

A new data privacy mantra: Be the consumer, not the product

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For most Pennsylvanians, recent years have brought an increasingly significant reliance on technology: household projects, cooking and baking, banking and investments and social media. In each application, or on each website, there is a sign-up page with a host of questions or open fields requesting user data in order to proceed to the instructions, the recipes, the financial information and the photos and comments of friends and family. This seemingly simple data requirement “wall” is all that stands between the user and the product they seek, but does quickly and complacently providing such information open the door to making the consumer the product?

“Only we can protect our data. The users. Us.” says Mark Weinstein, CEO and Founder of MeWe, the self-proclaimed next-gen social media network and “anti-Facebook.” “We can do that by selecting the companies we do business with.” Weinstein hails his social media platform as a data-respecting alternative to Facebook, Twitter and other platforms that include advertisements and sell user data to advertisers. “It’s any company where you’re the product that they sell,” said Weinstein. “Their customers who pay their bills are the advertisers, the marketers and the politicians they serve.” The MeWe platform does not include advertisements, opting instead to provide paid premium options that include a wide array of extra enhancements including custom emojis and stickers, live voice and live video calling, extra cloud storage and other features.

Federal Trade Commission attorney for the Division of Privacy and Identity Protection Sarah Choi echoes Weinstein’s thoughts on the importance of consumers, online and offline, educating themselves about the businesses they are using and knowing their respective comfort level with the business’ practices and policies. Choi emphasizes how crucial it is for consumers to understand what information is being collected, how it is being used and with whom it is being shared. When using online services, this information can often be found in a company’s privacy policy. “Ask yourself if you are comfortable doing business with them based on their data collection, use and sharing practices; if not, consider your alternatives.”

Choi reiterates that just as most consumers would not consider freely providing documents with confidential identification information to businesses and other organizations they work with on a regular basis, they should also exercise such guidance in everyday encounters, including the ever-evolving mainstream mall kiosk, department store or grocery shopping experience. When prompted for private data, Choi encourages consumers to take pause and ask why their personal information is required and how it will be used. “You can ask the question, ‘Can you complete this sales transaction without that information?’ and often times they can,” said Choi. “Just because someone asks for [your data] doesn’t mean you have to provide it, necessarily.”

In addition to the review of business policies and practices, Choi stresses the importance of carefully monitoring regular utility and other bills, financial statements and health records. She explains that by knowing bill due dates and monthly charges, as well as cross-checking health care visit records versus insurance statements, consumers can avoid accounting errors and other general payment problems. Perhaps even more importantly, this awareness and double-checking can help consumers more quickly

identify when an information breach has occurred. In the situations of compromised information, Choi points to the Federal Trade Commission's page devoted to such issues: [IdentityTheft.gov](https://www.ftc.gov/identitytheft). "It can be a frustrating and scary situation to be in," said Choi. "[The FTC] will walk you through what to do in that scenario."

Locally, Pennsylvania Senator Kristin Phillips-Hill of York spoke about the keen appreciation that she and the other members of the Senate Communications & Technology Committee have as it pertains to the data privacy and protection of Pennsylvanians across the commonwealth. She and her colleagues, including Senators Dan Laughlin of Erie and Gene Yaw of Williamsport, introduced the 2020 Senate Bill 487, which featured much needed updates to the Breach of Personal Information Notification Act from 2005. "We realize that we need some commonsense guidelines and measures in place to alert Pennsylvanians, and to take these data breach threats very seriously," said Phillips-Hill. "We see the need for an annual review of policies because technology often changes faster than the law does." Phillips-Hill noted that the bill did not pass in 2020, but she and fellow senators intend to reintroduce the legislation in 2021.

Regarding her constituents' personal and business privacy practices, Phillips-Hill says it boils down to what is often referred to as "cyber hygiene." Cyber hygiene is loosely defined as the practices and steps that users of computers and other devices take to maintain system health and improve online security. Phillips-Hill relates it to the awareness of in-person and telephone-style scams of the past that most adults can relate to. "I remember when my parents worried about my grandmother being vulnerable to a deceptive sales scam – the door-to-door roof repair scam," said Phillips-Hill. "Then that moved to the telephone, with a scam saying, 'You're in arrears and you need to send payment immediately.'" Phillips-Hill says this type of fraudulent scheme has now progressed to emails that look like they're coming from companies we have accounts with, therefore making recipients more likely to press on the links therein. She stresses the need for consumers to question such things, and if in doubt, contact the company the communication appears to come from to verify or inform them of the scam.

It is possible, however, that even if consumers maintain personal cyber hygiene and hold legislators accountable to put laws in place to protect their data, this might not completely curtail the use of that data in misleading, if not nefarious ways. "The privacy policy really doesn't matter," said Weinstein. "If they are a known violator of their policies and the laws in the past, then don't do business with them." Among other violations, Weinstein was referring to the Federal Trade Commission's investigation into Facebook's privacy practices that resulted in a new privacy structure mandate for Facebook ordered by the FTC and \$5 billion penalty in 2019. Facebook is not alone. In December 2020, the FTC issued orders to nine social media and video streaming services, seeking data about how the companies collect, use, and present information. The companies were Amazon, TikTok, Discord, Facebook, Reddit, Snap, Twitter, WhatsApp and YouTube.

While it might be difficult to consider how consumer data is being used by companies, one answer might be simpler than expected: user data is used to gain more user data. User data is the product the companies sell to its customers, the advertisers. The data sought runs the gamut from potential purchase interests to personal likes and dislikes and computer and phone usage. The longer the consumer remains engaged with the software or platform, the more data the company gathers. For many of the companies seeking more data through more engagement, the phrase "any attention is good

attention” is at the forefront without consideration of the consequences of the methods they use to retain consumer attention and engagement.

One tactic often used to retain engagement is to stir deep emotion within the consumer. “Outrageous content is sensational, and it drives engagement,” said Weinstein. “We will engage more with outrageous content. It’s meant to upset and offend us.” Most consumers consider themselves to be intelligent and autonomous individuals who would not appreciate the idea of being manipulated to engage with a business to provide it further information to package to advertisers or use to further manipulate users into even more engagement.

More concerning than that, perhaps, are the repercussions of such manipulation consumers are regularly experiencing in their lives and their society. In September 2020, Tim Kendall, former director of monetization for Facebook, spoke to Congress as part of a House Commerce subcommittee hearing examining how social media platforms contribute to the mainstreaming of extremist and radicalizing content. “The social media services that I and others have built over the past 15 years have served to tear people apart with alarming speed and intensity,” Kendall said in his opening testimony. “At the very least, we have eroded our collective understanding—at worst, I fear we are pushing ourselves to the brink of a civil war.” While Kendall’s sentiments are strong and might veer toward the dramatic, most consumers are familiar with some type of social media or other online banter in recent months that lends support to his view. Weinstein expresses concern on this point and cites the curation of Facebook’s newsfeed, saying that not only does it shape users’ opinions and critical thinking, it nearly eliminates the true idea of freedom of speech. “It’s disrupting democracy. It is causing incredible friction,” said Weinstein. “Democracy is about the fact that it is ok to disagree.”

The creator of the world wide web Tim Berners-Lee once said, “The original idea of the web was that it should be a collaborative space where you can communicate through sharing information.” Today Pennsylvanians, as educated consumers, are presented with a pivotal place in data privacy history with the ability to empower themselves, as well as their friends, family and business associates to pause and reflect on the businesses and services offered to them in-person and online. “We all live online today,” said Weinstein, “And I love social media. I love what communication technology provides to us.” Motivated, intelligent consumers can find ways to retain the positive options made available by technology while also respecting access to their, and others, private information. With that in mind, it seems today’s consumers should adopt a new mantra: Be the consumer, not the product.

**Facebook was contacted for an interview for this story, but declined to provide an interview or comment.*

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