Need for Institutional reform – Facebook

What is the issue?

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Individual users' privacy cannot be safeguarded on platforms such as Facebook without institutional reform.

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What is the recent criticism made against Facebook?

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- The New York Times recently documented that Facebook had granted its business partners, including Microsoft and Amazon, more intrusive access to user data than it had divulged.
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- Some deals permitted access even to private chats, allowing data access without users' permission.
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- These Business partners were given more intrusive access to user data than Facebook has ever disclosed.
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- In turn, the deals helped Facebook bring in new users, encourage them to use the social network more often, and drive up advertising revenue.
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What were the larger concerns made earlier?

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- **Free Basics issue** - Free Basics is an open platform launched by the Facebook that allows free access to certain websites and internet services to those users who cannot afford internet access.
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- However, free access is limited to selected partner websites and applications.
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- Facebook says that Free Basics was launched with a philanthropic motive to provide free digital access to poorer sections of the society in India.
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- However, this deal was opposed on grounds of net neutrality by those who recognised that Facebook would become a gatekeeper to the Internet.
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- Facebook was also not clearly stating how it would use the personal data of users on the Free Basics platform.
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- Subsequently, the telecom regulator imposed ban on Free Basics in India.
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- **WhatsApp acquisition issue** - Facebook changed its privacy policy after acquiring WhatsApp, with effect from September 2016.
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- The change allowed sharing a user's metadata between WhatsApp and Facebook, without clearly explaining what was being shared and how it was being used.
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- These changes to the terms of service were challenged in a public interest petition in the Delhi High Court.
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- However, the HC dismissed this legal challenge, since the fundamental right to privacy was not upheld as a fundamental right at that point in time.
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- The judgement was appealed against in the Supreme Court and subsequently the SC announced that a Constitution Bench would be constituted in this regard.
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- The government submitted that it had constituted a data protection committee headed by B.N. Srikrishna, on the same issue.
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- This has created delay in the hearing and the WhatsApp-Facebook case is still pending in the Supreme Court.
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- **Cambridge Analytica issue** - Cambridge Analytica, a data analytics company, managed to harvest data from Facebook users.
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- This was used to build psychological profiles of more than 50 million individuals.
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- A whistle-blower has uncovered it all, highlighting the commercial nexus

between Analytica and US politicians.
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- This was particularly aimed at influencing their voting preferences and the outcome of elections.
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- A company called Global Science Research (GSR) used a personality App with the permission of Facebook, for supposedly academic research purposes.
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- With the help of this, a psychology lecturer at Cambridge University managed to harvest data.
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- Data of millions of FB subscribers who used the personality App was sold for presidential campaign.
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- FB admitted that though GSR gained access in a legitimate manner, it allegedly violated the rules of agreement.
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- A Cambridge Analytica whistle-blower also pointed suspicion to the Indian elections by the Indian National Congress.
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- The matter was referred to the Central Bureau of Investigation, which launched a preliminary investigation in September 2018.
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- Till date, there is little public information on movement in this investigation.
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What should be done?

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- India has the second highest number of Internet users in the world.
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- Facebook, despite its unethical conduct, is of enduring value to millions of Indians.
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- However, India has little to show as a country in investigatory outcomes, measured regulatory responses or parliamentary processes which safeguard users.
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- Lack of institutional capacity to respond to these challenges is the underlying cause for our deficient national response.
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- Thus, to properly harness digitisation, India needs to develop and prioritise institutions of governance to protect users.
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- This must start immediately with a strong, rights-protecting, comprehensive privacy law.
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Source: The Hindu

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