

4.10 A Question of Ethics



Ethical data use grows as a concern, but we struggle to agree a global approach. Sectors set their own standards and try to align on some common principles.

Context

In the early days of the data revolution, it seems that many of those most deeply involved in data - and most at the forefront of how data is collected and used - gave the social implications of what they were working on very little thought. But how data is used and controlled raises many ethical concerns. Ethics is about the moral principles one adopts to guide one's actions and behaviours. It is about how people treat other people: whether their motives and intentions are benign, indifferent, or hostile; whether the effects they have on others is harmful or beneficial. Participants in our workshops often suggested that, in the race to collect, store, and use data, and the commercial opportunities that this creates, ethics have sometimes been sidelined.

Managing ethical complexities in an age of Big data can be tricky, given that little is covered by existing law, but there is growing recognition, particularly amongst governments and data organisations, but also more widely in civil society, that it is important. There is also growing recognition that a failure to rise to this challenge, risks undermining public trust, and confidence in the data industry as a whole.¹³⁹



Recognising that there is an ethical dimension to data collection and use is one thing. Agreeing what the appropriate ethical code should be is another, especially given:

- The multiple different uses of data across multiple different industries (from medicine to finance, routine administration to decisions about entitlements, credit or benefits, as well as multiple applications of AI to generate insights and automate decision-making)
- The wide range of potential ethical impacts of data use (covering, for example, whether current shares of financial and other benefits are fair, the extent and implications of pervasive surveillance, or whether particular uses of data are creating or exacerbating unfair discrimination)
- The disparate nature of key stakeholders (for-profit corporations, governments, academic researchers, individuals as citizens and consumers)
- The different norms and values adopted by different cultures and societies
- The different circumstances, needs, and priorities of these different cultures and societies.

What We Heard

From what we heard in our workshops, there is little doubt that, in the broad sense data, ethics are becoming a key part of the data debate. The accelerating development and media coverage of AI is very much amplifying the challenge.¹⁴⁰ In 2018, Google - widely regarded as having the most advanced AI - published an ethical framework outlined by its AI principles, the first of which focuses on being socially beneficial.¹⁴¹ Several workshops also highlighted Salesforce's appointment of its first Chief Ethical and Humane Use Officer, as a signal of wider change.¹⁴² The company is striving to make the ethical use of technology a source of differentiation. Whether this can also be a source of competitive advantage, in a way similar to how some are positioning themselves around privacy, is not yet clear. But as more companies push data ethics forward in tandem with calls for action from wider society, momentum for action is clearly building. In the meantime, multiple companies are seeking to protect themselves from risk by setting up ethics committees to oversee best practice.¹⁴³

“This is about leverage – ethics don't win against market access. The reality is that commercial benefit wins over global ethics.”

Bangkok workshop

While for many, the ethics of the value of data and the ethics of data use become implicitly interlinked, key areas of debate in our workshops were:

- Ethics versus profit
- Cultural differences
- Ethics and regulation
- Respecting data rights
- Flexible framework

Ethics vs Profit

In Washington DC, we were reminded that *“ethics are how you behave when no one is looking: it’s not what you can do, it’s what you should do.”*

This is not always as easy as it sounds. While not always in conflict, companies are having to make difficult choices about their ethical and commercial approach. A balance needs to be struck so that they can demonstrate responsible and ethical behaviour, while protecting and promoting commercial or strategic interests with the potential for profit and other considerations to override ethics.¹⁴⁴ In our Bangkok workshop, for example, there was a notable anecdote about Apple, which now complies with China’s requirements for data localisation.¹⁴⁵ The discussion concluded that *“this is about leverage – look at Apple’s deal for China: Apple caved in – ethics don’t win against market access. The reality is that commercial benefit wins over global ethics.”*

Cultural Differences

We often heard that any ethical framework around the value of data must, like the wider ethics landscape, acknowledge significant cultural differences. Those in Johannesburg asked, *“how do we incorporate the enormous variety in moral and ethical beliefs between different cultures?”* Discussions in Manila argued that *“ethics are inherently cultural and relative, and therefore inherently difficult to build into universal frameworks. If any universal framework were developed, it is highly likely to come from the West, where the data debates and infrastructure are more mature, and where the big data companies reside. This would be a new kind of cultural imposition on places like the Philippines.”*

In Singapore, they said that there is *“a general assumption that we do not have a common language around data ethics. This is complicated by the richness of cultural differences, and diversity of legal traditions.”* It also highlighted potential *“conflict between East and West philosophy,”* and questioned how things may change if, for instance, TenCent becomes as dominant as Google. Would a Chinese-driven view of ethics around data use and value be significantly different from the California perspective? Probably. In San Francisco, there was recognition that data ethics as a whole *“could well develop with alternative views globally – one driven by Western approaches and the other Chinese.”*

“Data ethics could well develop with alternative views globally – one driven by Western approaches and the other Chinese”

San Francisco workshop

In Madrid, analogies were drawn with lessons from religion: *“any religion has a common set of values, but with a data religion (data-ism), the commonality is not there. There is a need to recognise that data is not truth - it just presents information in different ways, and we must learn to recognise the bias, or lose our freedom of choice.”* Just as ethics generally vary across religions and cultures, so will views around ethical sharing of value.

Ethics and Regulation

The pros and cons of self-regulation vs government regulation were frequently discussed, particularly perhaps, due to the revelations around Cambridge Analytica and Facebook. Many were concerned that the current model, where individual companies self-manage their own behaviours, has failed, and that therefore, regulation is needed to limit the risk of unethical behaviours by some businesses.¹⁴⁶ The debate primarily focussed on whether regulation by industry sectors would be sufficient, or if central government regulation would be a better alternative. In Bangalore, it was observed that *“the law alone is not enough,”* and that even with regulation, there is a moral obligation for businesses and those who work within them, to behave with integrity. The Bangkok discussion looked at it from a different angle, suggesting national regulation, rather than corporate interest, was likely to have a stronger moral compass; *“ethics are inter-twined with regulation.”* In order to balance the requirement to protect citizens and also maintain a competitive environment for business, they acknowledged that a range of regulatory approaches may need to be considered, including cross-sector collaborations, similar to the Partnership on AI.¹⁴⁷ One idea that was explored was the need for a ‘Hippocratic Oath’ for data scientists. Just as medical professionals pledge to “do no harm,” individuals working with data should sign and abide by a set of common principles.

In Mexico City, the consensus was that *“we see that there will be two different approaches to the development of data ethics – public and private. It is the argument between regulation and self-regulation, and, between these, we may see different communities driving action.”* In Sydney, it was felt that change is necessary, and *“some will be driven by company frameworks, some by self-regulation, and some by central regulation.”* Looking ahead, one suggestion voiced in Washington DC was that the self-regulation route would only be effective if it followed *“a multi-stakeholder approach, which will establish principles and standards.”*

Those in Bogota largely supported self-regulation. Although recognising the difficulties, there was optimism that *“with co-operation, there will be agreement about base standards, and self-regulation will then be able to establish an ethical framework which can be applied across all sectors.”*

“With co-operation, there will be agreement about base standards, and self-regulation will then be able to establish an ethical framework which can be applied across all sectors.”

Bogota workshop

Respecting Data Rights

There was much debate in our workshops about how to deal with ethics in markets in which there is little or no regulation, and where, for example, the concept of digital rights, which is well established in Europe, is poorly understood. Those in South Africa felt that in the first instance, as with human rights and cultural views of data value, acknowledgment of and respect for data rights *“are likely to be highly regionalised.”* However, if we move in the direction of “data informing social development and public good,” then we *“will need a mechanism by which the level of trust in the intention to use data for a common good, can be measured and monitored.”*

Over in Manilla, they said that *“the public is moving from a position in which they are relatively unaware of their rights at all, let alone digital and data rights, to a more informed landscape.”* The view was that, as data literacy increases and public understanding of the value of data grows, so too will their expectations that companies will be required to behave to prescribed ethical standards. Furthermore, *“we may need to consider completely new kinds of rights. Algorithms and AI will extend the need for rights to entirely new demands.”*

This view was reflected in Mexico City, where they felt very strongly that *“over time, sufficient controls will be maintained to ensure that established ethical practices are not lost.”* There will be *“legislation and increased governance to maintain innovation opportunities within the digital economy, without jeopardising human rights.”*

Implications for Data Value

Where do all these views align? Despite the evident cultural differences, the common hope expressed in a number of workshops, is for some sort of global framework, or at least a set of principles for data ethics. If these are to be effective, then they will not only be designed to improve understanding, but they will also drive new behaviours. It's a good aspiration to have. However, given the cultural, political, and technological challenges, most recognised it is unlikely that a single global model will emerge any time soon.

“We will need a mechanism by which the level of trust in the intention to use data for a common good, can be measured and monitored.”

Pretoria workshop

In Sydney, the call was to *“establish a framework and a set of principles. These need to be universal, flexible, and forward-looking. Individuals and organisations need to be able to assert and change their rights. They need to cover the collection, storage, and use of data – as well as the risks. They also need to cover the relationships (who, what, and how).”* In Singapore, the call was for a *“universal framework.”* However, others in Manila questioned *“the idea of any imminent universal standards.”* Canadian experts agreed, and pointed out that *“there is no universal framework for this. But different systems/views have got to be on the same level, otherwise organisations will move to choose the best/easiest/most lenient/less enforced ethics jurisdiction, in the way they do for tax. So, there needs to be as much collaboration as possible; but this will not be possible globally.”* In India, the view was that, *“the desired end state is an ethics framework But it should be based on existing cultural principles.”*

Managing data is difficult, and developing practical solutions to ethical problems is also difficult. There is nothing easy about the interface between these two. Small surprise perhaps that our discussions did not reveal any magical solution to the challenges. There are none. However, there was widespread consensus in our workshops that the only way to ensure the sustainable value of the data that is generated, collated, processed, and monetised, is to work towards universal agreement around the ethical principles of its use.

How to achieve this is still under debate. Both “top-down” regulations, as well as “grassroots” efforts, seem to be raising more questions than answers about how we might define fairness, combat bias, and create ethics guidelines in data science and AI. Looking ahead, ensuring a proactive and meaningful approach to data ethics may well involve greater transparency than we see today, and greater expert engagement. For business, this may mean short-term compromises in efficiency and effectiveness, but few would disagree that in the long term, it is certainly worthwhile.

“There is no universal framework for this. But different systems/views have got to be on the same level, otherwise organisations will move to choose the best/easiest/most lenient/less enforced ethics jurisdiction, in the way they do for tax. So, there needs to be as much collaboration as possible; but this will not be possible globally.”

Toronto workshop



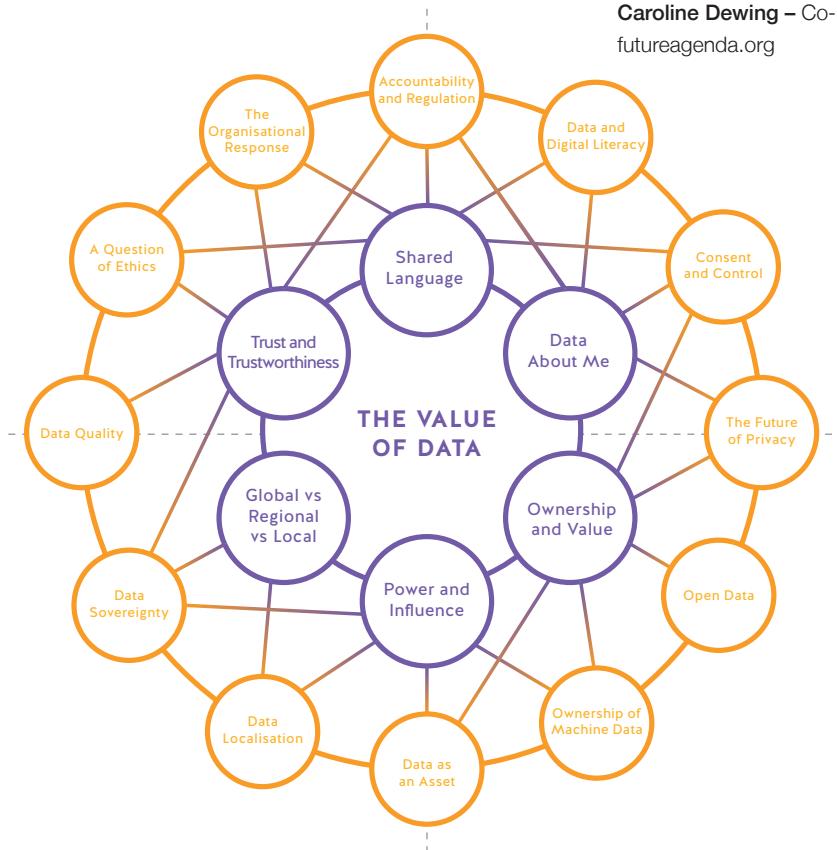
Context

This is one of 18 key insights to emerge from a major global open foresight project exploring the future value of data.

Throughout 2018, Future Agenda canvassed the views of a wide range of 900 experts with different backgrounds and perspectives from around the world, to provide their insights on the future value of data. Supported by Facebook and many other organisations, we held 30 workshops across 24 countries in Africa, Asia, the Americas, and Europe. In them, we reviewed the data landscape across the globe, as it is now, and how experts think it will evolve over the next five to ten years.

The aim of the project was to gain a better understanding of how perspectives and priorities differ across the world, and to use the diverse voices and viewpoints to help governments, organisations, and individuals to better understand what they need to do to realise data's full potential.

From the multiple discussions 6 over-arching themes were identified alongside 12 additional, related future shifts as summarised in the diagram below.



Details of each of these, a full report and additional supporting information can all be found on the dedicated mini-site: www.deliveringvaluethroughdata.org

About Future Agenda

Future Agenda is an open source think tank and advisory firm. It runs a global open foresight programme, helping organisations to identify emerging opportunities, and make more informed decisions. Future Agenda also supports leading organisations, large and small, on strategy, growth and innovation.

Founded in 2010, Future Agenda has pioneered an open foresight approach bringing together senior leaders across business, academia, NFP and government to challenge assumptions about the next ten years, build an informed view and establish robust growth strategies focused on major emerging opportunities. We connect the informed and influential to help drive lasting impact.

For more information please see: www.futureagenda.org

For more details of this project contact:

Dr Tim Jones – Programme Director,
tim.jones@futureagenda.org

Caroline Dewing – Co-Founder, caroline.dewing@futureagenda.org

Text © Future Agenda
Images © istockimages.com
First published November 2019 by:
Future Agenda Limited
84 Brook Street
London
W1K 5EH