

DIGITAL GUARDIANS?

HOW DATA PROTECTION OFFICERS (DO AND DON'T) NAVIGATE ETHICAL DILEMMAS

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Why Data Protection Officers (DPOs) Matter

- They figure in prominently in the General Data Protection Regulation (GDPR), the prevailing privacy law in the European Union.
- Officers are responsible for educating the company and employees about surveillance, serving as the go-between for their company and any other authorities. Failing to meet compliance standards can leave companies and institutions subject to stiff penalties and fines.
- Article 37 stipulates that firms must hire or contract DPOS to serve as independent watchdogs, supporting a company's data protection strategy and the implementation to ensure compliance with the GDPR.
- Estimates indicate an expected global need for 75,000 such positions.
- Existing efforts on ethical training may be inadequate, thereby threatening the privacy of the public.



European Data Protection Supervisor (EDPS), Twitter Account, 2023

Methodology

- A network analysis characterizes this study.
- Data was gathered from government statements detailing companies out of GDPR compliance. These statements were translated into English. Data was also gathered from online forums, specialized media articles and social media posts. For this study, 91 Tweets were analyzed and categorized along with a discussion on Quora.
- An analysis of more than four dozen job descriptions for companies in Germany, the UK, France and Spain were studied.
- It should be noted that the Tweets used #ICDPPC2018 that centered around the 40th International Conference of Data Protection and Privacy Commissioners. All data, with the exception of the German release, were written in English.

Results and Discussion

Findings from the articles, online discussion and Tweets point to a general awareness of the ethical challenges professional data protection officers face in implementing the GDPR. Analysis of the comments from articles indicate a dotted landscape in approach to GDPR ethics with conflicts of interest forming a major subject of interest. Analysis of tweets from #ICDPPC2018 indicates strong interest in addressing ethics within the GDPR.

Conflicts of interest among data protection officers as a subject matter have been discussed among the wider public, in online forums, technology-news focused websites and social media platforms.

A. Quora

On Quora, a question, “How do the duties conflict between in-house counsel and Data Protection [O]fficer?” was raised. The respondents were professionals working in the field who specifically addressed conflict of interest matters. There was a range of responses.

B. Specialized Press

An analysis of three articles published on tech websites indicated that the issue has not captured widespread attention. Content was framed around ethics and its connection to security, privacy and legal compliance. Through these articles, digital trust was connected to building customer brand loyalty.

C. Twitter Data

Twitter data using the hashtag #icdppc2018 found that tweets focused on ethics in technology. Four major trends emerged on Twitter concerning ethics. Tweets were categorized in four classes. The first on the urgency of now. The second on most on human rights and dignity. The third focused on tweets in compliance. The fourth focused on reactions to major technology companies.

Recommendations

- Be more proactive and preventative
- Frame privacy as a human right
- Create consistent and comprehensive ethical training
- Provide regular training to data protection officers
- Create opportunities for shared best practices among data protection officers

Future Directions

The next step in this study is to conduct interviews with data protection officers. These interviews will help to determine frequencies of conflicts of interest and how officers handle them.

Conclusions

Several cases have popped up across the European Union that affirm that further ethical training is necessary to ensure the protection of data. Recent decisions by across the European Union indicate a need to more systematically address ethics among data protection officers. More training in ethics is needed to ensure successful compliance. This would benefit not only the GDPR, but the many countries around the world that are modeling similar laws off of it.

The GDPR has been part of a growing global awareness to more effectively address privacy and security. Problems have arisen within the ethics of data protection officers and their ability to protect data while avoiding conflicts of interest. There is reason to believe that the specific challenges facing data protection officers remain unaddressed.

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