



CONSUMER PRIVACY

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THE ISSUE:

Two companies control the primary channels that Americans rely on to engage with the internet. Over two-thirds of the American population now uses Facebook and Google each month.

Facebook is the United States' dominant social media company, used by 220.5M Americans each month. Facebook's influence extends beyond the Facebook platform itself, and also includes Facebook-owned entities such as WhatsApp, Messenger and Instagram. Google occupies an even larger share of the American market – 246M Americans use Google each month. Search engines are a crucial source of information; Google accounts for around 88% of US search engine use. 73% of adults in the US use YouTube, Google's video platform.

But despite the real value of the services they provide, Google and Facebook's platforms come at a systemic cost. The companies' surveillance-based business model forces people to submit to an unprecedented assault on our right to privacy in order to access these services. The companies have conditioned access to their services on "consenting" to processing and sharing of personal data for marketing and advertising, directly countering the right to decide when and how our personal data can be shared with others. In other words, we pay for the services with our intimate personal data.

These two companies collect extensive data on what we search; where we go; who we talk to; what we say; what we read; and, through the analysis made possible by computing advances, have the power to infer what our moods, ethnicities, sexual orientation, political opinions, and vulnerabilities may be. These algorithmic systems have also been shown to pose other potential threats to people's rights, including the right to freedom of expression, and the risk of algorithms exacerbating discrimination against minority populations.

RECOMMENDATIONS:

The President should work with Congress to pass strong data protection laws with human rights at the front and center. These laws should restrict the amount and scope of personal data that can be collected, strictly limit the purpose for which companies process that data, and ensure inferences about individuals drawn from the collection and processing of personal data are protected. Companies must also be prevented from making access to their service conditional on individuals "consenting" to the collection, processing or sharing of their personal data for marketing or advertising.

TALKING POINTS:

Over two-thirds of the American population now uses Facebook and Google each month. They have created a new public square, setting the rules of digital interaction for the vast majority of Americans, based on an invisible web of pervasive tracking and profiling.

The companies' surveillance-based business model forces people to submit to an unprecedented assault on our right to privacy. The companies require that we give them access to our personal data in order to use these services.

The scale of the data collected by Facebook and Google means that they are amassing more information on people and what we do than previously imaginable. The aggregation of so much data, combined with the use of sophisticated data analysis tools, can reveal very intimate and detailed information; in effect, the companies can know virtually everything about an individual.

But for the past two decades, technology companies have been largely left to self-regulate. There are currently almost no limitations on what kind of data these companies can collect, nor any limitations on what they can do with this data. They can even sell it to other companies.

We need strong privacy protections based on fundamental human rights, including the right to privacy.

We don't let oil companies drill for oil in the middle of national parks. We don't let car companies put cars on the road without basic safety features. We don't let pharmaceutical companies release drugs without rigorous testing. Why should tech companies get a free pass on their harmful behavior?

ADDITIONAL RESOURCES:

- Amnesty International. 2019. Surveillance Giants: How the business model of Google and Facebook threatens human rights. <https://www.amnesty.org/en/documents/pol30/1404/2019/en/>

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