

Commissioner Julie Brill's Keynote Address
Joint USCIB/BIAC/OECD Conference on "Growth, Jobs, & Prosperity
in the Digital Age: OECD Shapes the Policy Environment"
March 10, 2014

Thank you, Joe Alhadeff, for that kind introduction, and to USCIB, BIAC, and the OECD for inviting me to speak today. I always look forward to the opportunity to discuss important privacy issues with my colleagues from around the globe.

Technology is transforming our lives. Its enormous benefits have become part of our daily routine. We use Google Maps to help us find our destinations, we search for medical information on WebMD, we manage our finances on mint.com, and we post selfies on Twitter.

But these now-familiar services are just the beginning of our connected future. Our cars are computers with wheels, wearable medical devices notify others when we are ill, and our connected refrigerator will soon tell us that we've had a sufficient amount of beer for one night. These transformative online and mobile experiences collectively yield an enormous amount of data about us. In a real sense, we are becoming the sum of our digital parts.

The estimates of the data we collectively generate are staggering. One estimate, already more than two years out of date, suggests that 1.8 trillion gigabytes of data were created in the year 2011 alone – that's the equivalent of every U.S. citizen writing three tweets per minute for almost 27,000 years.¹

This gold mine of data can be put to important, even transformative uses. We are all familiar with big data's ability to personalize our daily activities – helping companies determine which ads to pitch to us, which newspaper articles to recommend, and which movie should be next in our queue. But big data analytics promises to bring us more profound societal benefits like keeping kids in high school;² improving energy efficiency to help conserve our natural resources; available at

http://www.computerworld.com/s/article/9217988/World_s_data_will_grow_by_50X_in_next_decade_IDC_study_predicts?pageNumber=1.

² Centre for Information Policy Leadership, Big Data and Analytics: Seeking Foundations for Effective Privacy Guidance at 6-7 (Feb. 2013), available at http://www.hunton.com/files/Uploads/Documents/News_files/Big_Data_and_Analytics_February_2013.pdf. (discussing efforts to reduce the high school drop-out rate u20J(u)126<c. 239 (2013)

⁴ See Lisa Wirthman, How First Responders Are Using Big Data To Save Lives, EMC VOICE, Jan. 10, 2014, available at <http://www.forbes.com/sites/emc/2014/01/10/how-first-responders-are-using-big-data-to-save-lives/#>.

around deidentification that strike an appropriate balance and include both robust deidentification technologies and social agreements to not reassociate deidentified data with particular individuals. This means that companies should do everything technically possible to strip their data of identifying markers; they should make a public commitment not to try to re-identify the data; and they should contractually prohibit downstream recipients from doing the same.¹⁸

Although robust deidentification would help, it will not solve the problem of big data profiling. The entire data broker enterprise seeks to develop greater insight into the activities, status, beliefs, and preferences of individuals. The data the industry employs are therefore about or linkable to individuals.¹⁹

2. Create Institutional Ethical Monitoring

We must also support the creation of entities and structures that appropriately monitor the ethical use of data. One proposal calls for the creation of “Consumer Subject Review Boards” to determine whether particular projects using consumer data are both legal and ethical.²⁰ Another proposal calls for individual companies to appoint “algorithmists” –licensed professionals who would have ethical responsibilities for an organization’s appropriate handling of consumer data.²¹ Ethically trained computer scientists, algorithmists, and Consumer Subject Review Boards might all have an important role to play. But we should recognize that they will only thrive in firms that thoroughly embrace “privacy by design” – from the engineers and programmers all the way up to the C-suite – firms that understand the legal and ethical

Here's how it would work. Through creation of a consumer friendly one-stop on-line shop, Reclaim Your Name would empower the consumer to find out how data brokers are collecting and using her data; give her access to information that data brokers have amassed