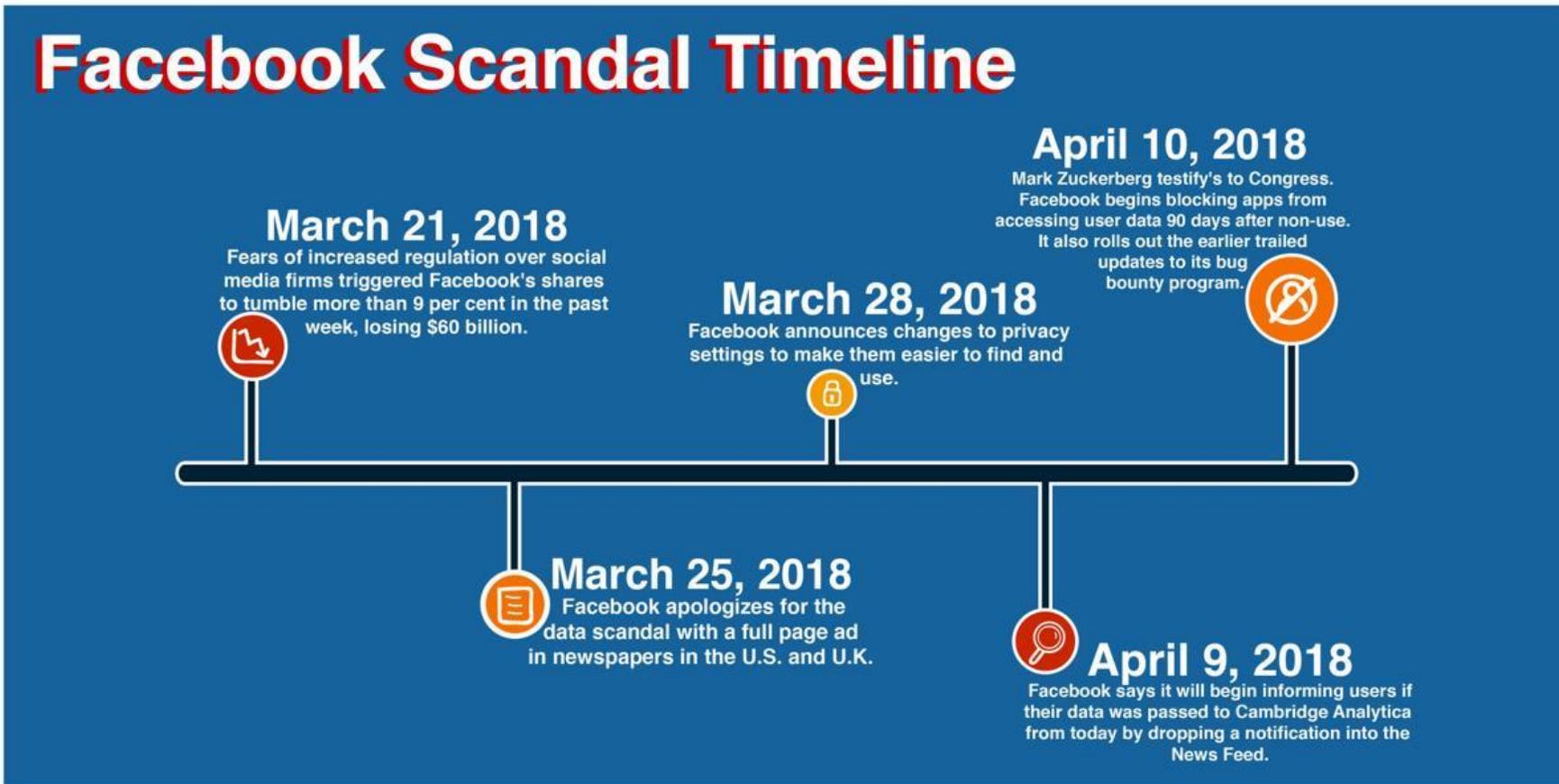
# The Delete Facebook Movement

- The public reacted to the data privacy breach by initiating the campaign **#DeleteFacebook** with the aim of starting a movement to boycott Facebook.
- The hashtag was used almost **90,000 times** on social media platforms.
- However, a survey found that although **84% of Facebook users were concerned** about how the app used their data, about **48% of those surveyed claimed they wouldn't actually cut back on their usage** of the social media network.
- Additionally, in 2018 Mark Zuckerberg commented that he didn't think the company had seen "a meaningful number of people act" on deleting Facebook.

Facebook's share price from January 2 to May 10, 2018 (closing prices)



# AFTERMATH



- The first half of 2018 saw two major privacy moments: In March, the Facebook/Cambridge Analytica scandal broke, followed in May by the EU General Data Protection Regulation ("GDPR") taking effect.
- These two events have been a catalyst for debate regarding the lack of sufficient safeguards, oversight measures and enforcement to adequately protect our data from exploitation.
- A year on, the world - including regulators and legislatures - has begun to wake up to the nature and the scale of the problem and how to grapple with it.

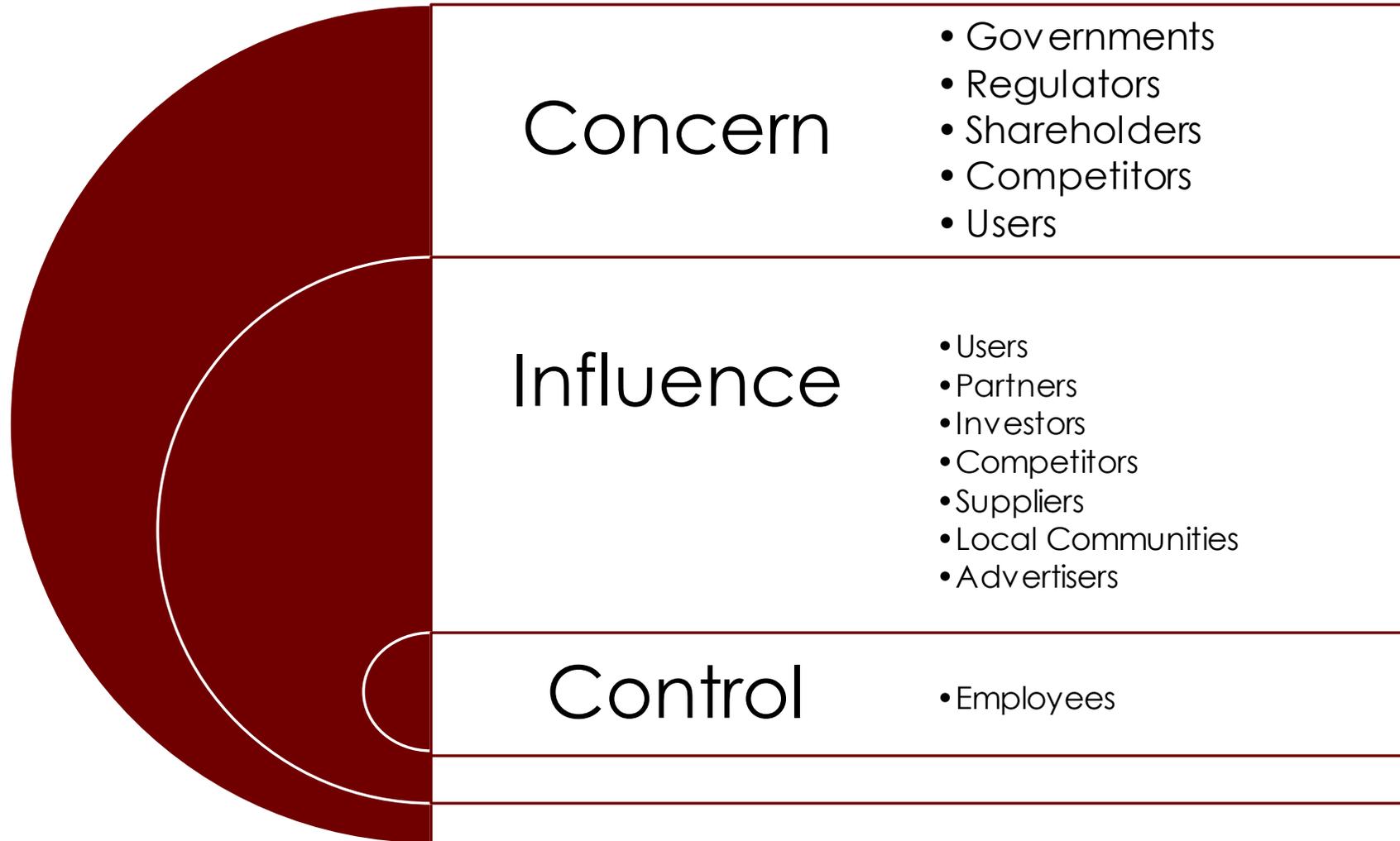
# Penalties

Facebook has been fined penalties by multiple regulators-

- **\$664,000 (£500,000) imposed by the UK's** Information Commissioner's Office, slapped in July 2018.
- **\$5 billion penalty slapped by the US** Federal Trades Commission (FTC) in July 2019 for violating a decree governing privacy breaches, stemming from the Cambridge Analytics scandal.
- **\$1.1 million by Italy's** data protection regulator for violations of local privacy law, attached to the Cambridge Analytica scandal. This fine was imposed in June 2019.
- **\$100 million by the US** Securities and Exchange Commission, imposed in July 2019, for making misleading statements regarding risk of misuse of Facebook user data, stemming from Cambridge Analytica scandal.



# Stakeholders -



## Short & Long Term Strategy by the C-Suite:

### Short Term –

- Educating Users of their Rights: Reminding the platform's users of their right of access to personal data.
- Make relevant changes and reforms in Facebook policy to prevent similar breaches in future and also make such policies easy to find & understand by the user.
- Implement the European Union's General Data Protection Regulation in all areas of operation and not just the EU.

### Long Term –

So as to gain the trust of stakeholders -

- Keeping people first; countries over companies
- Change the culture, need to have an oversight; being proactive & mindful of how the users' PII & SPI might get affected/compromised
- Be stringent with GDPR policies and cross-country compliances
- Identifying and patching the technical loopholes effectively and in time!
- Need to be more mindful of privacy and security & not prioritize growth over security and privacy at all costs



# Microsoft – Respecting Human Rights

“At Microsoft, respecting human rights is a critical component of our mission to empower every person and every organization on the planet to achieve more. Focus on human rights helps our employees to make good decisions and ethical choices, and builds trust with our customers and partners.”



Microsoft aspires to leadership in business and human rights and to serve as a catalyst for action by others – in the technology sector and beyond.

## Commitment and Approach

**Class-leading due diligence** - to conduct best-in-class human rights impact assessments on salient human rights actions, and emerging trends in business and human rights

**Rights-aware decision making** - deploying an integrated approach to human rights decision-making across key aspects of Microsoft

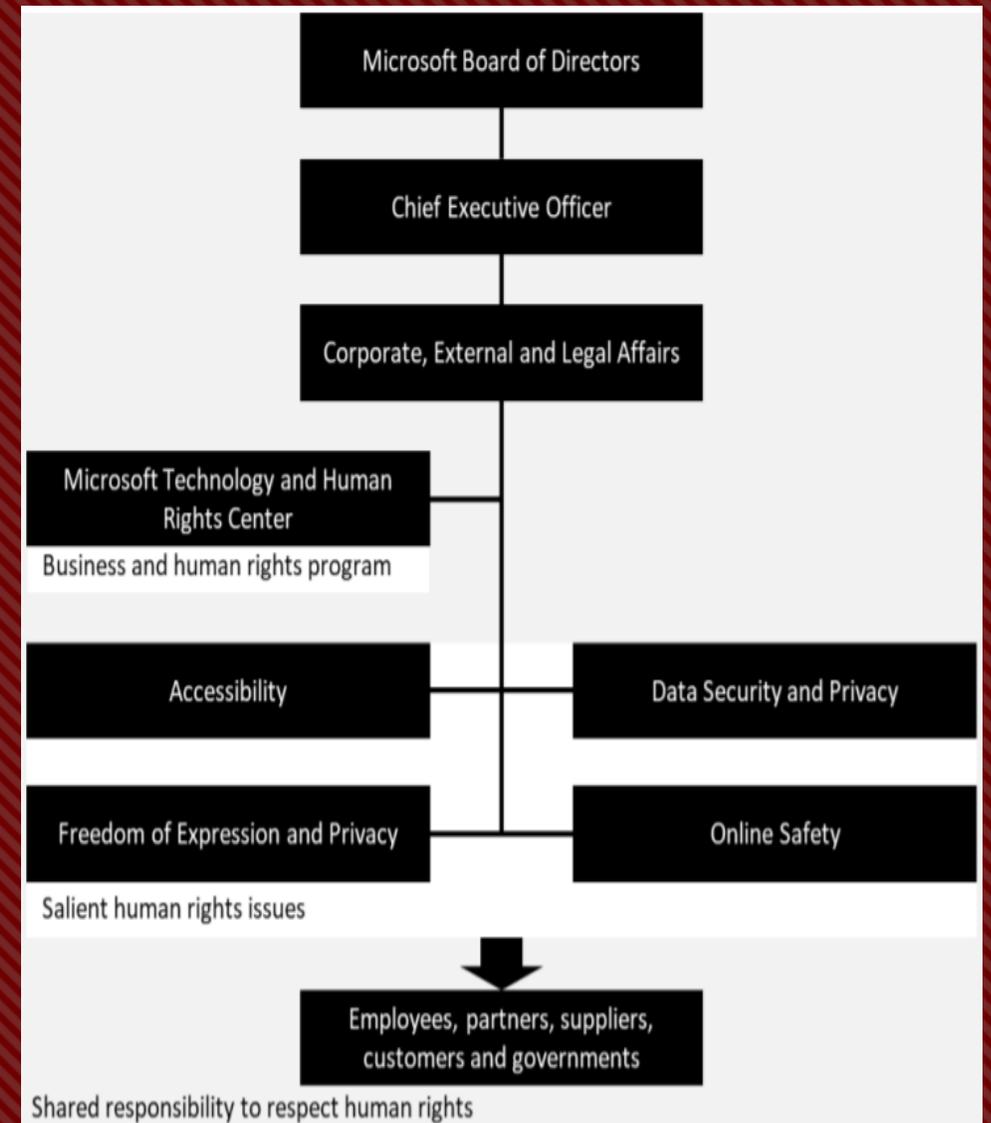
**Proactive engagement** - using actions and public statements to demonstrate that Microsoft is an important voice, and advocate for the promotion of human rights

**Transparent leadership** - advancing transparency in their work and promoting human rights through increased disclosure and engagement.



# Microsoft Technology & Human Rights Centre

- **Global Human Rights Statement**
- **Accessibility**
- **Freedom of expression and privacy**
- **Online safety**
- **Privacy and data security**
- **Responsible sourcing**



# References

- <file:///C:/Users/Agamy%20Sharma/Desktop/Agam/GRMI/R&C/Microsoft-Annual-Human-Rights-Report-FY19.pdf>
- <https://www.microsoft.com/en-us/corporate-responsibility/human-rights>
- <https://www.vox.com/policy-and-politics/2018/3/23/17151916/facebook-cambridge-analytica-trump-diagram>
- <https://www.vox.com/2018/3/21/17146674/zuckerberg-hearing-facebook-cambridge-analytica>



Thank You!

Whistleblower Brittany Kaiser