

# Data Protection

Responsible Data Science  
DS-UA 202 and DS-GA 1017

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This reader contains links to online materials and excerpts from selected articles on data protection. For convenience, the readings are organized by course week. Please note that some excerpts end in the middle of a section. Where that is the case, the partial section is not required reading.

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## **Week 8: Anonymity and Privacy**

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## The Algorithmic Foundations of Differential Privacy

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# 1

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## The Promise of Differential Privacy

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“Differential privacy” describes a promise, made by a data holder, or *curator*, to a data subject: “You will not be affected, adversely or otherwise, by allowing your data to be used in any study or analysis, no matter what other studies, data sets, or information sources, are available.” At their best, differentially private database mechanisms can make confidential data widely available for accurate data analysis, without resorting to data clean rooms, data usage agreements, data protection plans, or restricted views. Nonetheless, data utility will eventually be consumed: the Fundamental Law of Information Recovery states that overly accurate answers to too many questions will destroy privacy in a spectacular way.<sup>1</sup> The goal of algorithmic research on differential privacy is to postpone this inevitability as long as possible.

Differential privacy addresses the paradox of learning nothing about an individual while learning useful information about a population. A medical database may teach us that smoking causes cancer, affecting an insurance company’s view of a smoker’s long-term medical costs. Has the smoker been harmed by the analysis? Perhaps — his insurance

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<sup>1</sup>This result, proved in Section 8.1, applies to *all* techniques for privacy-preserving data analysis, and not just to differential privacy.

premiums may rise, if the insurer knows he smokes. He may also be helped — learning of his health risks, he enters a smoking cessation program. Has the smoker’s privacy been compromised? It is certainly the case that more is known about him after the study than was known before, but was his information “leaked”? Differential privacy will take the view that it was not, with the rationale that the impact on the smoker is the same *independent of whether or not he was in the study*. It is the *conclusions reached* in the study that affect the smoker, not his presence or absence in the data set.

Differential privacy ensures that the same conclusions, for example, smoking causes cancer, will be reached, independent of whether any individual opts into or opts out of the data set. Specifically, it ensures that any sequence of outputs (responses to queries) is “essentially” equally likely to occur, independent of the presence or absence of any individual. Here, the probabilities are taken over random choices made by the privacy mechanism (something controlled by the data curator), and the term “essentially” is captured by a parameter,  $\epsilon$ . A smaller  $\epsilon$  will yield better privacy (and less accurate responses).

Differential privacy is a *definition*, not an algorithm. For a given computational task  $T$  and a given value of  $\epsilon$  there will be many differentially private algorithms for achieving  $T$  in an  $\epsilon$ -differentially private manner. Some will have better accuracy than others. When  $\epsilon$  is small, finding a highly accurate  $\epsilon$ -differentially private algorithm for  $T$  can be difficult, much as finding a numerically stable algorithm for a specific computational task can require effort.

## 1.1 Privacy-preserving data analysis

Differential privacy is a definition of privacy tailored to the problem of privacy-preserving data analysis. We briefly address some concerns with other approaches to this problem.

*Data Cannot be Fully Anonymized and Remain Useful.* Generally speaking, the richer the data, the more interesting and useful it is. This has led to notions of “anonymization” and “removal of personally identifiable information,” where the hope is that portions of the

data records can be suppressed and the remainder published and used for analysis. However, the richness of the data enables “naming” an individual by a sometimes surprising collection of fields, or attributes, such as the combination of zip code, date of birth, and sex, or even the names of three movies and the approximate dates on which an individual watched these movies. This “naming” capability can be used in a *linkage attack* to match “anonymized” records with non-anonymized records in a different dataset. Thus, the medical records of the governor of Massachusetts were identified by matching anonymized medical encounter data with (publicly available) voter registration records, and Netflix subscribers whose viewing histories were contained in a collection of anonymized movie records published by Netflix as training data for a competition on recommendation were identified by linkage with the Internet Movie Database (IMDb).

Differential privacy neutralizes linkage attacks: since being differentially private is a property of the data access mechanism, and is unrelated to the presence or absence of auxiliary information available to the adversary, access to the IMDb would no more permit a linkage attack to someone whose history is in the Netflix training set than to someone not in the training set.

*Re-Identification of “Anonymized” Records is Not the Only Risk.* Re-identification of “anonymized” data records is clearly undesirable, not only because of the re-identification *per se*, which certainly reveals membership in the data set, but also because the record may contain compromising information that, were it tied to an individual, could cause harm. A collection of medical encounter records from a specific urgent care center on a given date may list only a small number of distinct complaints or diagnoses. The additional information that a neighbor visited the facility on the date in question gives a fairly narrow range of possible diagnoses for the neighbor’s condition. The fact that it may not be possible to match a specific record to the neighbor provides minimal privacy protection to the neighbor.

*Queries Over Large Sets are Not Protective.* Questions about specific individuals cannot be safely answered with accuracy, and indeed one

might wish to reject them out of hand (were it computationally feasible to recognize them). Forcing queries to be over large sets is not a panacea, as shown by the following *differencing attack*. Suppose it is known that Mr. X is in a certain medical database. Taken together, the answers to the two large queries “How many people in the database have the sickle cell trait?” and “How many people, not named X, in the database have the sickle cell trait?” yield the sickle cell status of Mr. X.

*Query Auditing Is Problematic.* One might be tempted to *audit* the sequence of queries and responses, with the goal of interdicting any response if, in light of the history, answering the current query would compromise privacy. For example, the auditor may be on the lookout for pairs of queries that would constitute a differencing attack. There are two difficulties with this approach. First, it is possible that *refusing* to answer a query is itself disclosive. Second, query auditing can be computationally infeasible; indeed if the query language is sufficiently rich there may not even exist an algorithmic procedure for deciding if a pair of queries constitutes a differencing attack.

*Summary Statistics are Not “Safe.”* In some sense, the failure of summary statistics as a privacy solution concept is immediate from the differencing attack just described. Other problems with summary statistics include a variety of *reconstruction attacks* against a database in which each individual has a “secret bit” to be protected. The utility goal may be to permit, for example, questions of the form “How many people satisfying property  $P$  have secret bit value 1?” The goal of the adversary, on the other hand, is to significantly increase his chance of guessing the secret bits of individuals. The reconstruction attacks described in Section 8.1 show the difficulty of protecting against even a *linear* number of queries of this type: unless sufficient inaccuracy is introduced almost all the secret bits can be reconstructed.

A striking illustration of the risks of releasing summary statistics is in an application of a statistical technique, originally intended for confirming or refuting the presence of an individual’s DNA in a forensic mix, to ruling an individual in or out of a genome-wide association study. According to a Web site of the Human Genome Project, “Single nucleotide polymorphisms, or SNPs (pronounced “snips”), are DNA



sequence variations that occur when a single nucleotide (A,T,C, or G) in the genome sequence is altered. For example a SNP might change the DNA sequence AAGGCTAA to ATGGCTAA.” In this case we say there are two alleles: A and T. For such a SNP we can ask, given a particular reference population, what are the frequencies of each of the two possible alleles? Given the allele frequencies for SNPs in the reference population, we can examine how these frequencies may differ for a subpopulation that has a particular disease (the “case” group), looking for alleles that are associated with the disease. For this reason, genome-wide association studies may contain the allele frequencies of the case group for large numbers of SNPs. By definition, these allele frequencies are only aggregated statistics, and the (erroneous) assumption has been that, by virtue of this aggregation, they preserve privacy. However, given the genomic data of an individual, it is theoretically possible to determine if the individual is in the case group (and, therefore, has the disease). In response, the National Institutes of Health and Wellcome Trust terminated public access to aggregate frequency data from the studies they fund.

This is a challenging problem even for differential privacy, due to the large number — hundreds of thousands or even one million — of measurements involved and the relatively small number of individuals in any case group.

*“Ordinary” Facts are Not “OK.”* Revealing “ordinary” facts, such as purchasing bread, may be problematic if a data subject is followed over time. For example, consider Mr. T, who regularly buys bread, year after year, until suddenly switching to rarely buying bread. An analyst might conclude Mr. T most likely has been diagnosed with Type 2 diabetes. The analyst might be correct, or might be incorrect; either way Mr. T is harmed.

*“Just a Few.”* In some cases a particular technique may in fact provide privacy protection for “typical” members of a data set, or more generally, “most” members. In such cases one often hears the argument that the technique is adequate, as it compromises the privacy of “just a few” participants. Setting aside the concern that outliers may be precisely those people for whom privacy is most important, the “just a few”

philosophy is not intrinsically without merit: there is a social judgment, a weighing of costs and benefits, to be made. A well-articulated definition of privacy consistent with the “just a few” philosophy has yet to be developed; however, for a single data set, “just a few” privacy can be achieved by randomly selecting a subset of rows and releasing them in their entirety (Lemma 4.3, Section 4). Sampling bounds describing the quality of statistical analysis that can be carried out on random subsamples govern the number of rows to be released. Differential privacy provides an alternative when the “just a few” philosophy is rejected.

## **1.2 Bibliographic notes**

Sweeney [81] linked voter registration records to “anonymized” medical encounter data; Narayanan and Shmatikov carried out a linkage attack against anonymized ranking data published by Netflix [65]. The work on presence in a forensic mix is due to Homer et al. [46]. The first reconstruction attacks were due to Dinur and Nissim [18].

## What does it mean to preserve privacy?

BY CYNTHIA DWORK

# A Firm Foundation for Private Data Analysis

IN THE INFORMATION realm, loss of privacy is usually associated with failure to control access to information, to control the flow of information, or to control the purposes for which information is employed. Differential privacy arose in a context in which ensuring privacy is a challenge even if all these control problems are solved: privacy-preserving statistical analysis of data.

The problem of *statistical disclosure control*—revealing accurate statistics about a set of respondents while preserving the privacy of individuals—has a venerable history, with an extensive literature spanning statistics, theoretical computer science, security, databases, and cryptography (see, for example, the excellent survey of Adam and Wortmann,<sup>1</sup> the discussion of related work in Blum et al.,<sup>2</sup> and the *Journal of Official Statistics* dedicated to confidentiality and disclosure control).

This long history is a testament to the importance of the problem. Statistical databases can be of enormous social value; they are used for apportioning resources, evaluating medical therapies, understanding the spread of disease, improving economic utility, and informing us about ourselves as a species.

The data may be obtained in diverse ways. Some data, such as census, tax, and other sorts of official data, is compelled; other data is collected opportunistically, for example, from traffic on the Internet, transactions on Amazon, and search engine query logs; other data is provided altruistically, by respondents who hope that sharing their information will help others to avoid a specific misfortune, or more generally, to increase the public good. Altruistic data donors are typically promised their individual data will be kept confidential—in short, they are promised “privacy.” Similarly, medical data and legally compelled data, such as census data and tax return data, have legal privacy

### » key insights

- **In analyzing private data, only by focusing on rigorous privacy guarantees can we convert the cycle of “propose-break-propose again” into a path of progress.**
- **A natural approach to defining privacy is to require that accessing the database teaches the analyst nothing about any individual. But this is problematic: the whole point of a statistical database is to teach general truths, for example, that smoking causes cancer. Learning this fact teaches the data analyst something about the likelihood with which certain individuals, not necessarily in the database, will develop cancer. We therefore need a definition that separates the utility of the database (learning that smoking causes cancer) from the increased risk of harm due to joining the database. This is the intuition behind *differential privacy*.**
- **This can be achieved, often with low distortion. The key idea is to randomize responses so as to effectively hide the presence or absence of the data of any individual over the course of the lifetime of the database.**



mandates. In my view, ethics demand that opportunistically obtained data should be treated no differently, especially when there is no reasonable alternative to engaging in the actions that generate the data in question.

The problems remain: even if data encryption, key management, access control, and the motives of the data curator are all unimpeachable, what does it mean to preserve privacy, and how can it be accomplished?

### “How” Is Hard

Let us consider a few common suggestions and some of the difficulties they can encounter.

**Large Query Sets.** One frequent suggestion is to disallow queries about a specific individual or small set of individuals. A well-known differencing argument demonstrates the inadequacy

of the suggestion. Suppose it is known that Mr. X is in a certain medical database. Taken together, the answers to the two large queries “How many people in the database have the sickle cell trait?” and “How many people, not named X, in the database have the sickle cell trait?” yield the sickle cell status of Mr. X. The example also shows that encrypting the data, another frequent suggestion (oddly), would be of no help at all. The privacy compromise arises from correct operation of the database.

In *query auditing*, each query to the database is evaluated in the context of the query history to determine if a response would be disclosive; if so, then the query is refused. For example, query auditing might be used to interdict the pair of queries about sickle cell trait just described. This approach is problematic for several reasons,

among them that query monitoring is computationally infeasible<sup>16</sup> and that the refusal to respond to a query may itself be disclosive.<sup>15</sup>

We think of a database as a collection of *rows*, with each row containing the data of a different respondent. In *sub-sampling* a subset of the rows is chosen at random and released. Statistics can then be computed on the subsample and, if the subsample is sufficiently large, these may be representative of the dataset as a whole. If the size of the subsample is very small compared to the size of the dataset, this approach has the property that every respondent is unlikely to appear in the subsample. However, this is clearly insufficient: Suppose appearing in a subsample has terrible consequences. Then every time subsampling occurs *some* individual suffers horribly.

In *input perturbation*, either the data or the queries are modified before a response is generated. This broad category encompasses a generalization of subsampling, in which the curator first chooses, based on a secret, random, function of the query, a subsample from the database, and then returns the result obtained by applying the query to the subsample.<sup>4</sup> A nice feature of this approach is that repeating the same query yields the same answer, while semantically equivalent but syntactically different queries are made on essentially unrelated subsamples. However, an outlier may only be protected by the unlikelihood of being in the subsample.

In what is traditionally called *randomized response*, the data itself is randomized once and for all and statistics are computed from the noisy responses, taking into account the distribution on the perturbation.<sup>23</sup> The term “randomized response” comes from the practice of having the respondents to a survey flip a coin and, based on the outcome, answering an invasive yes/no question or answering a more emotionally neutral one. In the computer science literature the choice governed by the coin flip is usually between honestly reporting one’s value and responding randomly, typically by flipping a second coin and reporting the outcome. Randomized response was devised for the setting in which the individuals do not trust the curator, so we can think of the randomized responses as simply being published. Privacy comes from the uncertainty of how to interpret a reported value. The approach becomes untenable for complex data.

*Adding random noise to the output* has promise, and we will return to it later; here we point out that if done naïvely this approach will fail. To see this, suppose the noise has mean zero and that fresh randomness is used in generating every response. In this case, if the same query is asked repeatedly, then the responses can be averaged, and the true answer will eventually emerge. This is disastrous: an adversarial analyst could exploit this to carry out the difference attack described above. The approach cannot be “fixed” by recording each query and providing the same response each time a query is re-issued. There are several reasons

for this. For example, syntactically different queries may be semantically equivalent, and if the query language is sufficiently rich, then the equivalence problem itself is undecidable, so the curator cannot even test for this.

Problems with noise addition arise even when successive queries are completely unrelated to previous queries.<sup>5</sup> Let us assume for simplicity that the database consists of a single—but very sensitive—bit per person, so we can think of the database as an  $n$ -bit Boolean vector  $d = (d_1, \dots, d_n)$ . This is an abstraction of a setting in which the database rows are quite complex, for example, they may be medical records, but the attacker is interested in one specific field, such as HIV status. The abstracted attack consists of issuing a string of queries, each described by a subset  $S$  of the database rows. The query is asking how many 1’s are in the selected rows. Representing the query as the  $n$ -bit characteristic vector  $\mathbf{S}$  of the set  $S$ , with 1’s in all the positions corresponding to rows in  $S$  and 0’s everywhere else; the true answer to the query is the inner product  $A(S) = \sum_{i \in S} d_i S_i$ . Suppose the privacy mechanism responds with  $A(S) +$  random noise. How much noise is needed in order to preserve privacy?

Since we have not yet defined privacy, let us consider the easier problem of avoiding blatant “non-privacy,” defined as follows: the system is blatantly non-private if an adversary can construct a candidate database that agrees with the real database  $D$  in, say, 99% of the entries. An easy consequence of the following theorem is that a privacy mechanism adding noise with magnitude always bounded by, say,  $n/401$  is blatantly non-private against an adversary that can ask all  $2^n$  possible queries.<sup>5</sup> There is nothing special about 401; any number exceeding 400 would work.

**THEOREM 1.** *Let  $\mathcal{M}$  be a mechanism that adds noise bounded by  $E$ . Then there exists an adversary that can reconstruct the database to within  $4E$  positions.<sup>5</sup>*

Blatant non-privacy with  $E = n/401$  follows immediately from the theorem, as the reconstruction will be accurate in all but at most  $4E = n \cdot \frac{4}{401} < n/100$  positions.

**PROOF.** Let  $d$  be the true database. The adversary can attack in two phases:

1. **Estimate the number of 1’s in all possible sets:** Query  $\mathcal{M}$  on all subsets  $S \subseteq [n]$ .
2. **Rule out “distant” databases:** For every candidate database  $c \in \{0, 1\}^n$ , if, for any  $S \subseteq [n]$ ,  $|\sum_{i \in S} c_i - \mathcal{M}(S)| > E$ , then rule out  $c$ . If  $c$  is not ruled out, then output  $c$  and halt.

Since  $\mathcal{M}(S)$  never errs by more than  $E$ , the real database will not be ruled out, so this simple (but inefficient!) algorithm will output *some* database; let us call it  $c$ . We will argue that the number of positions in which  $c$  and  $d$  differ is at most  $4 \cdot E$ .

Let  $I_0$  be the indices in which  $d_i = 0$ , that is,  $I_0 = \{i \mid d_i = 0\}$ . Similarly, define  $I_1 = \{i \mid d_i = 1\}$ . Since  $c$  was not ruled out,  $|\mathcal{M}(I_0) - \sum_{i \in I_0} c_i| \leq E$ . However, by assumption  $|\mathcal{M}(I_0) - \sum_{i \in I_0} d_i| \leq E$ . It follows from the triangle inequality that  $c$  and  $d$  differ in at most  $2E$  positions in  $I_0$ ; the same argument shows that they differ in at most  $2E$  positions in  $I_1$ . Thus,  $c$  and  $d$  agree on all but at most  $4E$  positions.  $\square$

What if we consider more realistic bounds on the number of queries? We think of  $\sqrt{n}$  as an interesting threshold on noise, for the following reason: If the database contains  $n$  people drawn uniformly at random from a population of size  $N \gg n$ , and the fraction of the population satisfying a given condition is  $p$ , then we expect the number of rows in the database satisfying  $p$  to be roughly  $np \pm \Theta(\sqrt{n})$ , by the properties of the hypergeometric distribution. That is, the sampling error is on the order of  $\sqrt{n}$ . We would like that the noise introduced for privacy is smaller than the sampling error, ideally  $o(\sqrt{n})$ . Unfortunately, noise of magnitude  $o(\sqrt{n})$  is blatantly non-private against a series of  $n \log^2 n$  randomly generated queries,<sup>5</sup> no matter the distribution on the noise. Several strengthenings of this pioneering result are now known. For example, if the entries in  $S$  are chosen independently according to a standard normal distribution, then blatant non-privacy continues to hold even against an adversary asking only  $\Theta(n)$  questions, and even if more than a fifth of the responses have arbitrarily

wild noise magnitudes, provided the other responses have noise magnitude  $o(\sqrt{n})$ .<sup>8</sup>

These are not just interesting mathematical exercises. We have been focusing on *interactive* privacy mechanisms, distinguished by the involvement of the curator in answering each query. In the *noninteractive* setting the curator publishes some information of arbitrary form, and the data is not used further. Research statisticians like to “look at the data,” and we have frequently been asked for a method of generating a “noisy table” that will permit highly accurate answers to be derived for computations that are not specified at the outset. The noise bounds say this is impossible: No such table can safely provide very accurate answers to too many weighted subset sum questions; otherwise the table could be used in a simulation of the interactive mechanism, and an attack could be mounted against the table. Thus, even if the analyst only requires the responses to a small number of unspecified queries, the fact that the table can be exploited to gain answers to other queries is problematic.

In the case of “Internet scale” datasets, obtaining responses to, say,  $n \geq 10^8$  queries is infeasible. What happens if the curator permits only a sublinear number of questions? This inquiry led to the first algorithmic results in differential privacy, in which it was shown how to maintain privacy against a sublinear number of *counting* queries, that is, queries of the form “How many rows in the database satisfy property  $P$ ?” by adding noise of order  $o(\sqrt{n})$ —less than the sampling error—to each answer.<sup>12</sup> The cumbersome privacy guarantee, which focused on the question of what an adversary can learn about a row in the database, is now known to imply a natural and still very powerful relaxation of differential privacy, defined here.

### “What” Is Hard

Newspaper horror stories about “anonymized” and “de-identified” data typically refer to noninteractive approaches in which certain kinds of information in each data record have been suppressed or altered. A famous example is AOL’s release of a set of “anonymized” search query



**It has taken several years to fully appreciate the importance of taking auxiliary information into account in privacy-preserving data release.**



logs. People search for many “obviously” disclosive things, such as their full names (vanity searches), their own social security numbers (to see if their numbers are publicly available on the Web, possibly with a goal of assessing the threat of identity theft), and even the combination of mother’s maiden name and social security number. AOL carefully redacted such obviously disclosive “personally identifiable information,” and each user id was replaced by a random string. However, search histories can be very idiosyncratic, and a *New York Times* reporter correctly traced such an “anonymized” search history to a specific resident of Georgia.

In a *linkage attack*, released data are linked to other databases or other sources of information. We use the term *auxiliary information* to capture information about the respondents *other* than that which is obtained through the (interactive or noninteractive) statistical database. Any priors, beliefs, or information from newspapers, labor statistics, and so on, all fall into this category.

In a notable demonstration of the power of auxiliary information, medical records of the governor of Massachusetts were identified by linking voter registration records to “anonymized” Massachusetts Group Insurance Commission (GIC) medical encounter data, which retained the birthdate, sex, and zip code of the patient.<sup>22</sup>

Despite this exemplary work, it has taken several years to fully appreciate the importance of taking auxiliary information into account in privacy-preserving data release. Sources and uses of auxiliary information are endlessly varied. As a final example, it has been proposed to modify search query logs by mapping *all* terms, not just the user ids, to random strings. In *token-based hashing* each query is tokenized, and then an uninvertible hash function is applied to each token. The intuition is that the hashes completely obscure the terms in the query. However, using a statistical analysis of the hashed log and *any* (unhashed) query log, for example, the released AOL log discussed above, the anonymization can be severely compromised, showing that token-based hashing is unsuitable for anonymization.<sup>17</sup>


As we will see next, there are deep reasons for the fact that auxiliary information plays such a prominent role in these examples.

### Dalenius's Desideratum


In 1977 the statistician Tore Dalenius articulated an “*ad omnia*” (as opposed to *ad hoc*) privacy goal for statistical databases: Anything that can be learned about a respondent from the statistical database should be learnable without access to the database. Although informal, this feels like the “right” direction. The breadth of the goal captures all the common intuitions for privacy. In addition, the definition only holds the database accountable for whatever “extra” is learned about an individual, beyond that which can be learned from other sources. In particular, an extrovert who posts personal information on the Web may destroy his or her own privacy, and the database should not be held accountable.

Formalized, Dalenius' goal is strikingly similar to the gold standard for security of a cryptosystem against a passive eavesdropper, defined five years later. *Semantic security* captures the intuition that the encryption of a message reveals no information about the message. This is formalized by comparing the ability of a computationally efficient adversary, having access to both the ciphertext and any auxiliary information, to output (anything about) the plaintext, to the ability of a computationally efficient party having access *only* to the auxiliary information (and not the ciphertext), to achieve the same goal.<sup>13</sup> Abilities are measured by probabilities of success, where the probability space is over the random choices made in choosing the encryption keys, the ciphertexts, and by the adversaries. Clearly, if this difference is very, very tiny, then in a rigorous sense the ciphertext leaks (almost) no information about the plaintext.

The formal definition of semantic security is a pillar of modern cryptography. It is therefore natural to ask whether a similar property, such as Dalenius' goal, can be achieved for statistical databases. But there is an essential difference in the two problems. Unlike the eavesdropper on a conversation, the statistical database attacker is also a user, that is, a legitimate



**The formal definition of semantic security is a pillar of modern cryptography. It is therefore natural to ask whether a similar property, such as Dalenius' goal, can be achieved for statistical databases.**



consumer of the information provided by the statistical database (not to mention the fact that he or she may also be a respondent in the database).

Many papers in the literature attempt to formalize Dalenius' goal (in some cases unknowingly) by requiring that the adversary's prior and posterior beliefs about an individual (that is, before and after having access to the statistical database) should not be “too different,” or that access to the statistical database should not change the adversary's views about any individual “too much.” The difficulty with this approach is that if the statistical database teaches us anything at all, then it *should* change our beliefs about individuals. For example, suppose the adversary's (incorrect) prior view is that everyone has two left feet. Access to the statistical database teaches that almost everyone has one left foot and one right foot. The adversary now has a very different view of whether or not any given respondent has two left feet. But has privacy been compromised?

The last hopes for Dalenius' goal evaporate in light of the following parable, which again involves auxiliary information. Suppose we have a statistical database that teaches average heights of population subgroups, and suppose further that it is infeasible to learn this information (perhaps for financial reasons) in any other way (say, by conducting a new study). Finally, suppose that one's true height is considered sensitive. Given the auxiliary information “Turing is two inches taller than the average Lithuanian woman,” access to the statistical database teaches Turing's height. In contrast, anyone without access to the database, knowing only the auxiliary information, learns much less about Turing's height.

A rigorous impossibility result generalizes this argument, extending to essentially any notion of privacy compromise, *assuming the statistical database is useful*. The heart of the attack uses extracted randomness from the statistical database as a one-time pad for conveying the privacy compromise to the adversary/user.<sup>6,9</sup>

Turing did not have to be a member of the database for the attack described earlier to be prosecuted against him. More generally, the things that

statistical databases are designed to teach can, sometimes indirectly, cause damage to an individual, even if this individual is not in the database.

In practice, statistical databases are (typically) created to provide some anticipated social gain; they teach us something we could not (easily) learn without the database. Together with the attack against Turing, and the fact that he did not have to be a member of the database for the attack to work, this suggests a new privacy goal: Minimize the increased risk to an individual incurred by joining (or leaving) the database. That is, we move from comparing an adversary's prior and posterior views of an individual to comparing the risk to an individual when included in, versus when not included in, the database. This makes sense. A privacy guarantee that limits risk incurred by joining encourages participation in the dataset, increasing social utility. This is the starting point on our path to *differential privacy*.

### Differential Privacy

Differential privacy will ensure that the ability of an adversary to inflict harm (or good, for that matter)—of any sort, to any set of people—should be essentially the same, independent of whether any individual opts in to, or opts out of, the dataset. We will do this indirectly, simultaneously addressing all possible forms of harm and good, by focusing on the probability of any given output of a privacy mechanism and how this probability can change with the addition or deletion of any row. Thus, we will concentrate on pairs of databases ( $D, D'$ ) differing only in one row, meaning one is a subset of the other and the larger database contains just one additional row. Finally, to handle worst-case pairs of databases, our probabilities will be over the random choices made by the privacy mechanism.

**DEFINITION 1.** A randomized function  $\mathcal{K}$  gives  $\epsilon$ -differential privacy if for all datasets  $D$  and  $D'$  differing in at most one row, and all  $S \subseteq \text{Range}(\mathcal{K})$ ,

$$\Pr[\mathcal{K}(D) \in S] \leq \exp(\epsilon) \times \Pr[\mathcal{K}(D') \in S], \quad (1)$$

where the probability space in each case is over the coin flips of  $\mathcal{K}$ .

The multiplicative nature of the guarantee implies that an output whose probability is zero on a given database must also have probability zero on any neighboring database, and hence, by repeated application of the definition, on any other database. Thus, Definition 1 trivially rules out the subsample-and-release paradigm discussed: For an individual  $x$  not in the dataset, the probability that  $x$ 's data is sampled and released is obviously zero; the multiplicative nature of the guarantee ensures that the same is true for an individual whose data *is* in the dataset.

Any mechanism satisfying this definition addresses all concerns that any participant might have about the leakage of his or her personal information, regardless of any auxiliary information known to an adversary: Even if the participant removed his or her data from the dataset, no outputs (and thus consequences of outputs) would become significantly more or less likely. For example, if the database were to be consulted by an insurance provider before deciding whether or not to insure a given individual, then the presence or absence of *any* individual's data in the database will not significantly affect his or her chance of receiving coverage.

Definition 1 extends naturally to group privacy. Repeated application of the definition bounds the ratios of probabilities of outputs when a collection  $C$  of participants opts in or opts out, by a factor of  $e^{|C|\epsilon}$ . Of course, the point of the statistical database is to disclose aggregate information about large groups (while simultaneously protecting individuals), so we should expect privacy bounds to disintegrate with increasing group size.

The parameter  $\epsilon$  is public, and its selection is a social question. We tend to think of  $\epsilon$  as, say, 0.01, 0.1, or in some cases,  $\ln 2$  or  $\ln 3$ .

Sometimes, for example, in the census, an individual's participation is known, so hiding presence or absence makes no sense; instead we wish to hide the values in an individual's row. Thus, we can (and sometimes do) extend “differing in at most one row” to mean having symmetric difference at most 1 to capture both possibilities. However, we will continue to use the original definition.

Returning to randomized response, we see that it yields  $\epsilon$ -differential privacy for a value of  $\epsilon$  that depends on the universe from which the rows are chosen and the probability with which a random, rather than non-random, value is contributed by the respondent. As an example, suppose each row consists of a single bit, and that the respondent's instructions are to first flip an unbiased coin to determine whether he or she will answer randomly or truthfully. If heads (respond randomly), then the respondent is to flip a second unbiased coin and report the outcome; if tails, the respondent answers truthfully. Fix  $b \in \{0, 1\}$ . If the true value of the input is  $b$ , then  $b$  is output with probability  $3/4$ . On the other hand, if the true value of the input is  $1 - b$ , then  $b$  is output with probability  $1/4$ . The ratio is 3, yielding  $(\ln 3)$ -differential privacy.

Suppose  $n$  respondents each employ randomized response independently, but using coins of known, fixed, bias. Then, given the randomized data, by the properties of the binomial distribution the analyst can approximate the true answer to the question “How many respondents have value  $b$ ?” to within an expected error on the order of  $\Theta(\sqrt{n})$ . As we will see, it is possible to do much better—obtaining *constant* expected error, independent of  $n$ .

Generalizing in a different direction, suppose each row now has two bits, each one randomized independently, as described earlier. While each bit remains  $(\ln 3)$ -differentially private, their logical-AND enjoys less privacy. That is, consider a privacy mechanism in which each bit is protected by this exact method of randomized response, and consider the query: “What is the logical-AND of the bits in the row of respondent  $i$  (after randomization)?” If we consider the two extremes, one in which respondent  $i$  has data 11 and the other in which respondent  $i$  has data 00, we see that in the first case the probability of output 1 is  $9/16$ , while in the second case the probability is  $1/16$ . Thus, this mechanism is at best  $(\ln 9)$ -differentially private, not  $\ln 3$ . Again, it is possible to do much better, even while releasing the entire 4-element histogram, also known as a *contingency table*, with only constant expected error in each cell.



### Achieving Differential Privacy

Achieving differential privacy revolves around hiding the presence or absence of a single individual. Consider the query “How many rows in the database satisfy property  $P$ ?” The presence or absence of a single row can affect the answer by at most 1. Thus, a differentially private mechanism for a query of this type can be designed by first computing the true answer and then adding random noise according to a distribution with the following property:

$$\forall z, z' \text{ s.t. } |z - z'| = 1: \Pr[z] \leq e^\epsilon \Pr[z']. \quad (2)$$

To see why this is desirable, consider any feasible response  $r$ . For any  $m$ , if  $m$  is the true answer and the response is  $r$  then the random noise must have value  $r - m$ ; similarly, if  $m - 1$  is the true answer and the response is  $r$ , then the random noise must have value  $r - m + 1$ . In order for the response  $r$  to be generated in a differentially private fashion, it suffices for

$$e^{-\epsilon} \leq \frac{\Pr[\text{noise} = r - m]}{\Pr[\text{noise} = r - m + 1]} \leq e^\epsilon.$$

In general we are interested in vector-valued queries; for example, the data may be points in  $\mathbf{R}^d$  and we wish to carry out an analysis that clusters the points and reports the location of the largest cluster.

**DEFINITION 2.** For  $f: \mathcal{D} \rightarrow \mathbf{R}^d$ , the  $L_1$  sensitivity of  $f$  is<sup>7</sup>

$$\begin{aligned} \Delta f &= \max_{D, D'} \|f(D) - f(D')\|_1 \\ &= \max_{D, D'} \sum_{i=1}^d |f(D)_i - f(D')_i| \end{aligned} \quad (3)$$

for all  $D, D'$  differing in at most one row.

In particular, when  $d = 1$  the sensitivity of  $f$  is the maximum difference in the values that the function  $f$  may take on a pair of databases that differ in only one row. This is the difference our noise must be designed to hide. For now, let us focus on the case  $d = 1$ .

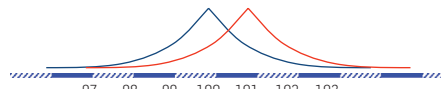
The Laplace distribution with parameter  $b$ , denoted  $\text{Lap}(b)$ , has density function  $P(z|b) = \frac{1}{2b} \exp(-|z|/b)$ ; its variance is  $2b^2$ . Taking  $b = 1/\epsilon$  we have that the density at  $z$  is proportional to  $e^{-\epsilon|z|}$ . This distribution has highest density at 0 (good for accuracy), and for any  $z, z'$  such that

$|z - z'| \leq 1$  the density at  $z$  is at most  $e^\epsilon$  times the density at  $z'$ , satisfying the condition in Equation 2. It is also symmetric about 0, and this is important. We cannot, for example, have a distribution that only yields non-negative noise. Otherwise the only databases on which a counting query could return a response of 0 would be databases in which no row satisfies the query. Letting  $D$  be such a database, and letting  $D' = D \cup \{r\}$  for some row  $r$  satisfying the query, the pair  $D, D'$  would violate  $\epsilon$ -differential privacy. Finally, the distribution gets flatter as  $\epsilon$  decreases. This is correct: smaller  $\epsilon$  means better privacy, so the noise density should be less “peaked” at 0 and change more gradually as the magnitude of the noise increases.

There is nothing special about the cases  $d = 1, \Delta f = 1$ :

**THEOREM 2.** For  $f: \mathcal{D} \rightarrow \mathbf{R}^d$ , the mechanism  $\mathcal{K}$  that adds independently generated noise with distribution  $\text{Lap}(\Delta f/\epsilon)$  to each of the  $d$  output terms enjoys  $\epsilon$ -differential privacy.<sup>7</sup>

Before proving the theorem, we illustrate the situation for the case of a counting query ( $\Delta f = 1$ ) when  $\epsilon = \ln 2$  and the true answer to the query is 100. The distribution on the outputs (in gray) is centered at 100. The distribution on outputs when the true answer is 101 is shown in orange.



**PROOF.** (Theorem 2) The proof is a simple generalization of the reasoning we used to illustrate the case of a single counting query.

Consider any subset  $S \subseteq \text{Range}(\mathcal{K})$ , and let  $D, D'$  be any pair of databases differing in at most one row. When the database is  $D$ , the probability density at any  $r \in S$  is proportional to  $\exp(-\|f(D) - r\|_1(\epsilon/\Delta f))$ . Similarly, when the database is  $D'$ , the probability density at any  $r \in \text{Range}(\mathcal{K})$  is proportional to  $\exp(-\|f(D') - r\|_1(\epsilon/\Delta f))$ .

We have

$$\begin{aligned} \frac{e^{-\|f(D) - r\|_1(\epsilon/\Delta f)}}{e^{-\|f(D') - r\|_1(\epsilon/\Delta f)}} &= \frac{e^{\|f(D') - r\|_1(\epsilon/\Delta f)}}{e^{\|f(D) - r\|_1(\epsilon/\Delta f)}} \\ &= e^{(\|f(D') - r\| - \|f(D) - r\|)(\epsilon/\Delta f)} \\ &\leq e^{(\|f(D') - f(D)\|)(\epsilon/\Delta f)} \end{aligned}$$

where the inequality follows from the triangle inequality. By definition of sensitivity,  $\|f(D') - f(D)\|_1 \leq \Delta f$ , and so the ratio is bounded by  $\exp(\epsilon)$ . Integrating over  $S$  yields  $\epsilon$ -differential privacy.  $\square$

Given any query sequence  $f_1, \dots, f_m$ ,  $\epsilon$ -differential privacy can be achieved by running  $\mathcal{K}$  with noise distribution  $\text{Lap}(\sum_{i=1}^m \Delta f_i/\epsilon)$  on each query, even if the queries are chosen adaptively, with each successive query depending on the answers to the previous queries. In other words, by allowing the quality of each answer to deteriorate in a controlled way with the sum of the sensitivities of the queries, we can maintain  $\epsilon$ -differential privacy.

With this in mind, let us return to some of the suggestions we considered earlier. Recall that using the specific randomized response strategy described above, for a single Boolean attribute, yielded error  $\Theta(\sqrt{n})$  on databases of size  $n$  and  $(\ln 3)$ -differential privacy. In contrast, using Theorem 2 with the same value of  $\epsilon$ , noting that  $\Delta f = 1$  yields a variance of  $2(1/\ln 3)^2$ , or an expected error of  $\sqrt{2}/\ln 3$ . More generally, to obtain  $\epsilon$ -differential privacy we get an expected error of  $\sqrt{2}/\epsilon$ . Thus, our expected error magnitude is constant, independent of  $n$ .

What about two queries? The sensitivity of a sequence of two counting queries is 2. Applying the theorem with  $\Delta f/\epsilon = 2/\epsilon$ , adding independently generated noise distributed as  $\text{Lap}(2/\epsilon)$  to each true answer yields  $\epsilon$ -differential privacy. The variance is  $2(2/\epsilon)^2$ , or standard deviation  $2\sqrt{2}/\epsilon$ . Thus, for any desired  $\epsilon$  we can achieve  $\epsilon$ -differential privacy by increasing the expected magnitude of the errors as a function of the total sensitivity of the two-query sequence. This holds equally for:

- Two instances of the *same query*, addressing the repeated query problem
- One count for each of two different bit positions, for example, when each row consists of two bits
- A pair of queries of the form: “How many rows satisfy property  $P$ ?” and “How many rows satisfy property  $Q$ ?” (where possibly  $P = Q$ )
- An arbitrary pair of queries

However, the theorem also shows we can sometimes do better. The logical-AND count we discussed earlier, even though it involves two different bits in each row, still only has sensitivity 1: The number of 2-bit rows whose entries are both 1 can change by at most 1 with the addition or deletion of a single row. Thus, this more complicated query can be answered in an  $\epsilon$ -differentially private fashion using noise distributed as  $\text{Lap}(1/\epsilon)$ ; we do not need to use the distribution  $\text{Lap}(2/\epsilon)$ .

**Histogram Queries.** The power of Theorem 2 really becomes clear when considering *histogram queries*, defined as follows. If we think of the rows of the database as elements in a universe  $X$ , then a histogram query is a partitioning of  $X$  into an arbitrary number of disjoint regions  $X_1, X_2, \dots, X_d$ . The implicit question posed by the query is: “For  $i = 1, 2, \dots, d$ , how many points in the database are contained in  $X_i$ ?” For example, the database may contain the annual income for each respondent, and the query is a partitioning of incomes into ranges:  $\{[0, 50K), [50K, 100K), \dots, \geq 500K\}$ . In this case  $d = 11$ , and the question is asking, for each of the  $d$  ranges, how many respondents in the database have annual income in the given range. This looks like  $d$  separate counting queries, but the entire query actually has sensitivity  $\Delta f = 1$ . To see this, note that if we remove one row from the database, then only one cell in the histogram changes, and that cell only changes by 1; similarly for adding a single row. So Theorem 2 says that  $\epsilon$ -differential privacy can be maintained by perturbing each cell with an independent random draw from  $\text{Lap}(1/\epsilon)$ . Returning to our example of 2-bit rows, we can pose the 4-ary histogram query requesting, for each pair of literals  $v_1 v_2$ , the number of rows with value  $v_1 v_2$ , adding noise of order  $1/\epsilon$  to each of the four cells.

**When Noise Makes No Sense.** There are times when the addition of noise for achieving privacy makes no sense. For example, the function  $f$  might map databases to strings, strategies, or trees, or it might be choosing the “best” among some specific, not necessarily continuous, set of real-valued objects. The problem of optimizing the



**There are times when the addition of noise for achieving privacy makes no sense.**



output of such a function while preserving  $\epsilon$ -differential privacy requires additional technology.

Assume the curator holds a database  $D$  and the goal is to produce an object  $y$ . The *exponential mechanism*<sup>19</sup> works as follows. We assume the existence of a *utility function*  $u(D, y)$  that measures the quality of an output  $y$ , given that the database is  $D$ . For example, the data may be a set of labeled points in  $\mathbb{R}^d$  and the output  $y$  might be a  $d$ -ary vector describing a  $(d - 1)$ -dimensional hyperplane that attempts to classify the points, so that those labeled with  $+1$  have non-negative inner product with  $y$  and those labeled with  $-1$  have negative inner product. In this case the utility would be the number of points correctly classified, so that higher utility corresponds to a better classifier. The exponential mechanism outputs  $y$  with probability proportional to  $\exp(u(D, y)\epsilon/\Delta u)$  and ensures  $\epsilon$ -differential privacy. Here  $\Delta u$  is the sensitivity of the utility function bounding, for all databases  $(D, D')$  differing in only one row and potential outputs  $y$ , the difference  $|u(D, y) - u(D', y)|$ . In our example,  $\Delta u = 1$ . The mechanism assigns most mass to the best classifier, and the mass assigned to any other drops off exponentially in the decline in its utility for the current dataset—hence the name “exponential mechanism.”

#### **When Sensitivity Is Hard to Analyze.**

The Laplace and exponential mechanisms provide a differentially private interface through which the analyst can access the data. Such an interface can be useful even when it is difficult to determine the sensitivity of the desired function or query sequence; it can also be used to run an iterative algorithm, composed of easily analyzed steps, for as many iterations as a given privacy budget permits. This is a powerful observation; for example, using only noisy sum queries, it is possible to carry out many standard data mining tasks, such as singular value decompositions, finding an ID3 decision tree, clustering, learning association rules, and learning anything learnable in the statistical queries learning model, frequently with good accuracy, in a privacy-preserving fashion.<sup>2</sup> This approach has been generalized to yield a publicly available codebase for

writing programs that ensure differential privacy.<sup>18</sup>

***k*-Means Clustering.** As an example of “private programming,”<sup>22</sup> consider *k*-means clustering, described first in its usual, non-private form. The input consists of points  $p_1, \dots, p_n$  in the  $d$ -dimensional unit cube  $[0, 1]^d$ . Initial candidate means  $\mu_1, \dots, \mu_k$  are chosen randomly from the cube and updated as follows:

1. Partition the samples  $\{p_i\}$  into  $k$  sets  $S_1, \dots, S_k$ , associating each  $p_i$  with the nearest  $\mu_j$ .
2. For  $1 \leq j \leq k$ , set  $\mu'_j = \sum_{i \in S_j} p_i / |S_j|$ , the mean of the samples associated with  $\mu_j$ .

This update rule is typically iterated until some convergence criterion has been reached, or a fixed number of iterations have been applied.

Although computing the nearest mean of any one sample (Step 1) would breach privacy, we observe that to compute an average among an unknown set of points it is enough to compute their sum and divide by their number. Thus, the computation only needs to expose the approximate cardinalities of the  $S_j$ , not the sets themselves. Happily, the  $k$  candidate means implicitly define a histogram query, since they partition the space  $[0, 1]^d$  according to their Voronoi cells, and so the vector  $(|S_1|, \dots, |S_k|)$  can be released with very low noise in each coordinate. This gives us a differentially private approximation to the denominators in Step 2. As for the numerators, the sum of a subset of the  $p_i$  has sensitivity at most  $d$ , since the points come from the bounded region  $[0, 1]^d$ . Even better, the sensitivity of the  $d$ -ary function that returns, for each of the  $k$  Voronoi cells, the  $d$ -ary sum of the points in the cell is at most  $d$ : Adding or deleting a single  $d$ -ary point can affect at most one sum, and that sum can change by at most 1 in each of the  $d$  dimensions. Thus, using a query sequence with total sensitivity at most  $d + 1$ , the analyst can compute a new set of candidate means by dividing, for each  $\mu_j$ , the approximate sum of the points in  $S_j$  by the approximation to the cardinality  $|S_j|$ .

If we run the algorithm for a fixed number  $N$  of iterations we can use the noise distribution  $\text{Lap}((d + 1)N/\epsilon)$  to

obtain  $\epsilon$ -differential privacy. If we do not know the number of iterations in advance we can increase the noise parameter as the computation proceeds. There are many ways to do this. For example, we can answer in the first iteration with parameter  $(d + 1)(\epsilon/2)$ , in the next with parameter  $(d + 1)(\epsilon/4)$ , and so on, each time using up half of the remaining “privacy budget.”

### Generating Synthetic Data

The idea of creating a synthetic dataset whose statistics closely mirror those of the original dataset, but which preserves privacy of individuals, was proposed in the statistics community no later than 1993.<sup>21</sup> The lower bounds on noise discussed at the end of Section on “How Is Hard” imply that no such dataset can safely provide very accurate answers to too many weighted subset sum questions, motivating the interactive approach to private data analysis discussed herein. Intuitively, the advantage of the interactive approach is that only the questions actually asked receive responses.

Against this backdrop, the non-interactive case was revisited from a learning theory perspective, challenging the interpretation of the noise lower bounds as a limit on the number of queries that can be answered privately.<sup>3</sup> This work, described next, has excited interest in interactive and non-interactive solutions yielding noise in the range  $[\omega(\sqrt{n}), o(n)]$ .

Let  $X$  be a universe of data items and let  $\mathcal{C}$  be a *concept class* consisting of functions  $c : X \rightarrow \{0, 1\}$ . We say  $x \in X$  *satisfies* a concept  $c \in \mathcal{C}$  if and only if  $c(x) = 1$ . A concept class can be extremely general; for example, it might consist of all rectangles in the plane, or all Boolean circuits containing a given number of gates.

Given a sufficiently large database  $D \in X^n$ , it is possible to privately generate a synthetic database that maintains approximately correct fractional counts for *all* concepts in  $\mathcal{C}$  (there may be infinitely many!). That is, letting  $S$  denote the synthetic database produced, with high probability over the choices made by the privacy mechanism, for every concept  $c \in \mathcal{C}$ , the fraction of elements in  $S$  that satisfy  $c$  is approximately the same as the fraction of elements in  $D$  that satisfy  $c$ .

The minimal size of the input database depends on the quality of the approximation, the logarithm of the cardinality of the universe  $X$ , the privacy parameter  $\epsilon$ , and the *Vapnik–Chervonenkis dimension* of the concept class  $\mathcal{C}$  (for finite  $|\mathcal{C}|$  this is at most  $\log_2 |\mathcal{C}|$ ). The synthetic dataset, chosen by the exponential mechanism, will be a set of  $m = O(\text{VCdim}(\mathcal{C})/\gamma^2)$ , elements in  $X$  ( $\gamma$  governs the maximum permissible inaccuracy in the fractional count). Letting  $D$  denote the input dataset and  $\hat{D}$  a candidate synthetic dataset, the utility function for the exponential mechanism is given by

$$u(D, \hat{D}) = -\max_{h \in \mathcal{C}} \left| h(D) - \frac{n}{m} h(\hat{D}) \right|.$$

### Pan-Privacy

Data collected by a curator for a given purpose may be subject to “mission creep” and legal compulsion, such as a subpoena. Of course, we could analyze data and then throw it away, but can we do something even stronger, never storing the data in the first place? Can we strengthen our notion of privacy to capture the “never store” requirement?

These questions suggest an investigation of differentially private streaming algorithms with small state—much too small to store the data. However, nothing in the definition of a streaming algorithm, even one with very small state, precludes storing a few individual data points. Indeed, popular techniques from the streaming literature, such as Count-Min Sketch and subsampling, do precisely this. In such a situation, a subpoena or other intrusion into the local state will breach privacy.

A *pan-private* algorithm is private “inside and out,” remaining differentially private even if its internal state becomes visible to an adversary.<sup>10</sup> To understand the pan-privacy guarantee, consider click stream data. This data is generated by individuals, and an individual may appear many times in the stream. Pan-privacy requires that any two streams differing only in the information of a single individual should produce very similar distributions on the *internal states* of the algorithm *and on its outputs*, even though the data of an individual are

interleaved arbitrarily with other data in the stream.

As an example, consider the problem of *density estimation*. Assuming, for simplicity, that the data stream is just a sequence of IP addresses in a certain range, we wish to know what fraction of the set of IP addresses in the range actually appears in the stream. A solution inspired by randomized response can be designed using the following technique.<sup>10</sup>

Define two probability distributions,  $D_0$  and  $D_1$ , on the set  $\{0, 1\}$ .  $D_0$  assigns equal mass to zero and to one.  $D_1$  has a slight bias toward 1; specifically, 1 has mass  $1/2 + \epsilon/4$ , while 0 has mass  $1/2 - \epsilon/4$ .

Let  $X$  denote the set of all possible IP addresses in the range of interest. The algorithm creates a table, with a 1-bit entry  $b_x$  for each  $x \in X$ , initialized to an independent random draw from  $D_0$ . So initially the table is roughly half zeroes and half ones.

In an atomic step, the algorithm receives an element from the stream, changes state, and discards the element. When processing  $x \in X$ , the algorithm makes a fresh random draw from  $D_1$ , and stores the result in  $b_x$ . This is done no matter how many times  $x$  may have appeared in the past. Thus, for any  $x$  appearing at least once,  $b_x$  will be distributed according to  $D_1$ . However, if  $x$  never appears, then the entry for  $x$  is the bit drawn according to  $D_0$  during the initialization of the table.

As with randomized response, the density in  $X$  of the items in the stream can be approximated from the number of 1's in the table, taking into account the expected fraction of "false positives" from the initialization phase and the "false negatives" when sampling from  $D_1$ . Letting  $\theta$  denote the fraction of entries in the table with value 1, the output is  $4(\theta - 1/2)/\epsilon + \text{Lap}(1/\epsilon|X)$ .

Intuitively, the internal state is differentially private because, for each  $b \in \{0, 1\}$ ,  $e^{-\epsilon} \leq \Pr_{D_1}[b]/\Pr_{D_0}[b] \leq e^\epsilon$ ; privacy for the output is ensured by the addition of Laplacian noise. Over all, the algorithm is  $2\epsilon$ -differentially pan-private.

## Conclusion

The differential privacy frontier is

expanding rapidly, and there is insufficient space here to list all the interesting directions currently under investigation by the community. We identify a few of these.

### The Geometry of Differential Privacy.


Sharper upper and lower bounds on noise required for achieving differential privacy against a sequence of linear queries can be obtained by understanding the geometry of the query sequence.<sup>14</sup> In some cases dependencies among the queries can be exploited by the curator to markedly improve the accuracy of the responses. Generalizing this investigation to the nonlinear and interactive cases would be of significant interest.

### Algorithmic Complexity.

We have so far ignored questions of computational complexity. Many, but not all, of the techniques described here have efficient implementations. For example, there are instances of the synthetic data generation problem that, under standard cryptographic assumptions, have no polynomial time implementation.<sup>11</sup> It follows that there are cases in which the exponential mechanism has no efficient implementation. When can this powerful tool be implemented efficiently, and how?

### An Alternative to Differential Privacy?

Is there an alternative, "ad omnia," guarantee that composes automatically, and permits even better accuracy than differential privacy? Can cryptography be helpful in this regard?<sup>20</sup>

The work described herein has, for the first time, placed private data analysis on a strong mathematical foundation. The literature connects differential privacy to decision theory, economics, robust statistics, geometry, additive combinatorics, cryptography, complexity theory learning theory, and machine learning. Differential privacy thrives because it is natural, it is not domain-specific, and it enjoys fruitful interplay with other fields. This flexibility gives hope for a principled approach to privacy in cases, like private data analysis, where traditional notions of cryptographic security are inappropriate or impracticable. 

## References

1. Adam, N.R., Wortmann, J. Security-control methods for statistical databases: A comparative study. *ACM Comput. Surv.* 21 (1989), 515–556.
2. Blum, A., Dwork, C., McSherry, F., Nissim, K. Practical privacy: The SuLQ framework. In *Proceedings of the 24th ACM Symposium on Principles of Database Systems* (2005), 128–138.
3. Blum, A., Ligett, K., Roth, A. A learning theory approach to non-interactive database privacy. In *Proceedings of the 40th ACM Symposium on Theory of Computing* (2008), 609–618.
4. Denning, D.E. Secure statistical databases with random sample queries. *ACM Trans. Database Syst.* 5 (1980), 291–315.
5. Dinur, I., Nissim, K. Revealing information while preserving privacy. In *Proceedings of the 22nd ACM Symposium on Principles of Database Systems* (2003), 202–210.
6. Dwork, C. Differential privacy. In *Proceedings of the 33rd International Colloquium on Automata, Languages and Programming (ICALP)* (2) (2006), 1–12.
7. Dwork, C., McSherry, F., Nissim, K., Smith, A. Calibrating noise to sensitivity in private data analysis. In *Proceedings of the 3rd Theory of Cryptography Conference* (2006), 265–284.
8. Dwork, C., McSherry, F., Talwar, K. The price of privacy and the limits of lp decoding. In *Proceedings of the 39th ACM Symposium on Theory of Computing* (2007), 85–94.
9. Dwork, C., Naor, M. On the difficulties of disclosure prevention in statistical databases or the case for differential privacy. *J. Privacy Confidentiality* 2 (2010). Available at: <http://repository.cmu.edu/jpc/vol2/iss1/8>.
10. Dwork, C., Naor, M., Pitassi, T., Rothblum, G., Yekhanin, S. Pan-private streaming algorithms. In *Proceedings of the 1st Symposium on Innovations in Computer Science* (2010).
11. Dwork, C., Naor, M., Reingold, O., Rothblum, G., Vadhan, S. When and how can privacy-preserving data release be done efficiently? In *Proceedings of the 41st ACM Symposium on Theory of Computing* (2009), 381–390.
12. Dwork, C., Nissim, K. Privacy-preserving datamining on vertically partitioned databases. In *Advances in Cryptology—CRYPTO'04* (2004), 528–544.
13. Goldwasser, S., Micali, S. Probabilistic encryption. *JCSS* 28 (1984), 270–299.
14. Hardt, M., Talwar, K. On the geometry of differential privacy. (2009). In *Proceedings of the 42nd ACM Symposium on Theory of Computing* (2010), 705–714.
15. Kenthapadi K., Mishra, N., Nissim, K. Simulatable auditing. In *Proceedings of the 24th ACM Symposium on Principles of Database Systems* (2005), 118–127.
16. Kleinberg, J., Papadimitriou, C., Raghavan, P. Auditing boolean attributes. In *Proceedings of the 19th ACM Symposium on Principles of Database Systems* (2000), 86–91.
17. Kumar, R., Novak, J., Pang, B., Tomkins, A. On anonymizing query logs via token-based hashing. In *Proceedings of the WWW 2007* (2007), 629–638.
18. McSherry, F. Privacy integrated queries (codebase). Available on Microsoft Research downloads website. See also *Proceedings of SIGMOD* (2009), 19–30.
19. McSherry, F., Talwar, K. Mechanism design via differential privacy. In *Proceedings of the 48th Annual Symposium on Foundations of Computer Science* (2007).
20. Mironov, I., Pandey, O., Reingold, O., Vadhan, S. Computational differential privacy. In *Advances in Cryptology—CRYPTO'09* (2009), 126–142.
21. Rubin, D. Discussion: Statistical disclosure limitation. *J. Official Statist.* 9 (1993), 462–468.
22. Sweeney, L. Weaving technology and policy together to maintain confidentiality. *J. Law Med. Ethics* 25 (1997), 98–110.
23. Warner, S. Randomized response: a survey technique for eliminating evasive answer bias. *JASA* (1965), 63–69.

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## **Week 9: Anonymity and Privacy Continued**



WILLIAM DUKE/PHOTO BY DAXIAO PRODUCTIONS/SHUTTERSTOCK

# Can a set of equations keep U.S. census data private?

By [Jeffrey Mervis](#) | Jan. 4, 2019 , 2:50 PM

The U.S. Census Bureau is making waves among social scientists with what it calls a “sea change” in how it plans to safeguard the confidentiality of data it releases from the decennial census.

The agency announced in September 2018 that it will apply a mathematical concept called differential privacy to its release of 2020 census data after conducting experiments that suggest current approaches can’t assure confidentiality. But critics of the new policy believe the Census Bureau is moving too quickly to fix a system that isn’t broken. They also fear the changes will degrade the quality of the information used by thousands of researchers, businesses, and government agencies.

The move has implications that extend far beyond the research community. Proponents of differential privacy say a fierce, ongoing legal battle over plans to add a citizenship question to the 2020 census has only underscored the need to assure people that the government will protect their privacy.

## A noisy conflict

The Census Bureau’s job is to collect, analyze, and disseminate useful information about the U.S. population. And there’s a lot of it: The agency generated some 7.8 billion statistics about the 308 million people counted in the 2010 census, for example.

At the same time, the bureau is prohibited by law from releasing any information for which “the data furnished by any particular establishment or individual ... can be identified.”

Once upon a time, meeting that requirement meant simply removing the names and addresses of respondents. Over the past several decades, however, census officials have developed a bag of statistical tricks aimed at providing additional protection without undermining the quality of the data.

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## Sifter

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BY SOFIA MOUTINHO | MAR. 2, 2021



Such perturbations, also known as injecting noise, are meant to foil attempts to reidentify individuals by combining census data with other publicly available information, such as credit reports, voter registration rolls, and property records. But preventing reidentification has grown more challenging with the advent of ever-more-powerful computational tools capable of stripping away privacy.

Census officials now believe those ad hoc methods are no longer good enough to satisfy the law. “The problem is real, and it has moved from a concern to an issue,” says John Thompson, who stepped down as census director in June 2017, and who recently retired as head of the Council of Professional Associations on Federal Statistics in Arlington, Virginia. “In Census Bureau lingo, that means it’s no longer simply a risk, but rather something you have to deal with.”

The agency’s decision to adopt differential privacy was spurred, in part, by recent work on what is known as the “database reconstruction theorem.” The theorem shows that, given access to a sufficiently large amount of information, someone can reconstruct underlying databases and, in theory, identify individuals.

“Database reconstruction theorem is the death knell for traditional [data] publication systems from confidential sources,” says John Abowd, chief scientist and associate director for research at the Census Bureau, located in Suitland, Maryland. “It exposes a vulnerability that we were not designing our systems to address,” says Abowd, who has spearheaded the agency’s efforts to adopt differential privacy.

But some users of census data strongly disagree. Steven Ruggles, a population historian at the University of Minnesota in Minneapolis, is leading the charge against the new policy.

Ruggles says traditional methods have successfully prevented any identity disclosures and, thus, there’s no urgency to do more. If the Census Bureau is hell-bent on imposing differential privacy, he adds, officials should work with the community to iron out the kinks before applying it to the 2020 census and its smaller cousin, the American Community Survey.

“Differential privacy goes above and beyond what is necessary to keep data safe under census law and precedent,” says Ruggles, who also manages a university-based social research institute that disseminates census data. “This is not the time to impose arbitrary and burdensome new rules that will sharply restrict or eliminate access to the nation’s core data sources.”

“My central concern about differential privacy is that it’s a blunt instrument,” he adds. “If you want to provide the same level of protection against reidentification that current methods do, you’re going to have to do a lot more damage to the data than is done now.”

## Ways to protect confidentiality

Protecting confidentiality has been a priority for the Census Bureau for most—but not all—of its existence. After the first U.S. census was conducted in 1790, officials posted the results so that residents could correct errors. But in 1850, the interior secretary decreed that the returns would be kept confidential. They were “not to be used in any way to the gratification of curiosity and census officials,” or “the exposure of any man’s business or pursuits,” notes an official history of the census published in 1900. In 1954 the agency’s confidentiality mandate was codified in Title 13 of the U.S. Code.

Publicly available census data come in two flavors. One type, called small-area data, provides the basic characteristics of residents—age, sex, and race/ethnicity—down to the census block level. A census block, often the size of a city block, is the smallest geographic area for which data are reported. There were some 11 million blocks in 2010, of which 6.3 million were inhabited.

The second is called microdata, which are the full records collected by the Census Bureau on individuals—including, for example, the size of the household and the relationships between the residents. When microdata are reported, they are lumped together by areas containing at least

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100,000 people.

Together, these census products provide fodder for thousands of researchers. Census data are also the basis for surveys by other government agencies and the private sector that shape decisions ranging from locating new factories or shopping malls to building new roads and schools.

The Census Bureau has used a variety of methods to preserve the confidentiality of these data as it moved from print to magnetic tape to digital distribution. Officials can, for instance, mask the responses of outliers—such as the income of a billionaire. They can also be less precise, for example, by reporting ages within 5-year ranges rather than a single year. Another technique involves swapping information with a respondent possessing many similar characteristics who lives in a different block.

How much noise to inject depends on many factors. However, census officials have never disclosed details of their formula or said how often a particular method is used. They fear that such information could help someone to reverse engineer the process.

## A mathematical approach

Differential privacy, first described in 2006, isn't a substitute for swapping and other ways to perturb the data. Rather, it allows someone—in this case, the Census Bureau—to measure the likelihood that enough information will “leak” from a public data set to open the door to reconstruction.

“Any time you release a statistic, you're leaking something,” explains Jerry Reiter, a professor of statistics at Duke University in Durham, North Carolina, who has worked on differential privacy as a consultant with the Census Bureau. “The only way to absolutely ensure confidentiality is to release no data. So the question is, how much risk is OK? Differential privacy allows you to put a boundary” on that risk.

A database can be considered differentially protected if the information it yields about someone doesn't depend on whether that person is part of the database. Differential privacy was originally designed to apply to situations in which outsiders make a series of queries to extract information from a database. In that scenario, each query consumes a little bit of what the experts call a “privacy budget.” After that budget is exhausted, queries are halted in order to prevent database reconstruction.

In the case of census data, however, the agency has already decided what information it will release, and the number of queries is unlimited. So its challenge is to calculate how much the data must be perturbed to prevent reconstruction.

Abowd says the privacy budget “can be set at wherever the agency thinks is appropriate.” A low budget increases privacy with a corresponding loss of accuracy, whereas a high budget reveals more information with less protection. The mathematical parameter is called epsilon; Reiter likens setting epsilon to “turning a knob.” And epsilon can be fine-tuned: Data deemed especially sensitive can receive more protection.

The epsilon can be made public, along with the supporting equations on how it was calculated. In contrast, Abowd says, traditional approaches to limiting disclosure are “fundamentally dishonest” from a scientific perspective because of their underlying uncertainty. “At the moment,” he says, the public doesn't “know the global disclosure risk. ... That's because the agency doesn't tell you everything it did to the data before releasing it.”

## A simulated attack

A professor of labor economics at Cornell University, Abowd first learned that traditional procedures to limit disclosure were vulnerable—and that algorithms existed to quantify the risk—at a 2005 conference on privacy attended mainly by cryptographers and computer scientists. “We were speaking different languages, and there was no Rosetta Stone,” he says.



He took on the challenge of finding common ground. In 2008, building on a long relationship with the Census Bureau, he and a team at Cornell created the first application of differential privacy to a census product. It is a web-based tool, called OnTheMap, that shows where people work and live.

Abowd took leave from Cornell to join the Census Bureau in June 2016, and one of his first moves was to test the vulnerability of the 2010 census data to an outside attack. The goal was to see how well a census team could reconstruct individual records from the thousands of tables the agency had published—and then try to identify those individuals.

The three-step process required substantial computing power. First, the researchers reconstructed records for individuals—say, a 55-year-old Hispanic woman—by mining the aggregated census tables. Then, they tried to match the reconstructed individuals to even more detailed census block records (that still lacked names or addresses); they found “putative matches” about half the time.

Finally, they compared the putative matches to commercially available credit databases in hopes of attaching a name to a particular record. Even if they could, however, the team didn’t know whether they had actually found the right person.

Abowd won’t say what proportion of the putative matches appeared to be correct. (He says a forthcoming paper will contain the ratio, which he calls “the amount of uncertainty an attacker would have once they claim to have reidentified a person from the public data.”) Although one of Abowd’s recent papers notes that “the risk of re-identification is small,” he believes the experiment proved reidentification “can be done.” And that, he says, “is a strong motivation for moving to differential privacy.”

## Too far, too fast?

Such arguments haven’t convinced Ruggles and other social scientists opposed to applying differential privacy on the 2020 census. They are circulating manuscripts that question the significance of the census reconstruction exercise and that call on the agency to delay and change its plan.

Last month they had their first public opportunity to express their opposition during a meeting at census headquarters of the Federal Economic Statistics Advisory Committee (FESAC), which advises the Census Bureau and two other major federal statistical agencies. Abowd and Ruggles went toe to toe during a panel discussion on differential privacy, and council members had a chance to quiz them.

One point of disagreement is the interpretation of federal law. Title 13 requires the agency to mask only the identity of individuals, critics argue, not their characteristics. If identifying characteristics is illegal, Ruggles writes in a recent paper, then “virtually all Census Bureau microdata and small-area products currently fail to meet that standard.”

Abowd reads the law differently. “Steve has gotten it wrong,” he says flatly. “The statute says that what is prohibited is releasing the data in an identifiable way.”

At the meeting, several members of the advisory committee peppered Abowd with questions about the significance of being able to reconstruct 50% of microdata files. That percentage is rather low, they argue. In any event, they say, reconstruction is a far cry from reidentification, which is what the law prohibits. They also wondered why anyone would go to the trouble of messing with census data when there are other, better ways to obtain scads of personal information that can be used to identify individuals.

“I’m not surprised that someone has reconstructed the fact that there are 45-year-old white men living in a particular block,” said Colm O’Muirheartaigh, a professor of public policy at the University of Chicago in Illinois and a member of FESAC. “But that kind of information is neither very interesting or useful.”

Identifying individuals based on household data might be more valuable, he said. “But I imagine

it would be much harder to reconstruct a household," O'Muirheartaigh said. "And even if we could, reconstructing a typical American household—say, two adults and two children—would hardly be a killer identification."

Census data also don't age well because of high mobility rates, he added. "These are static data," he said. "Even if you knew that such and such a person lived somewhere in 2010, how valuable would that be in 2014 or 2018?"

Some meeting attendees also accused Abowd of failing to address the practical effects of applying differential privacy. One skeptic was Kirk Wolter, chief statistician for NORC at the University of Chicago, a research institution that does survey work for many federal agencies. He argued that noisier census data would have a major ripple effect, degrading the quality of many other surveys that rely on census data to select their samples. "These surveys provide the information infrastructure for the country," he noted. "And all of them would suffer."

Correcting for those problems will cost money, he predicted, with organizations like NORC having to adjust samples and redesign surveys. And given the tight budgets of most survey research organizations, those could translate into fewer studies—and less information about the country's residents.

Thompson agrees. "Kirk is exactly right," he says. Applying differential privacy means "those surveys will take longer and cost more. And they may be less accurate. But you don't have a choice."

## The citizenship elephant

Proponents of adopting differential privacy say there is also another compelling reason to move forward quickly: a controversial decision made last March by Commerce Secretary Wilbur Ross to [add a citizenship question](#) to the 2020 census.

A slew of local and state officials have joined civil rights groups in suing the federal government in a bid to block the question. They argue that adding the question will lead nonresidents and other vulnerable populations to avoid filling out the census form, [leading to a significant undercount](#). And they are worried about privacy, too. Knowing how someone answered the citizenship question, critics say, would allow a government agency to take punitive action against nonresidents.

"Maybe a researcher wouldn't try to do that," says Thompson, a witness for the plaintiffs in one of the suits. "But there are a lot of people who might. And I think that [federal immigration officials] would love to have that information."

Abowd knows the extreme sensitivity of the citizenship question. His emails last year to Ross expressing reservations about adding it to the 2020 census have been publicly revealed by the litigation. And although he tiptoed around the topic during the recent FESAC discussion, it was clear that he was worried about the damage it could wreak on the agency's credibility.

"The entire history of traditional disclosure limitation was aimed at preventing attackers, armed with external data, from using it in combination with the variables on the [census] microdata file to attach a name and address," Abowd said during the roundtable. "With regard to 2010, most of those databases did not have race and ethnicity on them. And none have citizenship, to just bring into the room the variable that we probably should be discussing more explicitly."

## Practical issues

Ruggles, meanwhile, has spent a lot of time thinking about the kinds of problems differential privacy might create. His Minnesota institute, for instance, disseminates data from the Census Bureau and 105 other national statistical agencies to 176,000 users. And he fears differential privacy will put a serious crimp in that flow of information.

In the most extreme scenario, he says, the Census Bureau could decide to make 2020 census data available only through its network of 29 secure Federal Statistical Research Data Centers.

That would impose serious hardships on users, Ruggles says, because the centers require users to obtain a security clearance, which often involves lengthy waiting periods. Such rules could also prevent most international scholars from using the centers, he says, as well as graduate students seeking a quick turnaround for a dissertation. In addition, researchers are only cleared if their project is deemed to benefit the agency's mission.

There are also questions of capacity and accessibility. The centers require users to do all their work onsite, so researchers would have to travel, and the centers offer fewer than 300 workstations in total.

Thompson says the Census Bureau needs to address those issues regardless of whether it adopts differential privacy. He agrees with Ruggles that it takes too long to gain access to the research centers, and he thinks the bureau needs to change its definition of what research serves its mission. "I have argued that anyone advancing the science of using data" should be eligible, he says. "We need a 21st-century Census Bureau, and that will take a lot of fixing."

(With regard to access, Abowd says the agency is considering setting up "virtual" centers that would allow a much broader audience to work with the data. But Ruggles is skeptical that such a system would satisfy the bureau's own definition of confidentiality.)

## A need to communicate

Abowd has said, "The deployment of differential privacy within the Census Bureau marks a sea change for the way that official statistics are produced and published." And Ruggles agrees. But he says the agency hasn't done enough to equip researchers with the maps and tools needed to navigate the uncharted waters.

"It's pretty clear we are going to have a new methodology," Ruggles concedes. "But I think it could be implemented in a better or worse way. I would like them to consider the trade-offs, and not take such an absolutist stand on the risks."

Meanwhile, NORC's Wolter says regardless of whether his concerns are addressed, the bureau must do more outreach—and not just in peer-reviewed journals. "Census badly needs a communications strategy, by real communications specialists," he said. "There are thousands of users [of census data] who won't understand any of this stuff. And they need to know what is going to happen."

**Clarification**, 17 January 2019, 5:00 p.m.: The first quote from John Abowd in the story has been revised to make it clear that the Census Bureau is now addressing the vulnerability of census data to reidentification.

Posted in: [Science and Policy](#), [Scientific Community](#)

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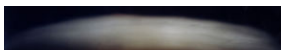


**Jeffrey Mervis**

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# DataSynthesizer: Privacy-Preserving Synthetic Datasets

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## ABSTRACT

To facilitate collaboration over sensitive data, we present DataSynthesizer, a tool that takes a sensitive dataset as input and generates a structurally and statistically similar synthetic dataset with strong privacy guarantees. The data owners need not release their data, while potential collaborators can begin developing models and methods with some confidence that their results will work similarly on the real dataset. The distinguishing feature of DataSynthesizer is its usability — the data owner does not have to specify any parameters to start generating and sharing data safely and effectively.

DataSynthesizer consists of three high-level modules — DataDescriber, DataGenerator and ModelInspector. The first, DataDescriber, investigates the data types, correlations and distributions of the attributes in the private dataset, and produces a data summary, adding noise to the distributions to preserve privacy. DataGenerator samples from the summary computed by DataDescriber and outputs synthetic data. ModelInspector shows an intuitive description of the data summary that was computed by DataDescriber, allowing the data owner to evaluate the accuracy of the summarization process and adjust any parameters, if desired.

We describe DataSynthesizer and illustrate its use in an urban science context, where sharing sensitive, legally encumbered data between agencies and with outside collaborators is reported as the primary obstacle to data-driven governance.

The code implementing all parts of this work is publicly available at <https://github.com/DataResponsibly/DataSynthesizer>.

## CCS CONCEPTS

• **Security and privacy** → **Data anonymization and sanitization; Privacy protections; Usability in security and privacy;**

## KEYWORDS

Data Sharing; Synthetic Data; Differential Privacy

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## 1 INTRODUCTION

Collaborative projects in the social and health sciences increasingly require sharing sensitive, privacy-encumbered data. Social scientists, government agencies, health workers, and non-profits are eager to collaborate with data scientists, but formal data sharing agreements are too slow and expensive to create in ad hoc situations — our colleagues report that 18 months is a typical timeframe to establish such agreements! As a result, many promising collaborations can fail before they even begin. Data scientists require access to the data before they can understand the problem or even determine whether they can help. But data owners cannot share data without significant legal protections in place. Beyond legal concerns, there is a general reluctance to share sensitive data with non-experts before they have “proven themselves,” since they do not understand the context in which the data was collected and may be distracted by spurious results.

To bootstrap these collaborations without incurring the cost of formal data sharing agreements, we saw a need to generate datasets that are *structurally and statistically similar* to the real data but that are 1) obviously synthetic to put the data owners at ease, and 2) offer strong privacy guarantees to prevent adversaries from extracting any sensitive information. These two requirements are not redundant: strong privacy guarantees are not always sufficient to convince data owners to release data, and even seemingly random datasets may not prevent subtle privacy attacks. With this approach, data scientists can begin to develop models and methods with synthetic data, but maintain some degree of confidence that their work will remain relevant when applied to the real data once proper data sharing agreements are in place.

We propose a tool named DataSynthesizer to address this problem. Assume that the private dataset contains one table with  $m$  attributes and  $n$  tuples, and that the values in each attribute are homogeneous, that is, they are all of the same data type. We are interested in producing a synthetic dataset such that summary statistics of all numerical, categorical, string, and datetime attributes are similar to the private dataset. What statistics we preserve depends on the data type, as we will discuss in Section 3.

DataSynthesizer infers the domain of each attribute and derives a description of the distribution of attribute values in the private dataset. This information is saved in a dataset description file, to which we refer as data summary. Then DataSynthesizer is able to generate synthetic datasets of arbitrary size by sampling from the probabilistic model in the dataset description file.

DataSynthesizer can operate in one of three modes: In *correlated attribute mode*, we learn a differentially private Bayesian network capturing the correlation structure between attributes, then draw samples from this model to construct the result dataset. In cases where the correlated attribute mode is too computationally expensive or when there is insufficient data to derive a reasonable model, one can use *independent attribute mode*. In this mode, a histogram is derived for each attribute, noise is added to the histogram to achieve differential privacy, and then samples are drawn for each attribute. Finally, for cases of extremely sensitive data, one can use *random mode* that simply generates type-consistent random values for each attribute.

DataSynthesizer uses principled methods to infer attribute data types, learn statistical properties of the attributes, and protect privacy. While the specific techniques we employ are standard and have been used elsewhere (see Section 4 for a description of relevant work), the primary contribution of our system is in its usability. The system supports three intuitive modes of operation, and requires minimal input from the user.

## 2 DEMONSTRATION SCENARIO

We now briefly describe the main components of the DataSynthesizer system, and then explain the demonstration scenarios. The high-level architecture of the system is presented in Figure 1. The system has three modules — DataDescriber, DataGenerator and ModelInspector. Each component of the system will be explained in detail in Section 3. A data owner interacts with DataSynthesizer through a Web-based UI that serves as a wrapper for 1) invoking the DataDescriber library to compute a data summary, 2) generating a synthetic dataset from the summary using DataGenerator, and 3) inspecting and comparing datasets and data summaries with ModelInspector.

DataDescriber can be invoked on any CSV file. In particular, we can invoke it on both the input file and the output file, and compare the resulting summaries. Based on this comparison, we will convey an important point to the demonstration attendees: While the input and output datasets themselves are clearly very different, the statistical descriptions of the datasets are very similar. What sort of a comparison is drawn between the input and the output depends on the mode of operation of DataSynthesizer. When the tool is invoked in correlated attribute mode, a comparison of the learned Bayesian networks and of the pair-wise attribute correlations is shown to the user. In independent attribute mode, per-attribute histograms are presented, along with the ranges of attribute values.

During the demonstration, we will showcase the functionality of DataSynthesizer on a variety of datasets. We will prepare several interesting datasets for the interactive session, including an urban homelessness dataset from the University of Washington Data Science Institute (where the relevant tasks include making targeted service recommendations), the criminal sentencing dataset from a ProPublica investigation [1] (where the relevant tasks include analyzing the bias of recidivism models), and several datasets from the UCI Machine Learning Repository [6]. During the demonstration we will encourage users to download additional datasets from portals such as [data.seattle.gov](http://data.seattle.gov) and [data.ny.gov](http://data.ny.gov) and to run the tool.

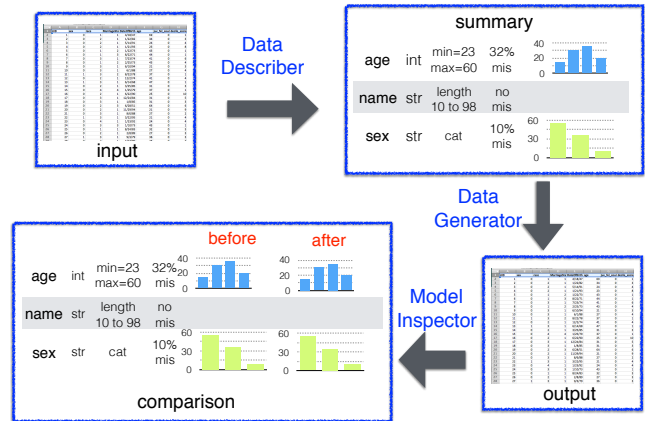


Figure 1: The DataSynthesizer system architecture.

Attendees will play the role of a data owner who is preparing a synthetic dataset for release to a set of new collaborators. After reviewing the raw dataset, they will generate a summary model and inspect the results, verifying that the results are sensible. Then, the attendees will generate a synthetic dataset from this model and inspect individual records, observing that the records are visibly “scrambled”. Finally, they will generate a new model from the synthetic dataset and observe that the statistical properties are intact. At this point, we will explain the privacy guarantees that are enforced, and will illustrate them using the before-and-after visualizations.

## 3 SYSTEM OVERVIEW

DataSynthesizer is an end-to-end system that takes a private dataset as input and generates synthetic datasets. The system is implemented in Python 3. It assumes that the private dataset is presented in CSV format.

The input dataset is first processed by the DataDescriber module. The domains and the estimates of distributions of the attributes are inferred and saved in a dataset description file. For each attribute identified as categorical, DataDescriber computes the frequency distribution of values, represented as a bar chart. DataGenerator then samples from this distribution when deriving the synthetic dataset. For non-categorical numerical and datetime attributes, DataDescriber derives an equi-width histogram to represent the distribution. DataGenerator draws samples from this histogram during data generation using uniform sampling. For non-categorical string attributes, their minimum and maximum lengths are recorded. DataDescriber generates random strings within the length range during data generation stage.

We now describe each of the modules of DataSynthesizer in turn.

### 3.1 DataDescriber

**3.1.1 Inferring data types and domains.** The domain of an attribute is the set of its legal values. The data type is an important ingredient of the attribute domain. DataSynthesizer supports four data types. The system allows users to explicitly specify attribute data types. If an attribute data type is not specified by the user,

**Table 1: Data types supported by DataSynthesizer**

Data Type	Example
<i>integer</i>	id, age, ...
<i>float</i>	score, rating, ...
<i>string</i>	name, gender, ...
<i>datetime</i>	birthday, event time, ...

it is inferred by the DataDescriber. For each attribute, DataDescriber first detects whether it is numerical, and if so – whether it is an *integer* or a *float*. If the attribute is non-numerical, DataDescriber attempts to parse it as *datetime*. Any attribute that is neither numerical nor *datetime* is considered a *string*.

The data type of an attribute restricts its domain, which may be limited further if the attribute is categorical, where only specific values are legal. For example, in a dataset of students, the attribute *degree* may only take on values *BS*, *BA*, *MS*, or *PhD*. The domain of *degree* is  $\{BS, BA, MS, PhD\}$ . Note that *integer*, *float* and *datetime* attributes can also be categorical. In general, an attribute is considered to be categorical if a limited number of distinct values for that attribute is observed in the input dataset. DataDescriber has a parameter *categorical threshold* that defaults to 10 and represents the maximum number of distinct values for a categorical attribute.

The *categorical threshold*, like any threshold, may be challenging, or even impossible, to set in a way that reflects user preferences for all attributes in the input. Some attributes may appear categorical, but the user may prefer to treat them as numerical instead. For example, age of elementary school children may take on only a handful of distinct values but the user may nonetheless wish to generate data for this attribute from a continuous range. The opposite situation may also arise – an attribute may take on 200 or so distinct values, as is the case with country names, and so would not be considered categorical under any reasonable threshold. Still, the user may prefer to treat this attribute as categorical, so that a valid country name, rather than a random string, is generated for this attribute in the synthesized dataset. For this reason, DataSynthesizer allows users to specify a data type, and state whether an attribute is categorical, over-riding defaults on a per-attribute basis.

Note that the actual datatype of a categorical attribute is immaterial in terms of the statistical properties and the privacy guarantees in synthetic data generation. For example, an attribute such as *sex* may be encoded as M/F, as 0/1 or using a Boolean flag (e.g., True for male and False for female). In all cases, the tool will compute the frequencies of each attribute value in the input, and will subsequently sample values from the resulting data summary.

There might be missing values in the input dataset, and these are important to represent in the summary. DataDescriber calculates the missing rate for each attribute – the number of observed missing values divided by  $n$ , the size of the dataset.

**3.1.2 Differential privacy.** Differential privacy is a family of techniques that guarantee that the output of an algorithm is statistically indistinguishable on a pair of *neighboring* databases; that is, a pair of databases that differ by only one tuple. This concept is formalized with the following definition.

---

**Algorithm 1** GreedyBayes( $D, A, k$ )

---

**Require:** Dataset  $D$ , set of attributes  $A$ , maximum number of parents  $k$

- 1: Initialize  $\mathcal{N} = \emptyset$  and  $V = \emptyset$ .
  - 2: Randomly select an attribute  $X_1$  from  $A$ .
  - 3: Add  $(X_1, \emptyset)$  to  $\mathcal{N}$ ; add  $X_1$  to  $V$ .
  - 4: **for**  $i = 2, \dots, |A|$  **do**
  - 5:   Initialize  $\Omega = \emptyset$
  - 6:    $p = \min(k, |V|)$
  - 7:   **for** each  $X \in A \setminus V$  and each  $\Pi \in \binom{V}{p}$  **do**
  - 8:     Add  $(X, \Pi)$  to  $\Omega$
  - 9:   **end for**
  - 10:   Compute mutual information based on  $D$  for all pairs in  $\Omega$ .
  - 11:   Select  $(X_i, \Pi_i)$  from  $\Omega$  with maximal mutual information.
  - 12:   Add  $(X_i, \Pi_i)$  to  $\mathcal{N}$ .
  - 13: **end for**
  - 14: **return**  $\mathcal{N}$
- 

( $\epsilon$ -Differential Privacy [3]) Let  $\epsilon$  be a positive number. Let  $\mathcal{A}$  be a randomized algorithm taking a dataset as input. Let  $D$  be a dataset. For any  $D'$  that differs from  $D$  on at most one tuple, for any legal output  $O$  of  $\mathcal{A}$ ,  $Pr(\mathcal{A}(D) = O) \leq e^\epsilon \times Pr(\mathcal{A}(D') = O)$ .

When  $\epsilon$  approaches 0,  $Pr(\mathcal{A}(D) = O) = Pr(\mathcal{A}(D') = O)$ . That is, the presence or absence of a single individual in the input to the algorithm will be undetectable when one looks at the output.

**3.1.3 Independent attribute mode.** When invoked in independent attribute mode, DataDescriber performs frequency-based estimation of the unconditioned probability distributions of the attributes. The distribution is captured by bar charts for categorical attributes, and by histograms for numerical attributes. Precision of the histograms can be refined by a parameter named *histogram size*, which represents the number of bins and is set to 20 by default.

DataDescriber implements a differentially private mechanism, adding controlled noise into the learned distributions. The noise is from a Laplace distribution with location 0 and scale  $\frac{1}{n\epsilon}$ , where  $n$  is the size of the input, denoted  $Lap(\frac{1}{n\epsilon})$ , setting  $\epsilon = 0.1$  by default. DataDescriber also adds Laplace noise to the missing rate. When Laplace noise is added to histogram frequencies, the value may become negative. In that case the value is reset to 0 [8].

**3.1.4 Correlated attribute mode.** Attribute values are often correlated, e.g., *age* and *income* of a person. When invoked in correlated attribute mode, DataDescriber uses the GreedyBayes algorithm to construct Bayesian networks (BN) to model correlated attributes [8].

Algorithm 1 constructs a BN  $\mathcal{N}$  from input dataset  $D$ , attributes  $A$ , and the maximum number of BN node parents  $k$ , which defaults to 4. In this algorithm,  $V$  is the set of visited attributes, and  $\Pi$  is a subset of  $V$  that will become parents of node  $X$  if added to  $\mathcal{N}$ . Which attributes  $\Pi$  are selected as parents of  $X$  is determined greedily, by maximizing mutual information  $(X, \Pi)$ . Algorithm 1 learns the structure of the BN with privacy guarantees when the mutual information computation is differentially private [8].

The Bayesian networks constructed in Algorithm 1 gives the sampling order for generating attribute values. The distribution from which a dependent attribute is sampled is called a conditioned

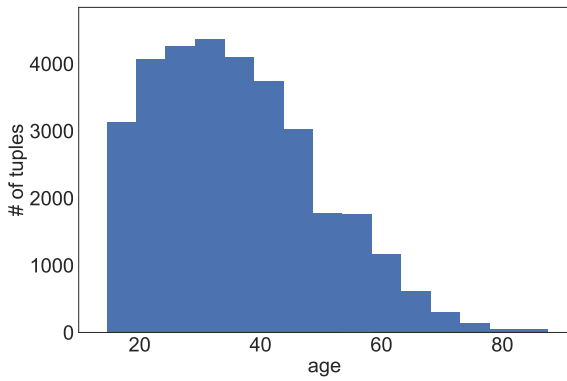


Figure 2: Histogram on age: Adult Income [6].

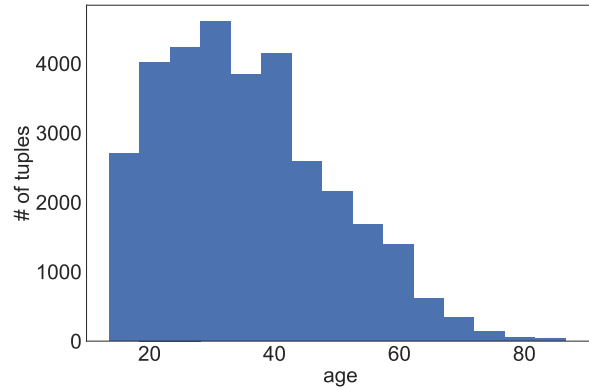


Figure 3: Histogram on age: synthetic.



Figure 4: Pair-wise correlations: Adult Income [6].



Figure 5: Pair-wise correlations: synthetic.

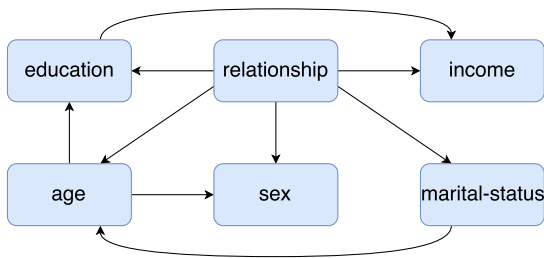


Figure 6: Bayesian network: Adult Income [6].

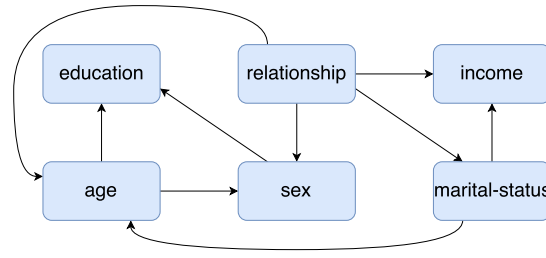


Figure 7: Bayesian network: synthetic.

distribution. When constructing noisy conditioned distributions,  $Lap(\frac{A(d-k)}{n-\epsilon})$  is injected to preserve privacy. Here,  $d$  is the number of attributes,  $k$  is the maximum number of parents of a BN node, and  $n$  is the number of tuples in the input dataset. We construct conditional distributions according to Algorithm 1 of [8].

The parents of a dependent attribute can be categorical or numerical, whose distributions are modeled by bar charts and histograms, respectively. The conditions for this dependent attribute are the

legal values of the categorical parents and the intervals of the numerical parents. Here, the intervals are formed in the same way as the unconditional distributions of the parent attributes. For example, the *age* attribute has intervals  $\{[10, 20), [20, 30), [30, 40)\}$  in its unconditional distribution. Assume *education* only depends on *age*. Its conditioned distributions will be under the same intervals, i.e.,  $age \in [10, 20)$ ,  $age \in [20, 30)$  and  $age \in [30, 40)$  respectively.

**Algorithm 2** DataGenerator( $n, \mathcal{M}, \mathcal{S}, A_U, s$ )

---

**Require:** number of tuples  $n$  to generate, mode  $\mathcal{M}$ , dataset description  $\mathcal{S}$ , uniform attributes  $A_U$ , seed  $s$

- 1: Set seed =  $s$  for pseudo-random number generator.
- 2: **if**  $\mathcal{M}$  is independent attribute mode **then**
- 3:   Read all attributes  $A$  from  $\mathcal{S}$ .
- 4:   **for**  $X \in A$  **do**
- 5:     **if**  $X \in A_U$  **then**
- 6:       Read the domain of  $X$  from  $\mathcal{S}$ .
- 7:       Sample  $n$  values uniformly from its domain.
- 8:     **else**
- 9:       Read the distribution of  $X$  from  $\mathcal{S}$ .
- 10:       Sample  $n$  values from its distribution.
- 11:     **end if**
- 12:   **end for**
- 13: **else if**  $\mathcal{M}$  is correlated attribute mode **then**
- 14:   Read Bayesian network  $\mathcal{N}$  from  $\mathcal{S}$ .
- 15:   Sample root attribute from an unconditional distribution.
- 16:   Sample remaining attributes from conditional distributions.
- 17: **end if**
- 18: **return** Sampled dataset

---

### 3.2 DataGenerator

Given a dataset description file generated by DataDescriber, DataGenerator samples synthetic data from the distributions in this file. The size of the output dataset is specified by the user, and defaults to  $n$ , the size of the input dataset.

Algorithm 2 describes the data generation process. When invoked in random mode, DataGenerator generates type-consistent random values for each attribute. When invoked in independent attribute mode, DataGenerator draws samples from bar charts or histograms using uniform sampling. Finally, when invoked in correlated attribute mode, DataDescriber samples attribute values in appropriate order from the Bayesian network.

An important property of differential privacy is that its performance degrades with repeated queries. To prevent leaking private information through adversaries repeatedly sending data generation requests, the system administrator can assign a unique random seed for each person who requires a synthetic dataset. To support this, DataGenerator provides per-user seed functionality.

### 3.3 Model Inspector

ModelInspector provides several built-in functions to inspect the similarity between the private input dataset and the output synthetic dataset. The data owner can quickly test whether the tuples in the synthetic dataset are detectable by inspecting and comparing the first 5 and last 5 tuples in both datasets.

The synthetic dataset should have similar distributions of attribute values as the input dataset. In independent attribute mode, ModelInspector allows users to visually compare attribute distributions in the form of bar charts or histograms. Figures 2 and 3 present such summaries for the attribute *age* from the Adult Income dataset [6]. The system also computes the correlation coefficient

of an appropriate kind, depending on attribute type, and the KL-divergence value, which measure how much the “after” probability distribution diverges from the “before” probability distribution for a given attribute. In correlated attribute mode, ModelInspector presents “before” and “after” pairwise mutual information matrices (Figures 4 and 5) and describes Bayesian networks (such as those shown graphically in Figures 6 and 7), enabling an at-a-glance comparison of the statistical properties of the datasets.

## 4 RELATED WORK

In our work on DataSynthesizer we leverage recent advances in practical differential privacy [4] and privacy-preserving generation of synthetic datasets [7, 8]. In particular, we make use of the privacy-preserving learning of the structure and conditional probabilities of a Bayesian network in PrivBayes [8], and are inspired in our implementation by the work on DPBench [4].

Data sharing systems, including SQLShare [5] and DataHub [2], aim to facilitate collaborative data analysis, but do not incorporate privacy preserving features or purport to manage sensitive data. We see these systems efforts as a potential delivery vector for DataSynthesizer capabilities.

## 5 TAKE-AWAY MESSAGES

We have presented a demonstration of DataSynthesizer, a privacy-preserving synthetic data generator designed to facilitate collaborations between domain-expert data owners and external data scientists. The cost of establishing formal data sharing agreements limits the impact of these ad hoc collaborations in government, social sciences, health, or other areas where data is heavily encumbered by privacy rules. Given a dataset, DataSynthesizer can derive a structurally and statistically similar dataset, at a configurable level of statistical fidelity, while ensuring strong privacy guarantees. DataSynthesizer is designed with usability in mind. The system supports three intuitive modes of operation, and requires minimal input from the user.

We see DataSynthesizer being used in a variety of application contexts, both as a stand-alone library and as a component of more comprehensive data sharing platforms. As part of ongoing work, we are studying how best to deliver these features to data owners, and determining how additional requirements can be met. DataSynthesizer is open source, and is available for download at <https://github.com/DataResponsibly/DataSynthesizer>.

## REFERENCES

- [1] Julia Angwin, Jeff Larson, Surya Mattu, and Lauren Kirchner. 2016. Machine Bias. *ProPublica* (23 May 2016). <https://www.propublica.org/article/machine-bias-risk-assessments-in-criminal-sentencing>
- [2] Anant P. Bhardwaj and others. 2015. DataHub: Collaborative Data Science & Dataset Version Management at Scale. In *CIDR*.
- [3] Cynthia Dwork and others. 2006. Calibrating Noise to Sensitivity in Private Data Analysis. In *TCC*.
- [4] Michael Hay and others. 2016. Principled Evaluation of Differentially Private Algorithms using DPBench. In *SIGMOD*.
- [5] Shrainik Jain and others. 2016. SQLShare: Results from a Multi-Year SQL-as-a-Service Experiment. In *SIGMOD*. ACM, New York, NY, USA.
- [6] M. Lichman. 2013. UCI Machine Learning Repository. (2013). <http://archive.ics.uci.edu/ml>
- [7] Wentian Lu and others. 2014. Generating private synthetic databases for untrusted system evaluation. In *ICDE*.
- [8] Jun Zhang and others. 2014. PrivBayes: private data release via Bayesian networks. In *SIGMOD*.



## **Week 10: Ethical Frameworks**

Salganik (2017) "Ethics," in "Bit by Bit: Social Research in the Digital Age" available here: <https://www.bitbybitbook.com/en/1st-ed/ethics/>

# Privacy and human behavior in the age of information

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This Review summarizes and draws connections between diverse streams of empirical research on privacy behavior. We use three themes to connect insights from social and behavioral sciences: people's uncertainty about the consequences of privacy-related behaviors and their own preferences over those consequences; the context-dependence of people's concern, or lack thereof, about privacy; and the degree to which privacy concerns are malleable—manipulable by commercial and governmental interests. Organizing our discussion by these themes, we offer observations concerning the role of public policy in the protection of privacy in the information age.

If this is the age of information, then privacy is the issue of our times. Activities that were once private or shared with the few now leave trails of data that expose our interests, traits, beliefs, and intentions. We communicate using e-mails, texts, and social media; find partners on dating sites; learn via online courses; seek responses to mundane and sensitive questions using search engines; read news and books in the cloud; navigate streets with geotracking systems; and celebrate our newborns, and mourn our dead, on social media profiles. Through these and other activities, we reveal information—both knowingly and unwittingly—to one another, to commercial entities, and to our governments. The monitoring of personal information is ubiquitous; its storage is so durable as to render one's past undeletable (1)—a modern digital skeleton in the closet. Accompanying the acceleration in data collection are steady advancements in the ability to aggregate, analyze, and draw sensitive inferences from individuals' data (2).

Both firms and individuals can benefit from the sharing of once hidden data and from the application of increasingly sophisticated analytics to larger and more interconnected databases (3). So too can society as a whole—for instance, when electronic medical records are combined to observe novel drug interactions (4). On the other hand, the potential for personal data to be abused—for economic and social discrimination, hidden influence and manipulation, coercion, or censorship—is alarming. The erosion of privacy can threaten our autonomy, not merely as consumers but as citizens (5). Sharing more personal data does not necessarily always translate into more progress, efficiency, or equality (6).

Because of the seismic nature of these developments, there has been considerable debate about individuals' ability to navigate a rapidly evolving privacy landscape, and about what, if anything, should be done about privacy at a policy level. Some trust people's ability to make self-interested

decisions about information disclosing and withholding. Those holding this view tend to see regulatory protection of privacy as interfering with the fundamentally benign trajectory of information technologies and the benefits such technologies may unlock (7). Others are concerned about the ability of individuals to manage privacy amid increasingly complex trade-offs. Traditional tools for privacy decision-making such as choice and consent, according to this perspective, no longer provide adequate protection (8). Instead of individual responsibility, regulatory intervention may be needed to balance the interests of the subjects of data against the power of commercial entities and governments holding that data.

Are individuals up to the challenge of navigating privacy in the information age? To address this question, we review diverse streams of empirical privacy research from the social and behavioral sciences. We highlight factors that influence decisions to protect or surrender privacy and how, in turn, privacy protections or violations affect people's behavior. Information technologies have progressively encroached on every aspect of our personal and professional lives. Thus, the problem of control over personal data has become inextricably linked to problems of personal choice, autonomy, and socioeconomic power. Accordingly, this Review focuses on the concept of, and literature around, informational privacy (that is, privacy of personal data) but also touches on other conceptions of privacy, such as anonymity or seclusion. Such notions all ultimately relate to the permeable yet pivotal boundaries between public and private (9).

We use three themes to organize and draw connections between streams of privacy research that, in many cases, have unfolded independently. The first theme is people's uncertainty about the nature of privacy trade-offs, and their own preferences over them. The second is the powerful context-dependence of privacy preferences: The same person can in some situations be oblivious to, but in other situations be acutely concerned about, issues of privacy. The third theme is the malleability of privacy preferences, by which we mean that privacy preferences are subject to

influence by those possessing greater insight into their determinants. Although most individuals are probably unaware of the diverse influences on their concern about privacy, entities whose interests depend on information revelation by others are not. The manipulation of subtle factors that activate or suppress privacy concern can be seen in myriad realms—such as the choice of sharing defaults on social networks, or the provision of greater control on social media—which creates an illusion of safety and encourages greater sharing.

Uncertainty, context-dependence, and malleability are closely connected. Context-dependence is amplified by uncertainty. Because people are often “at sea” when it comes to the consequences of, and their feelings about, privacy, they cast around for cues to guide their behavior. Privacy preferences and behaviors are, in turn, malleable and subject to influence in large part because they are context-dependent and because those with an interest in information divulgence are able to manipulate context to their advantage.

## Uncertainty

Individuals manage the boundaries between their private and public spheres in numerous ways: via separateness, reserve, or anonymity (10); by protecting personal information; but also through deception and dissimulation (11). People establish such boundaries for many reasons, including the need for intimacy and psychological respite and the desire for protection from social influence and control (12). Sometimes, these motivations are so visceral and primal that privacy-seeking behavior emerges swiftly and naturally. This is often the case when physical privacy is intruded—such as when a stranger encroaches in one's personal space (13–15) or demonstratively eavesdrops on a conversation. However, at other times (often including when informational privacy is at stake) people experience considerable uncertainty about whether, and to what degree, they should be concerned about privacy.

A first and most obvious source of privacy uncertainty arises from incomplete and asymmetric information. Advancements in information technology have made the collection and usage of personal data often invisible. As a result, individuals rarely have clear knowledge of what information other people, firms, and governments have about them or how that information is used and with what consequences. To the extent that people lack such information, or are aware of their ignorance, they are likely to be uncertain about how much information to share.

Two factors exacerbate the difficulty of ascertaining the potential consequences of privacy behavior. First, whereas some privacy harms are tangible, such as the financial costs associated with identity theft, many others, such as having strangers become aware of one's life history, are intangible. Second, privacy is rarely an unalloyed good; it typically involves trade-offs (16). For example, ensuring the privacy of a consumer's

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purchases may protect her from price discrimination but also deny her the potential benefits of targeted offers and advertisements.

Elements that mitigate one or both of these exacerbating factors, by either increasing the tangibility of privacy harms or making trade-offs explicit and simple to understand, will generally affect privacy-related decisions. This is illustrated by one laboratory experiment in which participants were asked to use a specially designed search engine to find online merchants and purchase from them, with their own credit cards, either a set of batteries or a sex toy (17). When the search engine only provided links to the merchants' sites and a comparison of the products' prices from the different sellers, a majority of participants did not pay any attention to the merchants' privacy policies; they purchased from those offering the lowest price. However, when the search engine also provided participants with salient, easily accessible information about the differences in privacy protection afforded by the various merchants, a majority of participants paid a roughly 5% premium to buy products from (and share their credit card information with) more privacy-protecting merchants.

A second source of privacy uncertainty relates to preferences. Even when aware of the consequences of privacy decisions, people are still likely to be uncertain about their own privacy preferences. Research on preference uncertainty (18) shows that individuals often have little sense of how much they like goods, services, or other people. Privacy does not seem to be an exception. This can be illustrated by research in which people were asked sensitive and potentially incriminating questions either point-blank, or followed by credible assurances of confidentiality (19). Although logically such assurances should lead to greater divulgence, they often had the opposite effect because they elevated respondents' privacy concerns, which without assurances would have remained dormant.

The remarkable uncertainty of privacy preferences comes into play in efforts to measure individual and group differences in preference for privacy (20). For example, Westin (21) famously used broad (that is, not contextually specific) privacy questions in surveys to cluster individuals into privacy segments: privacy fundamentalists, pragmatists, and unconcerned. When asked directly, many people fall in the first segment: they profess to care a lot about privacy and express particular concern over losing control of their personal information or others gaining unauthorized access to it (22, 23). However, doubts about the power of attitudinal scales to predict actual privacy behavior arose early in the literature (24). This discrepancy between attitudes and behaviors has become known as the "privacy paradox."

In one early study illustrating the paradox, participants were first classified into categories of privacy concern inspired by Westin's categorization based on their responses to a survey dealing with attitudes toward sharing data (25). Next, they were presented with products

to purchase at a discount with the assistance of an anthropomorphic shopping agent. Few, regardless of the group they were categorized in, exhibited much reluctance to answering the increasingly sensitive questions the agent plied them with.

Why do people who claim to care about privacy often show little concern about it in their daily behavior? One possibility is that the paradox is illusory—that privacy attitudes, which are defined broadly, and intentions and behaviors, which are defined narrowly, should not be expected to be closely related (26, 27). Thus, one might care deeply about privacy in general but, depending on the costs and benefits prevailing in a specific situation, seek or not seek privacy protection (28).

This explanation for the privacy paradox, however, is not entirely satisfactory for two reasons. The first is that it fails to account for situations in which attitude-behavior dichotomies arise under high correspondence between expressed concerns and behavioral actions. For example, one study compared attitudinal survey answers to actual social media behavior (29). Even within the subset of participants who expressed the highest degree of concern over strangers being able to easily find out their sexual orientation, political views, and partners' names, 48% did in fact publicly reveal their sexual orientation online, 47% revealed their political orientation, and 21% revealed their current partner's name. The second reason is that privacy decision-making is only in part the result of a rational "calculus" of costs and benefits (16, 28); it is also affected by misperceptions of those costs and benefits, as well as social norms, emotions, and heuristics. Any of these factors may affect behavior differently from how they affect attitudes. For instance, present-bias can cause even the privacy-conscious to engage in risky revelations of information, if the immediate gratification from disclosure trumps the delayed, and hence discounted, future consequences (30).

Preference uncertainty is evident not only in studies that compare stated attitudes with behaviors, but also in those that estimate monetary valuations of privacy. "Explicit" investigations ask people to make direct trade-offs, typically between privacy of data and money. For instance, in a study conducted both in Singapore and the United States, students made a series of hypothetical choices about sharing information with websites that differed in protection of personal information and prices for accessing services (31). Using conjoint analysis, the authors concluded that subjects valued protection against errors, improper access, and secondary use of personal information between \$30.49 and \$44.62. Similar to direct questions about attitudes and intentions, such explicit investigations of privacy valuation spotlight privacy as an issue that respondents should take account of and, as a result, increase the weight they place on privacy in their responses.

Implicit investigations, in contrast, infer valuations of privacy from day-to-day decisions in

which privacy is only one of many considerations and is typically not highlighted. Individuals engage in privacy-related transactions all the time, even when the privacy trade-offs may be intangible or when the exchange of personal data may not be a visible or primary component of a transaction. For instance, completing a query on a search engine is akin to selling personal data (one's preferences and contextual interests) to the engine in exchange for a service (search results). "Revealed preference" economic arguments would then conclude that because technologies for information sharing have been enormously successful, whereas technologies for information protection have not, individuals hold overall low valuations of privacy. However, that is not always the case: Although individuals at times give up personal data for small benefits or discounts, at other times they voluntarily incur substantial costs to protect their privacy. Context, as further discussed in the next section, matters.

In fact, attempts to pinpoint exact valuations that people assign to privacy may be misguided, as suggested by research calling into question the stability, and hence validity, of privacy estimates. In one field experiment inspired by the literature on endowment effects (32), shoppers at a mall were offered gift cards for participating in a non-sensitive survey. The cards could be used online or in stores, just like debit cards. Participants were given either a \$10 "anonymous" gift card (transactions done with that card would not be traceable to the subject) or a \$12 trackable card (transactions done with that card would be linked to the name of the subject). Initially, half of the participants were given one type of card, and half the other. Then, they were all offered the opportunity to switch. Some shoppers, for example, were given the anonymous \$10 card and were asked whether they would accept \$2 to "allow my name to be linked to transactions done with the card"; other subjects were asked whether they would accept a card with \$2 less value to "prevent my name from being linked to transactions done with the card." Of the subjects who originally held the less valuable but anonymous card, five times as many (52.1%) chose it and kept it over the other card than did those who originally held the more valuable card (9.7%). This suggests that people value privacy more when they have it than when they do not.

The consistency of preferences for privacy is also complicated by the existence of a powerful countervailing motivation: the desire to be public, share, and disclose. Humans are social animals, and information sharing is a central feature of human connection. Social penetration theory (33) suggests that progressively increasing levels of self-disclosure are an essential feature of the natural and desirable evolution of interpersonal relationships from superficial to intimate. Such a progression is only possible when people begin social interactions with a baseline level of privacy. Paradoxically, therefore, privacy provides an essential foundation for intimate disclosure. Similar to privacy, self-disclosure confers numerous objective and subjective benefits, including psychological

and physical health (34, 35). The desire for interaction, socialization, disclosure, and recognition or fame (and, conversely, the fear of anonymous unimportance) are human motives no less fundamental than the need for privacy. The electronic media of the current age provide unprecedented opportunities for acting on them. Through social media, disclosures can build social capital, increase self-esteem (36), and fulfill ego needs (37). In a series of functional magnetic resonance imaging experiments, self-disclosure was even found to engage neural mechanisms associated with reward; people highly value the ability to share thoughts and feelings with others. Indeed, subjects in one of the experiments were willing to forgo money in order to disclose about themselves (38).

### Context-dependence

Much evidence suggests that privacy is a universal human need (Box 1) (39). However, when people are uncertain about their preferences they often search for cues in their environment to provide guidance. And because cues are a function of context, behavior is as well. Applied to privacy, context-dependence means that individuals can, depending on the situation, exhibit anything ranging from extreme concern to apathy about privacy. Adopting the terminology of Westin, we are all privacy pragmatists, privacy fundamentalists, or privacy unconcerned, depending on time and place (40).

The way we construe and negotiate public and private spheres is context-dependent because the boundaries between the two are murky (41): The rules people follow for managing privacy vary by situation, are learned over time, and are based on cultural, motivational, and purely situational criteria. For instance, usually we may be more comfortable sharing secrets with friends, but at times we may reveal surprisingly personal information to a stranger on a plane (42). The theory of contextual “integrity” posits that social expectations affect our beliefs regarding what is private and what is public, and that such expectations vary with specific contexts (43). Thus, seeking privacy in public is not a contradiction; individuals can manage privacy even while sharing information, and even on social media (44). For instance, a longitudinal study of actual disclosure behavior of online social network users highlighted that over time, many users increased the amount of personal information revealed to their friends (those connected to them on the network) while simultaneously decreasing the amounts revealed to strangers (those unconnected to them) (Fig. 1) (45).

The cues that people use to judge the importance of privacy sometimes result in sensible behavior. For instance, the presence of government regulation has been shown to reduce consumer concern and increase trust; it is a cue that people use to infer the existence of some degree of privacy protection (46). In other situations, however, cues can be unrelated, or even negatively related,

to normative bases of decision-making. For example, in one online experiment (47) individuals were more likely to reveal personal and even incriminating information on a website with an unprofessional and casual design with the banner “How Bad R U” than on a site with a formal interface—even though the site with the formal interface was judged by other respondents to be much safer (Fig. 2). Yet in other situations, it is the physical environment that influences privacy concern and associated behavior (48), sometimes even unconsciously. For instance, all else being equal, intimacy of self-disclosure is higher in warm, comfortable rooms, with soft lighting, than in cold rooms with bare cement and overhead fluorescent lighting (49).

Some of the cues that influence perceptions of privacy are one’s culture and the behavior of other people, either through the mechanism of descriptive norms (imitation) or via reciprocity (50). Observing other people reveal information increases the likelihood that one will reveal it oneself (51). In one study, survey-takers were asked a series of sensitive personal questions regarding their engagement in illegal or ethically questionable behaviors. After answering each question, participants were provided with information, manipulated unbeknownst to them, about the percentage of other participants who in the same survey had admitted to having engaged in a given behavior. Being provided with information that suggested that a majority of survey takers had admitted a certain questionable behavior increased participants’ willingness to disclose their engagement in other, also sensitive, behaviors. Other studies have found that the tendency to reciprocate information disclosure is so ingrained that people will reveal more information even to a computer agent that provides information about itself (52). Findings such as this may help to explain the escalating amounts of self-disclosure we witness online: If others are doing it, people seem to reason unconsciously, doing so oneself must be desirable or safe.

Other people’s behavior affects privacy concerns in other ways, too. Sharing personal information with others makes them “co-owners” of that information (53) and, as such, responsible for its protection. Mismanagement of shared information by one or more co-owners causes “turbulence” of the privacy boundaries and, consequently, negative reactions, including anger or mistrust. In a study of undergraduate Facebook users (54), for instance, turbulence of privacy boundaries, as a result of having one’s profile exposed to unintended audiences, dramatically increased the odds that a user would restrict profile visibility to friends-only.

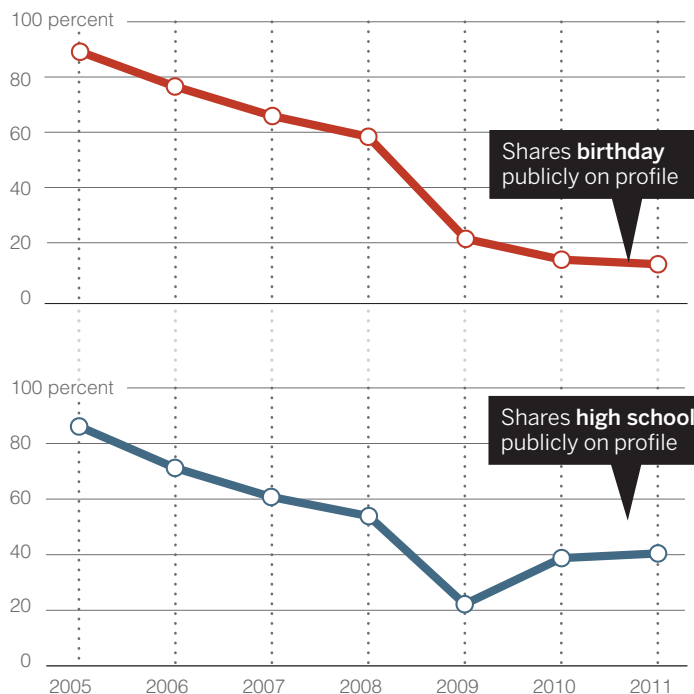
Likewise, privacy concerns are often a function of past experiences. When something in an environment changes, such as the introduction of a camera or other monitoring devices, privacy concern is likely to be activated. For instance, surveillance can produce discomfort (55) and negatively affect worker productivity (56). However, privacy concern, like other motivations, is adaptive; people get used to levels of intrusion that do not

**Fig. 1. Endogenous privacy behavior and exogenous shocks.**

Privacy behavior is affected both by endogenous motivations (for instance, subjective preferences) and exogenous factors (for instance, changes in user interfaces). Over time, the percentage of members in the Carnegie Mellon University Facebook network who chose to publicly reveal personal information decreased dramatically. For instance, over 80% of profiles publicly revealed their birthday in 2005, but less than 20% in 2011. The decreasing trend is not uniform, however. After decreasing for several years, the percentage of profiles that publicly revealed their high school roughly doubled between 2009 and 2010—after Facebook changed the default visibility settings for various fields on its profiles, including high school (bottom), but not birthday (top) (45).

## Disclosure behavior in online social media

Percentage of profiles publicly revealing information over time (2005–2011)



change over time. In an experiment conducted in Helsinki (57), the installation of sensing and monitoring technology in households led family members initially to change their behavior, particularly in relation to conversations, nudity, and sex. And yet, if they accidentally performed an activity, such as walking naked into the kitchen in front of the sensors, it seemed to have the effect of “breaking the ice”; participants then showed less concern about repeating the behavior. More generally, participants became inured to the presence of the technology over time.

The context-dependence of privacy concern has major implications for the risks associated with modern information and communication technology (58). With online interactions, we no longer have a clear sense of the spatial boundaries of our listeners. Who is reading our blog post? Who is looking at our photos online? Adding complexity to privacy decision-making, boundaries between public and private become even less defined in the online world (59) where we become social media friends with our coworkers and post pictures to an indistinct flock of followers. With different social groups mixing on the Internet, separating online and offline identities and meeting our and others’ expectations regarding privacy becomes more difficult and consequential (60).

**Malleability and influence**

Whereas individuals are often unaware of the diverse factors that determine their concern about privacy in a particular situation, entities whose prosperity depends on information revelation by others are much more sophisticated. With the emergence of the information age, growing institutional and economic interests have developed around disclosure of personal information, from online social networks to behavioral advertising. It is not surprising, therefore, that some entities have an interest in, and have developed expertise in, exploiting behavioral and psychological processes to promote disclosure (61). Such efforts play on the malleability of privacy preferences, a term we use to refer to the observation that various, sometimes subtle, factors can be used to activate or suppress privacy concerns, which in turn affect behavior.

Default settings are an important tool used by different entities to affect information disclosure. A large body of research has shown that default settings matter for decisions as important as organ donation and retirement saving (62). Sticking to default settings is convenient, and people often interpret default settings as implicit recommendations (63). Thus, it is not surprising that default settings for one’s profile’s visibility on social networks (64), or the existence of opt-in or opt-out privacy policies on websites (65), affect individuals’ privacy behavior (Fig. 3).

In addition to default settings, websites can also use design features that frustrate or even confuse users into disclosing personal information (66), a practice that has been referred to as “malicious interface design” (67). Another obvious strategy that commercial entities can use to avoid raising privacy concerns is not to “ring alarm bells”

when it comes to data collection. When companies do ring them—for example, by using overly fine-tuned personalized advertisements—consumers are alerted (68) and can respond with negative “reactance” (69).

Various so-called “antecedents” (70) affect privacy concerns and can be used to influence privacy behavior. For instance, trust in the entity receiving one’s personal data soothes concerns. Moreover, because some interventions that are intended to protect privacy can establish trust, con-

cerns can be muted by the very interventions intended to protect privacy. Perversely, 62% of respondents to a survey believed (incorrectly) that the existence of a privacy policy implied that a site could not share their personal information without permission (40), which suggests that simply posting a policy that consumers do not read may lead to misplaced feelings of being protected.

Control is another feature that can inculcate trust and produce paradoxical effects. Perhaps because of its lack of controversiality, control has

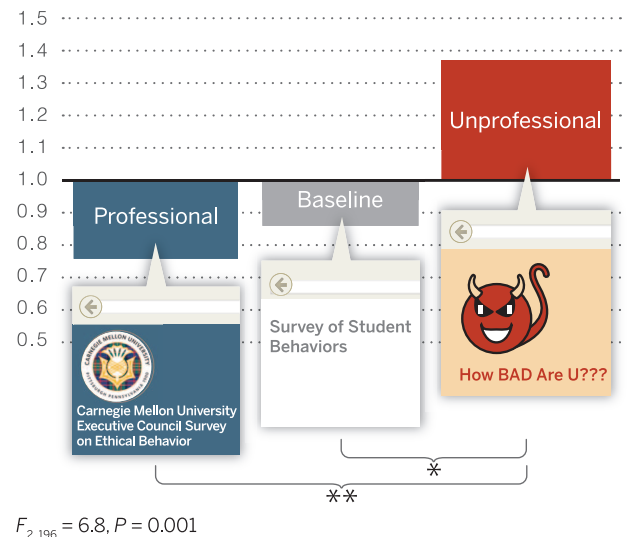
**Box 1. Privacy: A modern invention?**

Is privacy a modern, bourgeois, and distinctly Western invention? Or are privacy needs a universal feature of human societies? Although access to privacy is certainly affected by socioeconomic factors (87) [some have referred to privacy as a “luxury good” (15)], and privacy norms greatly differ across cultures (65, 85), the need for privacy seems to be a universal human trait. Scholars have uncovered evidence of privacy-seeking behaviors across peoples and cultures separated by time and space: from ancient Rome and Greece (39, 88) to preindustrialized Javanese, Balinese, and Tuareg societies (89, 90). Privacy, as Altman (91) noted, appears to be simultaneously culturally specific and culturally universal. Cues of a common human quest for privacy are also found in the texts of ancient religions: The Quran (49:12) instructs against spying on one another (92); the Talmud (Bava Batra 60a) advises home-builders to position windows so that they do not directly face those of one’s neighbors (93); the Bible (Genesis, 3:7) relates how Adam and Eve discovered their nakedness after eating the fruit of knowledge and covered themselves in shame from the prying eyes of God (94) [a discussion of privacy in Confucian and Taoist cultures is available in (95)]. Implicit in this heterogeneous selection of historical examples is the observation that there exist multiple notions of privacy. Although contemporary attention focuses on informational privacy, privacy has been also construed as territorial and physical, and linked to concepts as diverse as surveillance, exposure, intrusion, insecurity, appropriation, as well as secrecy, protection, anonymity, dignity, or even freedom [a taxonomy is provided in (9)].

**Fig. 2. The impact of cues on disclosure behavior.** A measure of privacy behavior often used in empirical studies is a subject’s willingness to answer personal, sometimes sensitive questions—for instance, by admitting or denying having engaged in questionable behaviors. In an online experiment (47), individuals were asked a series of intrusive questions about their behaviors, such as “Have you ever tried to peek at someone else’s e-mail without their knowing?” Across conditions, the interface of the questionnaire was manipulated to look more or less professional. The y axis captures the mean affirmative admission rates (AARs) to questions that were rated as intrusive (the proportion of questions answered affirmatively) normed, question by question, on the overall average AAR for the question. Subjects revealed more personal and even incriminating information on the website with a more casual design, even though the site with the formal interface was judged by other respondents to be much safer. The study illustrates how cues can influence privacy behavior in a fashion that is unrelated, or even negatively related, to normative bases of decision-making.

**A measure of privacy behavior**

Relative admission rates in an experiment testing the impact of different survey interfaces on willingness to answer questions about various sensitive behaviors

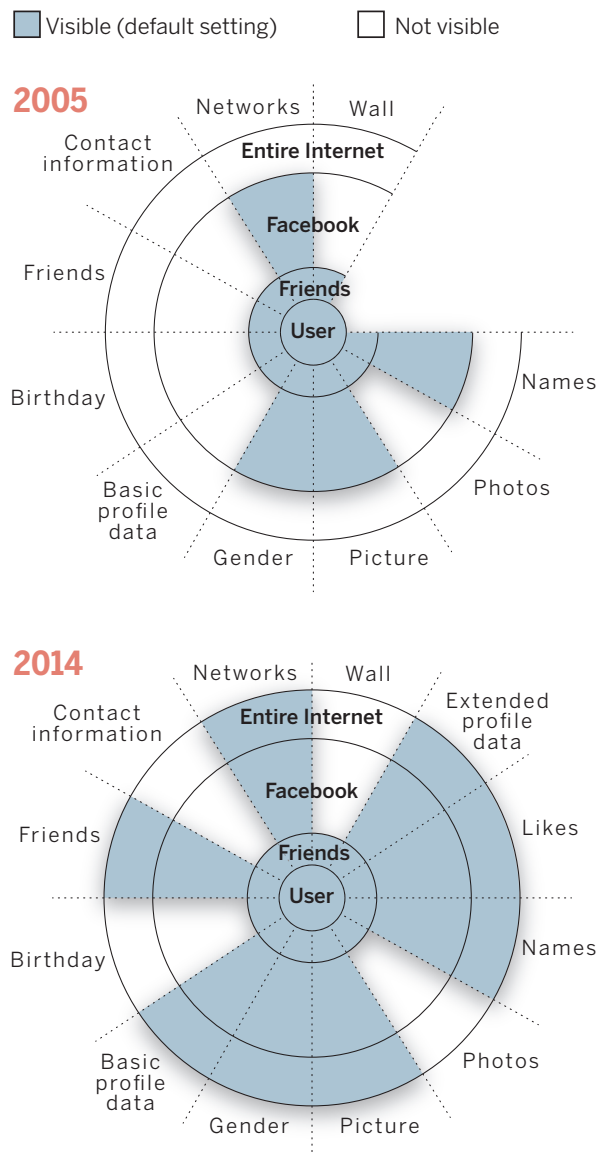


Downloaded from <http://science.sciencemag.org/> on March 11, 2021

**Fig. 3. Changes in Facebook default profile visibility settings over time (2005–2014).**

Over time, Facebook profiles included an increasing amount of fields and, therefore, types of data. In addition, default visibility settings became more revelatory between 2005 (top) and 2014 (bottom), disclosing more personal information to larger audiences, unless the user manually overrode the defaults (fields such as “Likes” and “Extended Profile Data” did not exist in 2005). “Basic profile data” includes hometown, current city, high school, school (status, concentration, secondary concentration), interested in, relationship, workplace, about you, and quotes. Examples of “Extended profile data” include life events such as new job, new school, engagement, expecting a baby, moved, bought a home, and so forth. “Picture” refers to the main profile image. “Photos” refers to the additional images that users might have shared in their account. “Names” refers to the real name, the username, and the user ID. This figure is based on the authors’ data and the original visualization created by M. McKeon, available at <http://mattmckeon.com/facebook-privacy>.

### Default visibility settings in social media over time



been one of the capstones of the focus of both industry and policy-makers in attempts to balance privacy needs against the value of sharing. Control over personal information is often perceived as a critical feature of privacy protection (39). In principle, it does provide users with the means to manage access to their personal information. Research, however, shows that control can reduce privacy concern (46), which in turn can have unintended effects. For instance, one study found that participants who were provided with greater explicit control over whether and how much of their personal information researchers could publish ended up sharing more sensitive information with a broader audience—the opposite of the ostensible purpose of providing such control (71).

Similar to the normative perspective on control, increasing the transparency of firms’ data practices would seem to be desirable. However, transparency mechanisms can be easily rendered

ineffective. Research has highlighted not only that an overwhelming majority of Internet users do not read privacy policies (72), but also that few users would benefit from doing so; nearly half of a sample of online privacy policies were found to be written in language beyond the grasp of most Internet users (73). Indeed, and somewhat amusingly, it has been estimated that the aggregate opportunity cost if U.S. consumers actually read the privacy policies of the sites they visit would be \$781 billion/year (74).

Although uncertainty and context-dependence lead naturally to malleability and manipulation, not all malleability is necessarily sinister. Consider monitoring. Although monitoring can cause discomfort and reduce productivity, the feeling of being observed and accountable can induce people to engage in prosocial behaviors or (for better or for worse) adhere to social norms (75). Prosocial behavior can be heightened by monitoring cues as

simple as three dots in a stylized face configuration (76). By the same token, the depersonalization induced by computer-mediated interaction (77), either in the form of lack of identifiability or of visual anonymity (78), can have beneficial effects, such as increasing truthful responses to sensitive surveys (79, 80). Whether elevating or suppressing privacy concerns is socially beneficial critically depends, yet again, on context [a meta-analysis of the impact of de-identification on behavior is provided in (81)]. For example, perceptions of anonymity can alternatively lead to dishonest or prosocial behavior. Illusory anonymity induced by darkness caused participants in an experiment (82) to cheat in order to gain more money. This can be interpreted as a form of disinhibition effect (83), by which perceived anonymity licenses people to act in ways that they would otherwise not even consider. In other circumstances, though, anonymity leads to prosocial behavior—for instance, higher willingness to share money in a dictator game, when coupled with priming of religiosity (84).

### Conclusions

Norms and behaviors regarding private and public realms greatly differ across cultures (85). Americans, for example, are reputed to be more open about sexual matters than are the Chinese, whereas the latter are more open about financial matters (such as income, cost of home, and possessions). And even within cultures, people differ substantially in how much they care about privacy and what information they treat as private. And as we have sought to highlight in this Review, privacy concerns can vary dramatically for the same individual, and for societies, over time.

If privacy behaviors are culture- and context-dependent, however, the dilemma of what to share and what to keep private is universal across societies and over human history. The task of navigating those boundaries, and the consequences of mismanaging them, have grown increasingly complex and fateful in the information age, to the point that our natural instincts seem not nearly adequate.

In this Review, we used three themes to organize and draw connections between the social and behavioral science literatures on privacy and behavior. We end the Review with a brief discussion of the reviewed literature’s relevance to privacy policy.

Uncertainty and context-dependence imply that people cannot always be counted on to navigate the complex trade-offs involving privacy in a self-interested fashion. People are often unaware of the information they are sharing, unaware of how it can be used, and even in the rare situations when they have full knowledge of the consequences of sharing, uncertain about their own preferences. Malleability, in turn, implies that people are easily influenced in what and how much they disclose. Moreover, what they share can be used to influence their emotions, thoughts, and behaviors in many aspects of their lives, as individuals, consumers, and citizens. Although such influence is not always or necessarily malevolent or dangerous, relinquishing control over one’s personal data and over one’s privacy alters the

balance of power between those holding the data and those who are the subjects of that data.

Insights from the social and behavioral empirical research on privacy reviewed here suggest that policy approaches that rely exclusively on informing or “empowering” the individual are unlikely to provide adequate protection against the risks posed by recent information technologies. Consider transparency and control, two principles conceived as necessary conditions for privacy protection. The research we highlighted shows that they may provide insufficient protections and even backfire when used apart from other principles of privacy protection.

The research reviewed here suggests that if the goal of policy is to adequately protect privacy (as we believe it should be), then we need policies that protect individuals with minimal requirement of informed and rational decision-making—policies that include a baseline framework of protection, such as the principles embedded in the so-called fair information practices (86). People need assistance and even protection to aid in navigating what is otherwise a very uneven playing field. As highlighted by our discussion, a goal of public policy should be to achieve a more even equity of power between individuals, consumers, and citizens on the one hand and, on the other, the data holders such as governments and corporations that currently have the upper hand. To be effective, privacy policy should protect real people—who are naïve, uncertain, and vulnerable—and should be sufficiently flexible to evolve with the emerging unpredictable complexities of the information age.

#### REFERENCES AND NOTES

- V. Mayer-Schönberger, *Delete: The Virtue of Forgetting In the Digital Age* (Princeton Univ. Press, Princeton, 2011).
- L. Sweeney, *Int. J. Uncert. Fuzziness Knowl. Based Syst.* **10**, 557–570 (2002).
- A. McAfee, E. Brynjolfsson, *Harv. Bus. Rev.* **90**, 60–66, 68, 128 (2012).
- N. P. Tatonetti, P. P. Ye, R. Daneshjoui, R. B. Altman, *Sci. Transl. Med.* **4**, 125ra31 (2012).
- J. E. Cohen, *Stanford Law Rev.* **52**, 1373–1438 (2000).
- K. Crawford, K. Miltner, M. L. Gray, *Int. J. Commun.* **8**, 1663–1672 (2014).
- R. A. Posner, *Am. Econ. Rev.* **71**, 405–409 (1981).
- D. J. Solove, *Harv. Law Rev.* **126**, 1880–1903 (2013).
- D. J. Solove, *Univ. Penn. L. Rev.* **154**, 477–564 (2006).
- F. Schoeman, Ed., *Philosophical dimensions of privacy—An anthology* (Cambridge Univ. Press, New York, 1984).
- B. M. DePaulo, C. Wetzel, R. Weylin Sternglanz, M. J. W. Wilson, *J. Soc. Issues* **59**, 391–410 (2003).
- S. T. Margulis, *J. Soc. Issues* **59**, 243–261 (2003).
- E. Goffman, *Relations in Public: Microstudies of the Public Order* (Harper & Row, New York, 1971).
- E. Sundstrom, I. Altman, *Hum. Ecol.* **4**, 47–67 (1976).
- B. Schwartz, *Am. J. Sociol.* **73**, 741–752 (1968).
- R. S. Lauffer, M. Wolfe, *J. Soc. Issues* **33**, 22–42 (1977).
- J. Y. Tsai, S. Egelman, L. Cranor, A. Acquisti, *Inf. Syst. Res.* **22**, 254–268 (2011).
- P. Slovic, *Am. Psychol.* **50**, 364–371 (1995).
- E. Singer, H. Hippler, N. Schwarz, *Int. J. Public Opin. Res.* **4**, 256–268 (1992).
- V. P. Skotko, D. Langmeyer, *Sociometry* **40**, 178–182 (1977).
- A. Westin, Harris Louis & Associates, Harris-Equifax Consumer Privacy Survey (Tech. rep. 1991).
- M. J. Culnan, P. K. Armstrong, *Organ. Sci.* **10**, 104–115 (1999).
- H. J. Smith, S. J. Milberg, S. J. Burke, *Manage. Inf. Syst. Q.* **20**, 167–196 (1996).
- B. Lubin, R. L. Harrison, *Psychol. Rep.* **15**, 77–78 (1964).
- S. Spiekermann, J. Grossklags, B. Berendt, *E-Privacy in 2nd Generation E-Commerce: Privacy Preferences versus Actual Behavior* (Third ACM Conference on Electronic Commerce, Tampa, 2001), pp. 38–47.
- P. A. Norberg, D. R. Horne, D. A. Horne, *J. Consum. Aff.* **41**, 100–126 (2007).
- I. Aizen, M. Fishbein, *Psychol. Bull.* **84**, 888–918 (1977).
- P. H. Klopfer, D. I. Rubenstein, *J. Soc. Issues* **33**, 52–65 (1977).
- A. Acquisti, R. Gross, in *Privacy Enhancing Technologies*, G. Danezis, P. Golle Eds. (Springer, New York, 2006), pp. 36–58.
- A. Acquisti, *Privacy in Electronic Commerce and the Economics of Immediate Gratification* (Fifth ACM Conference on Electronic Commerce, New York, 2004), pp. 21–29.
- I. Hann, K. Hui, S. T. Lee, I. P. L. Png, *J. Manage. Inf. Syst.* **24**, 13–42 (2007).
- A. Acquisti, L. K. John, G. Loewenstein, *J. Legal Stud.* **42**, 249–274 (2013).
- I. Altman, D. Taylor, *Social Penetration: The Development of Interpersonal Relationships* (Holt, Rinehart & Winston, New York, 1973).
- J. Frattaroli, *Psychol. Bull.* **132**, 823–865 (2006).
- J. W. Pennebaker, *Behav. Res. Ther.* **31**, 539–548 (1993).
- C. Steinfield, N. B. Ellison, C. Lampe, *J. Appl. Dev. Psychol.* **29**, 434–445 (2008).
- C. L. Toma, J. T. Hancock, *Pers. Soc. Psychol. Bull.* **39**, 321–331 (2013).
- D. I. Tamir, J. P. Mitchell, *Proc. Natl. Acad. Sci. U.S.A.* **109**, 8038–8043 (2012).
- A. Westin, *Privacy and Freedom* (Athenäum, New York, 1967).
- C. J. Hoofnagle, J. M. Urban, *Wake Forest Law Rev.* **49**, 261–321 (2014).
- G. Marx, *Ethics Inf. Technol.* **3**, 157–169 (2001).
- J. W. Thibaut, H. H. Kelley, *The Social Psychology Of Groups* (Wiley, Oxford, 1959).
- H. Nissenbaum, *Privacy in Context: Technology, Policy, and the Integrity of Social Life* (Stanford Univ. Press, Redwood City, 2009).
- d. boyd, *It's Complicated: The Social Lives of Networked Teens* (Yale Univ. Press, New Haven, 2014).
- F. Stutzman, R. Gross, A. Acquisti, *J. Priv. Confidential.* **4**, 7–41 (2013).
- H. Xu, H. H. Teo, B. C. Tan, R. Agarwal, *J. Manage. Inf. Syst.* **26**, 135–174 (2009).
- L. K. John, A. Acquisti, G. Loewenstein, *J. Consum. Res.* **37**, 858–873 (2011).
- I. Altman, *The Environment and Social Behavior: Privacy, Personal Space, Territory, and Crowding* (Cole, Monterey, 1975).
- A. L. Chaikin, V. J. Derlega, S. J. Miller, *J. Couns. Psychol.* **23**, 479–481 (1976).
- V. J. Derlega, A. L. Chaikin, *J. Soc. Issues* **33**, 102–115 (1977).
- A. Acquisti, L. K. John, G. Loewenstein, *J. Mark. Res.* **49**, 160–174 (2012).
- Y. Moon, *J. Consum. Res.* **26**, 323–339 (2000).
- S. Petronio, *Boundaries of Privacy: Dialectics of Disclosure* (SUNY Press, Albany, 2002).
- F. Stutzman, J. Kramer-Duffield, *Friends Only: Examining a Privacy-Enhancing Behavior in Facebook* (SIGCHI Conference on Human Factors in Computing Systems, ACM, Atlanta, 2010), pp. 1553–1562.
- T. Honess, E. Charman, *Closed Circuit Television in Public Places: Its Acceptability and Perceived Effectiveness* (Police Research Group, London, 1992).
- M. Gagné, E. L. Deci, *J. Organ. Behav.* **26**, 331–362 (2005).
- A. Oulasvirta et al., *Long-Term Effects of Ubiquitous Surveillance in the Home* (ACM Conference on Ubiquitous Computing, Pittsburgh, 2012), pp. 41–50.
- L. Palen, P. Dourish, *Unpacking “Privacy” For A Networked World* (SIGCHI Conference on Human Factors in Computing Systems, ACM, Fort Lauderdale, 2003), pp. 129–136.
- Z. Tufekci, *Bull. Sci. Technol.* **28**, 20–36 (2008).
- J. A. Bargh, K. Y. A. McKenna, G. M. Fitzsimons, *J. Soc. Issues* **58**, 33–48 (2002).
- R. Calo, *Geo. Wash. L. Rev.* **82**, 995–1304 (2014).
- E. J. Johnson, D. Goldstein, *Science* **302**, 1338–1339 (2003).
- C. R. McKenzie, M. J. Liersch, S. R. Finkelstein, *Psychol. Sci.* **17**, 414–420 (2006).
- R. Gross, A. Acquisti, *Information Revelation and Privacy in Online Social Networks* (ACM Workshop—Privacy in the Electronic Society, New York, 2005), pp. 71–80.
- E. J. Johnson, S. Bellman, G. L. Lohse, *Mark. Lett.* **13**, 5–15 (2002).
- W. Hartzog, *Am. Univ. L. Rev.* **60**, 1635–1671 (2010).
- G. Conti, E. Sobiesk, *Malicious Interface Design: Exploiting the User* (19th International Conference on World Wide Web, ACM, Raleigh, 2010), pp. 271–280.
- A. Goldfarb, C. Tucker, *Mark. Sci.* **30**, 389–404 (2011).
- T. B. White, D. L. Zahay, H. Thorbjørnsen, S. Shavitt, *Mark. Lett.* **19**, 39–50 (2008).
- H. J. Smith, T. Dinev, H. Xu, *Manage. Inf. Syst. Q.* **35**, 989–1016 (2011).
- L. Brandimarte, A. Acquisti, G. Loewenstein, *Soc. Psychol. Personal. Sci.* **4**, 340–347 (2013).
- C. Jensen, C. Potts, C. Jensen, *Int. J. Hum. Comput. Stud.* **63**, 203–227 (2005).
- C. Jensen, C. Potts, *Privacy Policies as Decision-Making Tools: An Evaluation of Online Privacy Notices* (SIGCHI Conference on Human Factors in Computing Systems, ACM, Vienna, 2004), pp. 471–478.
- A. M. McDonald, L. F. Cranor, *I/S: J. L. Policy Inf. Society.* **4**, 540–565 (2008).
- C. Wedekind, M. Milinski, *Science* **288**, 850–852 (2000).
- M. Rigdon, K. Ishii, M. Watabe, S. Kitayama, *J. Econ. Psychol.* **30**, 358–367 (2009).
- S. Kiesler, J. Siegel, T. W. McGuire, *Am. Psychol.* **39**, 1123–1134 (1984).
- A. N. Joinson, *Eur. J. Soc. Psychol.* **31**, 177–192 (2001).
- S. Weisband, S. Kiesler, *Self Disclosure On Computer Forms: Meta-Analysis And Implications* (SIGCHI Conference on Human Factors in Computing Systems, ACM, Vancouver, 1996), pp. 3–10.
- R. Tourangeau, T. Yan, *Psychol. Bull.* **133**, 859–883 (2007).
- T. Postmes, R. Spears, *Psychol. Bull.* **123**, 238–259 (1998).
- C. B. Zhong, V. K. Bohns, F. Gino, *Psychol. Sci.* **21**, 311–314 (2010).
- J. Suler, *Cyberpsychol. Behav.* **7**, 321–326 (2004).
- A. F. Shariff, A. Norenzayan, *Psychol. Sci.* **18**, 803–809 (2007).
- B. Moore, *Privacy: Studies in Social and Cultural History* (Armonk, New York, 1984).
- Records, Computers and the Rights of Citizens* (Secretary's Advisory Committee, U.S. Dept. of Health, Education and Welfare, Washington, DC, 1973).
- E. Hargittai, in *Social Stratification*, D. Grusky Ed. (Westview, Boulder, 2008), pp. 936–113.
- P. Ariès, G. Duby (Eds.), *A History of Private Life: From Pagan Rome to Byzantium* (Harvard Univ. Press, Cambridge, 1992).
- R. F. Murphy, *Am. Anthropol.* **66**, 1257–1274 (1964).
- A. Westin, in *Philosophical Dimensions of Privacy: An Anthology*, F. D. Schoeman Ed. (Cambridge Univ. Press, Cambridge, UK, 1984), pp. 56–74.
- I. Altman, *J. Soc. Issues* **33**, 66–84 (1977).
- M. A. Hayat, *Inf. Comm. Tech. L.* **16**, 137–148 (2007).
- A. Enkin, “Privacy,” [www.torahmusings.com/2012/07/privacy](http://www.torahmusings.com/2012/07/privacy) (2014).
- J. Rykwert, *Soc. Res. (New York)* **68**, 29–40 (2001).
- C. B. Whitman, in *Individualism and Holism: Studies in Confucian and Taoist Values*, D. J. Munro, Ed. (Center for Chinese Studies, Univ. Michigan, Ann Arbor, 1985), pp. 85–100.

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# THE BELMONT REPORT

Office of the Secretary

Ethical Principles and Guidelines for the Protection of Human  
Subjects of Research

The National Commission for the Protection of Human Subjects of  
Biomedical and Behavioral Research

April 18, 1979

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**AGENCY:** Department of Health, Education, and Welfare.

**ACTION:** Notice of Report for Public Comment.

**SUMMARY:** On July 12, 1974, the National Research Act (Pub. L. 93-348) was signed into law, there-by creating the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research. One of the charges to the Commission was to identify the basic ethical principles that should underlie the conduct of biomedical and behavioral research involving human subjects and to develop guidelines which should be followed to assure that such research is conducted in accordance with those principles. In carrying out the above, the Commission was directed to consider: **(i)** the boundaries between biomedical and behavioral research and the accepted and routine practice of medicine, **(ii)** the role of assessment of risk-benefit criteria in the determination of the appropriateness of research involving human subjects, **(iii)** appropriate guidelines for the selection of human subjects for participation in such research and **(iv)** the nature and definition of informed consent in various research settings.

The Belmont Report attempts to summarize the basic ethical principles identified by the Commission in the course of its deliberations. It is the outgrowth of an intensive four-day period of discussions that were held in February 1976 at the Smithsonian Institution's Belmont Conference Center supplemented by the monthly deliberations of the Commission that were held over a period of nearly four years. It is a statement of basic ethical principles and guidelines that should assist in resolving the ethical problems that surround the conduct of research with human subjects. By publishing the Report in the Federal Register, and providing reprints upon request, the Secretary intends that it may be made readily available to scientists, members of Institutional Review Boards, and Federal employees. The two-volume Appendix, containing the lengthy reports of experts and specialists who assisted the Commission in fulfilling this part of its charge, is available as DHEW Publication No. (OS) 78-0013 and No. (OS) 78-0014, for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Unlike most other reports of the Commission, the Belmont Report does not make specific recommendations for administrative action by the Secretary of Health, Education, and Welfare. Rather, the Commission recommended that the Belmont Report be adopted in its entirety, as a statement of the Department's policy. The Department requests public comment on this recommendation.

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# National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research

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## Ethical Principles & Guidelines for Research Involving Human Subjects

Scientific research has produced substantial social benefits. It has also posed some troubling ethical questions. Public attention was drawn to these questions by reported abuses of human subjects in biomedical experiments, especially during the Second World War. During the Nuremberg War Crime Trials, the Nuremberg code was drafted as a set of standards for judging physicians and scientists who had conducted biomedical experiments on concentration camp prisoners. This code became the prototype of many later codes [1] intended to assure that research involving human subjects would be carried out in an ethical manner.

The codes consist of rules, some general, others specific, that guide the investigators or the reviewers of research in their work. Such rules often are inadequate to cover complex situations; at times they come into conflict, and they are frequently difficult to interpret or apply. Broader ethical principles will provide a basis on which specific rules may be formulated, criticized and interpreted.

Three principles, or general prescriptive judgments, that are relevant to research involving human subjects are identified in this statement. Other principles may also be relevant. These three are comprehensive, however, and are stated at a level of generalization that should assist scientists, subjects, reviewers and interested citizens to understand the ethical issues inherent in research involving human subjects. These principles cannot always be applied so as to resolve beyond dispute particular ethical problems. The objective is to provide an analytical framework that will guide the resolution of ethical problems arising from research involving human subjects.

This statement consists of a distinction between research and practice, a discussion of the three basic ethical principles, and remarks about the application of these principles.

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## Part A: Boundaries Between Practice & Research

### A. Boundaries Between Practice and Research

It is important to distinguish between biomedical and behavioral research, on the one hand, and the practice of accepted therapy on the other, in order to know what activities ought to undergo review for the protection of human subjects of research. The distinction between research and practice is blurred partly because both often occur together (as in research designed to evaluate a therapy) and partly because notable departures from standard practice are often called "experimental" when the terms "experimental" and "research" are not carefully defined.

For the most part, the term "practice" refers to interventions that are designed solely to enhance the well-being of an individual patient or client and that have a reasonable expectation of success. The purpose of medical or behavioral practice is to provide diagnosis, preventive treatment or therapy to particular individuals [2]. By contrast, the term "research" designates an activity designed to test an hypothesis, permit conclusions to be drawn, and thereby to develop or contribute to generalizable knowledge (expressed, for example, in theories, principles, and statements of relationships). Research is usually described in a formal protocol that sets forth an objective and a set of procedures designed to reach that objective.

When a clinician departs in a significant way from standard or accepted practice, the innovation does not, in and of itself, constitute research. The fact that a procedure is "experimental," in the sense of new, untested or different, does not automatically place it in the category of research. Radically new procedures of this

description should, however, be made the object of formal research at an early stage in order to determine whether they are safe and effective. Thus, it is the responsibility of medical practice committees, for example, to insist that a major innovation be incorporated into a formal research project [3].

Research and practice may be carried on together when research is designed to evaluate the safety and efficacy of a therapy. This need not cause any confusion regarding whether or not the activity requires review; the general rule is that if there is any element of research in an activity, that activity should undergo review for the protection of human subjects.

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## Part B: Basic Ethical Principles

### B. Basic Ethical Principles

The expression "basic ethical principles" refers to those general judgments that serve as a basic justification for the many particular ethical prescriptions and evaluations of human actions. Three basic principles, among those generally accepted in our cultural tradition, are particularly relevant to the ethics of research involving human subjects: the principles of respect for persons, beneficence and justice.

**1. Respect for Persons.** — Respect for persons incorporates at least two ethical convictions: first, that individuals should be treated as autonomous agents, and second, that persons with diminished autonomy are entitled to protection. The principle of respect for persons thus divides into two separate moral requirements: the requirement to acknowledge autonomy and the requirement to protect those with diminished autonomy.

An autonomous person is an individual capable of deliberation about personal goals and of acting under the direction of such deliberation. To respect autonomy is to give weight to autonomous persons' considered opinions and choices while refraining from obstructing their actions unless they are clearly detrimental to others. To show lack of respect for an autonomous agent is to repudiate that person's considered judgments, to deny an individual the freedom to act on those considered judgments, or to withhold information necessary to make a considered judgment, when there are no compelling reasons to do so.

However, not every human being is capable of self-determination. The capacity for self-determination matures during an individual's life, and some individuals lose this capacity wholly or in part because of illness, mental disability, or circumstances that severely restrict liberty. Respect for the immature and the incapacitated may require protecting them as they mature or while they are incapacitated.

Some persons are in need of extensive protection, even to the point of excluding them from activities which may harm them; other persons require little protection beyond making sure they undertake activities freely and with awareness of possible adverse consequence. The extent of protection afforded should depend upon the risk of harm and the likelihood of benefit. The judgment that any individual lacks autonomy should be periodically reevaluated and will vary in different situations.

In most cases of research involving human subjects, respect for persons demands that subjects enter into the research voluntarily and with adequate information. In some situations, however, application of the principle is not obvious. The involvement of prisoners as subjects of research provides an instructive example. On the one hand, it would seem that the principle of respect for persons requires that prisoners not be deprived of the opportunity to volunteer for research. On the other hand, under prison conditions they may be subtly coerced or unduly influenced to engage in research activities for which they would not otherwise volunteer. Respect for persons would then dictate that prisoners be protected. Whether to allow

prisoners to "volunteer" or to "protect" them presents a dilemma. Respecting persons, in most hard cases, is often a matter of balancing competing claims urged by the principle of respect itself.

**2. Beneficence.** — Persons are treated in an ethical manner not only by respecting their decisions and protecting them from harm, but also by making efforts to secure their well-being. Such treatment falls under the principle of beneficence. The term "beneficence" is often understood to cover acts of kindness or charity that go beyond strict obligation. In this document, beneficence is understood in a stronger sense, as an obligation. Two general rules have been formulated as complementary expressions of beneficent actions in this sense: **(1)** do not harm and **(2)** maximize possible benefits and minimize possible harms.

The Hippocratic maxim "do no harm" has long been a fundamental principle of medical ethics. Claude Bernard extended it to the realm of research, saying that one should not injure one person regardless of the benefits that might come to others. However, even avoiding harm requires learning what is harmful; and, in the process of obtaining this information, persons may be exposed to risk of harm. Further, the Hippocratic Oath requires physicians to benefit their patients "according to their best judgment." Learning what will in fact benefit may require exposing persons to risk. The problem posed by these imperatives is to decide when it is justifiable to seek certain benefits despite the risks involved, and when the benefits should be foregone because of the risks.

The obligations of beneficence affect both individual investigators and society at large, because they extend both to particular research projects and to the entire enterprise of research. In the case of particular projects, investigators and members of their institutions are obliged to give forethought to the maximization of benefits and the reduction of risk that might occur from the research investigation. In the case of scientific research in general, members of the larger society are obliged to recognize the longer term benefits and risks that may result from the improvement of knowledge and from the development of novel medical, psychotherapeutic, and social procedures.

The principle of beneficence often occupies a well-defined justifying role in many areas of research involving human subjects. An example is found in research involving children. Effective ways of treating childhood diseases and fostering healthy development are benefits that serve to justify research involving children -- even when individual research subjects are not direct beneficiaries. Research also makes it possible to avoid the harm that may result from the application of previously accepted routine practices that on closer investigation turn out to be dangerous. But the role of the principle of beneficence is not always so unambiguous. A difficult ethical problem remains, for example, about research that presents more than minimal risk without immediate prospect of direct benefit to the children involved. Some have argued that such research is inadmissible, while others have pointed out that this limit would rule out much research promising great benefit to children in the future. Here again, as with all hard cases, the different claims covered by the principle of beneficence may come into conflict and force difficult choices.

**3. Justice.** — Who ought to receive the benefits of research and bear its burdens? This is a question of justice, in the sense of "fairness in distribution" or "what is deserved." An injustice occurs when some benefit to which a person is entitled is denied without good reason or when some burden is imposed unduly. Another way of conceiving the principle of justice is that equals ought to be treated equally. However, this statement requires explication. Who is equal and who is unequal? What considerations justify departure from equal distribution? Almost all commentators allow that distinctions based on experience, age, deprivation, competence, merit and position do sometimes constitute criteria justifying differential treatment for certain purposes. It is necessary, then, to explain in what respects people should be treated equally. There are several widely accepted formulations of just ways to distribute burdens and benefits. Each formulation mentions some relevant property on the basis of which burdens and benefits should be distributed. These formulations are **(1)** to each person an equal share, **(2)** to each person according to individual need, **(3)** to each person according to individual effort, **(4)** to each person according to societal contribution, and **(5)** to each person according to merit.

Questions of justice have long been associated with social practices such as punishment, taxation and political representation. Until recently these questions have not generally been associated with scientific research. However, they are foreshadowed even in the earliest reflections on the ethics of research involving human subjects. For example, during the 19th and early 20th centuries the burdens of serving as research subjects fell largely upon poor ward patients, while the benefits of improved medical care flowed primarily to private patients. Subsequently, the exploitation of unwilling prisoners as research subjects in Nazi concentration camps was condemned as a particularly flagrant injustice. In this country, in the 1940's, the Tuskegee syphilis study used disadvantaged, rural black men to study the untreated course of a disease that is by no means confined to that population. These subjects were deprived of demonstrably effective treatment in order not to interrupt the project, long after such treatment became generally available.

Against this historical background, it can be seen how conceptions of justice are relevant to research involving human subjects. For example, the selection of research subjects needs to be scrutinized in order to determine whether some classes (e.g., welfare patients, particular racial and ethnic minorities, or persons confined to institutions) are being systematically selected simply because of their easy availability, their compromised position, or their manipulability, rather than for reasons directly related to the problem being studied. Finally, whenever research supported by public funds leads to the development of therapeutic devices and procedures, justice demands both that these not provide advantages only to those who can afford them and that such research should not unduly involve persons from groups unlikely to be among the beneficiaries of subsequent applications of the research.

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## Part C: Applications

### C. Applications

Applications of the general principles to the conduct of research leads to consideration of the following requirements: informed consent, risk/benefit assessment, and the selection of subjects of research.

**1. Informed Consent.** — Respect for persons requires that subjects, to the degree that they are capable, be given the opportunity to choose what shall or shall not happen to them. This opportunity is provided when adequate standards for informed consent are satisfied.

While the importance of informed consent is unquestioned, controversy prevails over the nature and possibility of an informed consent. Nonetheless, there is widespread agreement that the consent process can be analyzed as containing three elements: information, comprehension and voluntariness.

**Information.** Most codes of research establish specific items for disclosure intended to assure that subjects are given sufficient information. These items generally include: the research procedure, their purposes, risks and anticipated benefits, alternative procedures (where therapy is involved), and a statement offering the subject the opportunity to ask questions and to withdraw at any time from the research. Additional items have been proposed, including how subjects are selected, the person responsible for the research, etc.

However, a simple listing of items does not answer the question of what the standard should be for judging how much and what sort of information should be provided. One standard frequently invoked in medical practice, namely the information commonly provided by practitioners in the field or in the locale, is inadequate since research takes place precisely when a common understanding does not exist. Another standard, currently popular in malpractice law, requires the practitioner to reveal the information that reasonable persons would wish to know in order to make a decision regarding their care. This, too, seems insufficient since the research subject, being in essence a volunteer, may wish to know considerably more about risks gratuitously undertaken than do patients who deliver themselves into the hand of a clinician for

needed care. It may be that a standard of "the reasonable volunteer" should be proposed: the extent and nature of information should be such that persons, knowing that the procedure is neither necessary for their care nor perhaps fully understood, can decide whether they wish to participate in the furthering of knowledge. Even when some direct benefit to them is anticipated, the subjects should understand clearly the range of risk and the voluntary nature of participation.

A special problem of consent arises where informing subjects of some pertinent aspect of the research is likely to impair the validity of the research. In many cases, it is sufficient to indicate to subjects that they are being invited to participate in research of which some features will not be revealed until the research is concluded. In all cases of research involving incomplete disclosure, such research is justified only if it is clear that **(1)** incomplete disclosure is truly necessary to accomplish the goals of the research, **(2)** there are no undisclosed risks to subjects that are more than minimal, and **(3)** there is an adequate plan for debriefing subjects, when appropriate, and for dissemination of research results to them. Information about risks should never be withheld for the purpose of eliciting the cooperation of subjects, and truthful answers should always be given to direct questions about the research. Care should be taken to distinguish cases in which disclosure would destroy or invalidate the research from cases in which disclosure would simply inconvenience the investigator.

**Comprehension.** The manner and context in which information is conveyed is as important as the information itself. For example, presenting information in a disorganized and rapid fashion, allowing too little time for consideration or curtailing opportunities for questioning, all may adversely affect a subject's ability to make an informed choice.

Because the subject's ability to understand is a function of intelligence, rationality, maturity and language, it is necessary to adapt the presentation of the information to the subject's capacities. Investigators are responsible for ascertaining that the subject has comprehended the information. While there is always an obligation to ascertain that the information about risk to subjects is complete and adequately comprehended, when the risks are more serious, that obligation increases. On occasion, it may be suitable to give some oral or written tests of comprehension.

Special provision may need to be made when comprehension is severely limited -- for example, by conditions of immaturity or mental disability. Each class of subjects that one might consider as incompetent (e.g., infants and young children, mentally disable patients, the terminally ill and the comatose) should be considered on its own terms. Even for these persons, however, respect requires giving them the opportunity to choose to the extent they are able, whether or not to participate in research. The objections of these subjects to involvement should be honored, unless the research entails providing them a therapy unavailable elsewhere. Respect for persons also requires seeking the permission of other parties in order to protect the subjects from harm. Such persons are thus respected both by acknowledging their own wishes and by the use of third parties to protect them from harm.

The third parties chosen should be those who are most likely to understand the incompetent subject's situation and to act in that person's best interest. The person authorized to act on behalf of the subject should be given an opportunity to observe the research as it proceeds in order to be able to withdraw the subject from the research, if such action appears in the subject's best interest.

**Voluntariness.** An agreement to participate in research constitutes a valid consent only if voluntarily given. This element of informed consent requires conditions free of coercion and undue influence. Coercion occurs when an overt threat of harm is intentionally presented by one person to another in order to obtain compliance. Undue influence, by contrast, occurs through an offer of an excessive, unwarranted, inappropriate or improper reward or other overture in order to obtain compliance. Also, inducements that would ordinarily be acceptable may become undue influences if the subject is especially vulnerable.

Unjustifiable pressures usually occur when persons in positions of authority or commanding influence -- especially where possible sanctions are involved -- urge a course of action for a subject. A continuum of

such influencing factors exists, however, and it is impossible to state precisely where justifiable persuasion ends and undue influence begins. But undue influence would include actions such as manipulating a person's choice through the controlling influence of a close relative and threatening to withdraw health services to which an individual would otherwise be entitled.

**2. Assessment of Risks and Benefits.** — The assessment of risks and benefits requires a careful array of relevant data, including, in some cases, alternative ways of obtaining the benefits sought in the research. Thus, the assessment presents both an opportunity and a responsibility to gather systematic and comprehensive information about proposed research. For the investigator, it is a means to examine whether the proposed research is properly designed. For a review committee, it is a method for determining whether the risks that will be presented to subjects are justified. For prospective subjects, the assessment will assist the determination whether or not to participate.

**The Nature and Scope of Risks and Benefits.** The requirement that research be justified on the basis of a favorable risk/benefit assessment bears a close relation to the principle of beneficence, just as the moral requirement that informed consent be obtained is derived primarily from the principle of respect for persons. The term "risk" refers to a possibility that harm may occur. However, when expressions such as "small risk" or "high risk" are used, they usually refer (often ambiguously) both to the chance (probability) of experiencing a harm and the severity (magnitude) of the envisioned harm.

The term "benefit" is used in the research context to refer to something of positive value related to health or welfare. Unlike, "risk," "benefit" is not a term that expresses probabilities. Risk is properly contrasted to probability of benefits, and benefits are properly contrasted with harms rather than risks of harm. Accordingly, so-called risk/benefit assessments are concerned with the probabilities and magnitudes of possible harm and anticipated benefits. Many kinds of possible harms and benefits need to be taken into account. There are, for example, risks of psychological harm, physical harm, legal harm, social harm and economic harm and the corresponding benefits. While the most likely types of harms to research subjects are those of psychological or physical pain or injury, other possible kinds should not be overlooked.

Risks and benefits of research may affect the individual subjects, the families of the individual subjects, and society at large (or special groups of subjects in society). Previous codes and Federal regulations have required that risks to subjects be outweighed by the sum of both the anticipated benefit to the subject, if any, and the anticipated benefit to society in the form of knowledge to be gained from the research. In balancing these different elements, the risks and benefits affecting the immediate research subject will normally carry special weight. On the other hand, interests other than those of the subject may on some occasions be sufficient by themselves to justify the risks involved in the research, so long as the subjects' rights have been protected. Beneficence thus requires that we protect against risk of harm to subjects and also that we be concerned about the loss of the substantial benefits that might be gained from research.

**The Systematic Assessment of Risks and Benefits.** It is commonly said that benefits and risks must be "balanced" and shown to be "in a favorable ratio." The metaphorical character of these terms draws attention to the difficulty of making precise judgments. Only on rare occasions will quantitative techniques be available for the scrutiny of research protocols. However, the idea of systematic, nonarbitrary analysis of risks and benefits should be emulated insofar as possible. This ideal requires those making decisions about the justifiability of research to be thorough in the accumulation and assessment of information about all aspects of the research, and to consider alternatives systematically. This procedure renders the assessment of research more rigorous and precise, while making communication between review board members and investigators less subject to misinterpretation, misinformation and conflicting judgments. Thus, there should first be a determination of the validity of the presuppositions of the research; then the nature, probability and magnitude of risk should be distinguished with as much clarity as possible. The method of ascertaining risks should be explicit, especially where there is no alternative to the use of such vague categories as small or slight risk. It should also be determined whether an investigator's estimates of the probability of harm or benefits are reasonable, as judged by known facts or other available studies.



Finally, assessment of the justifiability of research should reflect at least the following considerations: **(i)** Brutal or inhumane treatment of human subjects is never morally justified. **(ii)** Risks should be reduced to those necessary to achieve the research objective. It should be determined whether it is in fact necessary to use human subjects at all. Risk can perhaps never be entirely eliminated, but it can often be reduced by careful attention to alternative procedures. **(iii)** When research involves significant risk of serious impairment, review committees should be extraordinarily insistent on the justification of the risk (looking usually to the likelihood of benefit to the subject -- or, in some rare cases, to the manifest voluntariness of the participation). **(iv)** When vulnerable populations are involved in research, the appropriateness of involving them should itself be demonstrated. A number of variables go into such judgments, including the nature and degree of risk, the condition of the particular population involved, and the nature and level of the anticipated benefits. **(v)** Relevant risks and benefits must be thoroughly arrayed in documents and procedures used in the informed consent process.

**3. Selection of Subjects.** — Just as the principle of respect for persons finds expression in the requirements for consent, and the principle of beneficence in risk/benefit assessment, the principle of justice gives rise to moral requirements that there be fair procedures and outcomes in the selection of research subjects.

Justice is relevant to the selection of subjects of research at two levels: the social and the individual. Individual justice in the selection of subjects would require that researchers exhibit fairness: thus, they should not offer potentially beneficial research only to some patients who are in their favor or select only "undesirable" persons for risky research. Social justice requires that distinction be drawn between classes of subjects that ought, and ought not, to participate in any particular kind of research, based on the ability of members of that class to bear burdens and on the appropriateness of placing further burdens on already burdened persons. Thus, it can be considered a matter of social justice that there is an order of preference in the selection of classes of subjects (e.g., adults before children) and that some classes of potential subjects (e.g., the institutionalized mentally infirm or prisoners) may be involved as research subjects, if at all, only on certain conditions.

Injustice may appear in the selection of subjects, even if individual subjects are selected fairly by investigators and treated fairly in the course of research. Thus injustice arises from social, racial, sexual and cultural biases institutionalized in society. Thus, even if individual researchers are treating their research subjects fairly, and even if IRBs are taking care to assure that subjects are selected fairly within a particular institution, unjust social patterns may nevertheless appear in the overall distribution of the burdens and benefits of research. Although individual institutions or investigators may not be able to resolve a problem that is pervasive in their social setting, they can consider distributive justice in selecting research subjects.

Some populations, especially institutionalized ones, are already burdened in many ways by their infirmities and environments. When research is proposed that involves risks and does not include a therapeutic component, other less burdened classes of persons should be called upon first to accept these risks of research, except where the research is directly related to the specific conditions of the class involved. Also, even though public funds for research may often flow in the same directions as public funds for health care, it seems unfair that populations dependent on public health care constitute a pool of preferred research subjects if more advantaged populations are likely to be the recipients of the benefits.

One special instance of injustice results from the involvement of vulnerable subjects. Certain groups, such as racial minorities, the economically disadvantaged, the very sick, and the institutionalized may continually be sought as research subjects, owing to their ready availability in settings where research is conducted. Given their dependent status and their frequently compromised capacity for free consent, they should be protected against the danger of being involved in research solely for administrative convenience, or because they are easy to manipulate as a result of their illness or socioeconomic condition.

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[1] Since 1945, various codes for the proper and responsible conduct of human experimentation in medical research have been adopted by different organizations. The best known of these codes are the Nuremberg Code of 1947, the Helsinki Declaration of 1964 (revised in 1975), and the 1971 Guidelines (codified into Federal Regulations in 1974) issued by the U.S. Department of Health, Education, and Welfare. Codes for the conduct of social and behavioral research have also been adopted, the best known being that of the American Psychological Association, published in 1973.

[2] Although practice usually involves interventions designed solely to enhance the well-being of a particular individual, interventions are sometimes applied to one individual for the enhancement of the well-being of another (e.g., blood donation, skin grafts, organ transplants) or an intervention may have the dual purpose of enhancing the well-being of a particular individual, and, at the same time, providing some benefit to others (e.g., vaccination, which protects both the person who is vaccinated and society generally). The fact that some forms of practice have elements other than immediate benefit to the individual receiving an intervention, however, should not confuse the general distinction between research and practice. Even when a procedure applied in practice may benefit some other person, it remains an intervention designed to enhance the well-being of a particular individual or groups of individuals; thus, it is practice and need not be reviewed as research.

[3] Because the problems related to social experimentation may differ substantially from those of biomedical and behavioral research, the Commission specifically declines to make any policy determination regarding such research at this time. Rather, the Commission believes that the problem ought to be addressed by one of its successor bodies.



# The Menlo Report

Ethical Principles Guiding Information and  
Communication Technology Research

*August 2012*



**Homeland  
Security**

Science and Technology

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## Executive Summary

This report proposes a framework for ethical guidelines for computer and information security research, based on the principles set forth in the 1979 Belmont Report, a seminal guide for ethical research in the biomedical and behavioral sciences. Despite its age, the Belmont Report's insightful abstraction renders it a valuable cornerstone for other domains. We describe how the three principles in the Belmont report can be usefully applied in fields related to research about or involving *information and communication technology*. ICT research raises new challenges resulting from interactions between humans and communications technologies. In particular, today's ICT research contexts contend with ubiquitously connected network environments, overlaid with varied, often discordant legal regimes and social norms. We illustrate the application of these principles to information systems security research – a critical infrastructure priority with broad impact and demonstrated potential for widespread harm – although we expect the proposed framework to be relevant to other disciplines, including those targeted by the Belmont report but now operating in more complex and interconnected contexts.

We first outline the scope and motivation for this document, including a historical summary of the conceptual framework for traditional human subjects research, and the landscape of ICT research stakeholders. We review four core ethical principles, the three from the Belmont Report (Respect for Persons, Beneficence, and Justice) and an additional principle *Respect for Law and Public Interest*. We propose standard methods to operationalize these principles in the domain of research involving information and communication technology: identification of stakeholders and informed consent; balancing risks and benefits; fairness and equity; and compliance, transparency and accountability, respectively. We also describe how these principles and applications can be supported through assistive external oversight by ethical review boards, and internal self-evaluation tools such as an Ethical Impact Assessment.

The intent of this report is to help clarify how the characteristics of ICT raise new potential for harm and to show how a reinterpretation of ethical principles and their application can lay the groundwork for ethically defensible research.

## Authors and Working Group Participants

This report is the product of a series of workshops and meetings held over a period of sixteen months. The participants at these meetings are listed alphabetically below. In addition, the authors thank the dozen or so ICTR community members whose feedback was invaluable to assuring that this document reflects the ground truth sentiments of the professionals at the front lines of ICT research ethics.

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## A Introduction – Focus and Motivations

This report attempts to summarize a set of basic principles to guide the identification and resolution of ethical problems arising in research of or involving *information and communication technology* (ICT).<sup>1</sup> ICT is a general umbrella term that encompasses networks, hardware and software technologies that involve information communications pertaining to or impacting individuals and organizations. ICT has increasingly become integrated into our individual and collective daily lives, mediating our behaviors and communications and presenting new tensions that challenge the applications of these guiding principles.

ICT research (ICTR) involves the collection, use and disclosure of information and/or interaction with this ubiquitously connected network context which is overlaid with varied, often discordant legal regimes and social norms. The challenge of evaluating the ethical issues in ICTR stems in large part from the attributes of ICT: scale, speed, tight coupling, decentralization and wide distribution, and opacity. This environment complicates achieving ethically defensible research for several reasons. It results in interactions with humans that are often indirect, stemming from an increase in either logical or physical “distance” between researcher and humans to be protected over research involving direct intervention. The relative ease in engaging multitudes of distributed human subjects (or data about them) through intermediating systems speeds the potential for harms to arise, and extends the range of stakeholders who may be impacted. Also, legal restrictions and requirements have expanded considerably since the 1980s, and ICTR is unquestionably subject to a variety of laws and regulations that address data collection and use. While it is true that these individual complications are shared by traditional biomedical and behavioral research, this report seeks to manage the tension resulting from the simultaneous confluence of these complicating factors that occur with regularity in ICTR.

There is a need to interpret and extend the traditional ethical framework to enable ICT researchers and oversight entities to appropriately and consistently assess and render ethically defensible research.<sup>2</sup> Such a framework should also support current and potential institutional mechanisms that are well served to implement it, such as a research ethics board (REB). We build on the foundation set by the *Belmont Report*, which

articulates three fundamental ethical principles and guiding applications of these principles for protecting human subjects of biomedical and behavioral research: respecting persons; balancing potential benefits and harms; and equitably apportioning benefits and burdens across research subjects and society.<sup>3</sup> The guidelines in this report are applicable to research that has the potential to harm humans, regardless of whether those humans are the direct research subjects or are indirectly at risk of harm from interactions with ICT. This report explains how the traditional framework fits within the context of the computer science sub-discipline of information security research. Specifically, this domain addresses ICT vulnerabilities, digital crime, and information assurance for critical infrastructure systems. These are areas where harms are not well understood yet are potentially significant in scope and impact. The framework proposed herein is germane to other disciplines that involve the use of ICT, including those targeted by the Belmont Report that now operate in ICT contexts.

### A.1 Target Audience for this Report

This report offers guidance primarily for ICT researchers (including academic, corporate, and independent researchers), professional societies, publication review committees, and funding agencies. Secondarily, this report aims to assist those who administer and apply these principles, such as oversight authorities (e.g., REBs), policy makers, attorneys, and others who shape and implement human subject protection policies and procedures.

This report does not recommend particular enforcement mechanisms. To the extent that enforcement of ethical practices is inconsistent across and within academic and non-academic ICTR, we intend this report to improve consistency in ethical analyses and self-regulation for both individuals and organizations striving toward ethically defensible research.

### A.2 Historical Context

Despite a long history of well-publicized abuses, it took over a decade for the ethical standards prescribed in the Belmont Report to first be defined in the Code of Federal Regulations (CFR). Language from 45 CFR 46, which covers biomedical and behavioral research

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funded by the Department of Health and Human Services (HHS), was later adopted by all executive branch departments in what is known as the *Common Rule*.<sup>4</sup> It ushered in a government-wide requirement for REB oversight of research protocols to protect human research subjects. Prior to this point, there was no regulated oversight mechanism and biomedical and behavioral researchers relied on subjective, ad hoc, and inconsistent ethical compasses to guide their decision making.

In parallel during the 1970s, a U.S. Defense Advanced Research Projects Agency (DARPA) project was designing and implementing a communications architecture to support cooperative time-sharing of computational resources across large government-funded laboratories. Although this network architecture would eventually evolve into the global Internet, the community at the time was small, trusted, non-commercial, and research-oriented. This burgeoning Internet was not under constant attack from around the world. It did not provide access to numerous databases containing millions of personally-identifying records. It was not an integral part of providing and maintaining critical services or communications. A tiny number of people accessed the Internet during those early years compared to the billions of users who engage in this environment on a regular and almost unconscious basis today.

Early ICT research evolved without significant concern for human subjects, leading to instances where ethical considerations were either absent or misapplied because researchers failed to understand their relevance, or lacked any standards for assessment, accountability, or oversight. Cases include interactive studies of malicious software and platforms, engagement in active counterattack measures, exploitation and disclosure of systems vulnerabilities, and collection and sharing of sensitive information. The demonstrated potential for harm in ICTR illustrates the need to re-conceptualize the traditional *human subject protection* paradigm that underpins ethical oversight in other fields.

ICTR challenges us to re-conceptualize the traditional *human subject protection* paradigm that underpins ethical oversight. The foremost misunderstandings and disagreements about the applicability and scope of this protection in ICTR stem largely from how the Common Rule was written and has historically been interpreted. *Specifically*, human subject means, “a living individual

about whom an investigator (whether professional or student) conducting research obtains (1) Data through intervention or interaction with the individual, or (2) Identifiable private information” (45 CFR 46.102(f)). Key terms here are “intervention” and “private information.” Intervention does not just mean physical procedures, but also “manipulations of the [subject’s] environment that are performed for research purposes,” which could include manipulation of their computing devices, or automated appliances in the home. Private information is not just medical records, but “information about behavior that occurs in a context in which an individual can reasonably expect that no observation or recording is taking place, and information which has been provided for specific purposes by an individual and which the individual can reasonably expect will not be made public.” This could include electronic communications, or data captured by malicious actors recording online financial transactions in order to commit fraud. Taken as a whole, the intent of the Common Rule is to protect persons who might be harmed from involvement in research, not simply with whether humans are participating in research. Confusion starts because of the wording above and linkage of the terms human and *research subject*, and continues with the determination of risk and how to *protect humans* within a research study.

An evolved paradigm for applying ethical principles to protect humans who may be impacted by research considers activities having human-harming potential rather than simply looking at whether the research does or does not involve human subjects. Examples of potentially human-harming ICT artifacts that researchers may interact with include avatars in online virtual worlds, malware controlling compromised machines, embedded medical devices controlling biological functions, or process controllers for critical infrastructure. The significant changes brought about by ICT since the commencement of formal regulated research necessitates a reconceptualization of the application of ethical principles for research involving ICT.

## **B Restatement of Belmont Principles in the ICTR Context**

In framing the principles and applications for evaluating and applying ethics in ICTR the Menlo Report explicitly adopts the Belmont principles and acknowledges the Common Rule regime which implemented that model. As such, this Report deliberately does not explore

alternate ethical paradigms, and while not discounting that there may be novel implementations of the Belmont Report principles and applications that should be considered it makes no definitive recommendations in that regard. However, this Report does highlight areas within the Common Rule that are more consequential or problematic for ICTR.

The first three rows of Table 1 summarize the three core principles and their application as outlined in the Belmont Report.<sup>5</sup> We offer an additional principle to guide ethical considerations in ICTR research, listed in the fourth line of Table 1. We call this principle *Respect for Law and Public Interest* because it addresses the expansive and evolving, yet often varied and discordant, legal controls relevant to communication privacy and information assurance (i.e., the confidentiality, availability, and integrity of information and information systems). While respect for the law and public interest is implicit in Belmont’s application of Beneficence, several

challenging factors suggest these issues merit explicit consideration in the ICTR context: the myriad laws that may be germane to any given ICTR; conflicts and ambiguities among laws in different geo-political jurisdictions; the difficulty in identifying stakeholders, a necessary prerequisite to enforcing legal obligations; and possible incongruence between law and public interest.

**C Application of the Principles**

The challenges of ICTR risk assessment derive from three factors: the researcher-subject relationships, which tend to be disconnected, dispersed, and intermediated by technology; the proliferation of data sources and analytics, which can heighten risk incalculably; and the inherent overlap between research and operations. In order to properly apply any of the principles listed above in the complex setting of ICT research, it is first necessary to perform a systematic and comprehensive stakeholder analysis.

Principle	Application
Respect for Persons	Participation as a research subject is voluntary, and follows from informed consent; Treat individuals as autonomous agents and respect their right to determine their own best interests; Respect individuals who are not targets of research yet are impacted; Individuals with diminished autonomy, who are incapable of deciding for themselves, are entitled to protection.
Beneficence	Do not harm; Maximize probable benefits and minimize probable harms; Systematically assess both risk of harm and benefit.
Justice	Each person deserves equal consideration in how to be treated, and the benefits of research should be fairly distributed according to individual need, effort, societal contribution, and merit; Selection of subjects should be fair, and burdens should be allocated equitably across impacted subjects.
<i>Respect for Law and Public Interest</i>	<i>Engage in legal due diligence; Be transparent in methods and results; Be accountable for actions.</i>

Table 1: Proposed guidelines for ethical assessment of ICT Research.



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## C.1 Stakeholder Perspectives and Considerations

Stakeholder identification includes consideration of several factors: the degree to which information involved in the research identifies individuals (including their digital identities), groups and organizations and what behaviors, communications, or relationships are associated with such identification. Harms related to exposing the identity of research subjects engaging in sensitive behaviors, communications, or relationships, which they assume to be private, can extend beyond the direct research subject to family, friends or other community relations. While this is also true of some research where the subject is the primary party at risk, in ICTR these harms may often be broader because ICT can amplify both the disclosure as well as the number of stakeholders impacted.

Further, ICTR often involves stakeholders that are non-research entities who rely on information and systems that are involved in the research and who may be harmed by its unavailability or corruption. Groups or organizations (e.g., companies or networks) may warrant different consideration from that of individuals, especially when applying the principles of Beneficence and Justice. Research involving ICT can be complex when the risks and benefits associated with multiple stakeholders require identification and balancing. ICT Researchers In commercial, academic, and government sectors,

**ICT researchers** have a vested interest in pursuing, sharing, and applying empirically grounded scientific knowledge. Research in economics, network science, security, and social behavior may inform operations, policies, and business models.

### Human Subjects, Non-Subjects, and ICT Users

Traditional biomedical and behavioral research requires protection of natural persons and certain data that identifies them. In ICTR, the target of research may be an information system or associated data, which complicates the assessment of potential harm to users of that system or data. Primary considerations include the ability to interact with ICT without suffering harms such as disruption of access, loss of privacy, or unreasonable constraints on protected speech or activities. Victims of computer crimes are potential human non-subjects of research.

**Malicious Actors** A subset of ICTR involves criminal activity or potential exploitation of vulnerabilities in the design or implementation of ICT. The disclosures of some types of research results have a greater potential for misuse and thus greater value to malicious actors. This can provide a blueprint for widespread and wide-ranging harm by disclosing system vulnerability details of legitimate or malicious applications (the former by providing exploitation knowledge and the latter by illuminating countermeasures). Malicious actors avail themselves of published research results for nefarious purposes, which can result in harm that outweighs the intended research benefits. Consideration of this stakeholder's interest, therefore, involves understanding and avoiding or minimizing these potentially harmful impacts.

**Network/Platform Owners and Providers** Network owners or providers are typically commercial entities who are vested in safeguarding their physical and intellectual property, pursuing innovation and wealth, and building business and customer relationships. They are concerned about obligations associated with such representation. As intermediaries between a research and end users, they may be in a position of authority to serve as proxies for consent on behalf of their customers when it is otherwise impracticable for the researcher to individually obtain informed consent from end users.

**Government: Law Enforcement** Public law enforcement is mandated to advance criminal justice by protecting individuals and fostering public safety. Law enforcement also has an interest in research that improves its strategic, tactical, or operational efficacy in preventing, investigating, and responding to illegal activities. Examples include countering new and complex criminal ecosystems and instruments of crime such as botnets.

**Government: Non-Law Enforcement** Local, state, and federal government agencies are responsible for providing public services, protecting the rights of their citizens, and establishing law and policy governing social conduct. Research is an important vehicle through which the government can promote social good and innovation. For example, cybercrime research may enhance understanding of infrastructure risks, online social networks, or

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economic markets of criminal enterprises; influence the deployment of commercial countermeasure technologies; and inform the interpretation or reform of relevant laws and policies. Acknowledging the different scope of their mission, the military and Intelligence Community (IC) is another subset of this stakeholder group.

**Society** ICTR implicates the collective rights and interests of owners and users of networks and data to know, influence, and choose how and when to engage with information communications networks and systems. Society benefits from knowledge that improves policies, laws and the administration of justice, and the well-being of the lives of its citizens. Society may likewise be harmed through actions that negatively impact information systems infrastructures, or through the collection, use, or disclosure of information that may assist criminals as much if not more than ICT system developers and operators.

## C.2 Respect for Persons

In the Belmont Report, the principle of Respect for Persons reflects two tenets: individuals should be treated as autonomous agents, and persons with diminished autonomy are entitled to protection. This principle has been applied by involving as research subjects only those with sufficient understanding or awareness to provide informed consent, or by obtaining *informed consent* from legally authorized representatives (e.g., parents of minors, relatives of unconscious patients, or guardians of those incapable of deciding for themselves). In the ICTR context, the principle of Respect for Persons includes consideration of the computer systems and data that directly interface, integrate with, or otherwise impact persons who are typically not research subjects themselves.

### C.2.1 Informed Consent

Informed consent is a process during which the researcher accurately describes the project and its risks to subjects and they accept the risks and agree to participate or decline. Subjects must be free to withdraw from research participation without negative consequences. Researchers obtain informed consent when research activity has the potential to harm individuals with whom a researcher interacts or about whom the researcher

obtains identifiable private information. Research involving ICT also raises the potential for harms to secondary stakeholders who, while not the direct subjects of research, may have the right to autonomy.

Researchers should inform subjects that they may not benefit from the research, although society may benefit in the future. Researchers should be mindful that leveraging intended benefits to coerce or entice consent from subjects fails the voluntary participation element of informed consent. Examples include suggesting that research participants will receive improved or enhanced services, or that services will be degraded or withheld if a subject declines participation in or withdraws from a study. Informed consent for one research purpose or use should not be considered valid for other research purposes. When an individual is identified with a group or organization, individual consent does not imply consent from other members of the group. Finally, informed consent for one research purpose or use should not be considered valid for different research purposes.

The process of informed consent is intended to respect the autonomy of research subjects. The process involves three components: notice, comprehension, and voluntariness. Notice is typically achieved through a clearly written consent document that details the intended benefits of research activities and the risks to research subjects. The language level is kept to 8th grade or lower to improve the ability of subjects to comprehend the benefits and risks. The consent document stresses that participation is voluntary and that subjects are free to withdraw from research participation without negative consequences.

Research involving ICT also raises the potential for harms to secondary stakeholders who, while not the direct subjects of research, may also have the right to autonomy. When considering informed consent, we suggest researchers and REBs carefully explore the complex interconnected relationships between users and the myriad of organizations which provide ICT services. Decisions about mechanisms for obtaining informed consent, or requesting waivers of informed consent, may be impacted by whether entities have obtained valid authorization from their users – via explicit agreements or contractual terms of service –

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for participation in research activities. Such authorization, whether supportive or restrictive of research, should be appropriately balanced when considering informed consent.

When a researcher believes that obtaining informed consent makes the pursuit of research objectives impossible, the application process allows for researchers to seek waivers from an ethical review board. REBs make the determination of whether or not the Common Rule criteria of 45 CFR 46.116 and 45 CFR 46.117 allowing for alteration or elimination of informed consent have been met. These requirements ensure that: (1) The research involves no more than minimal risk to the subjects; (2) The waiver or alteration will not adversely affect the rights and welfare of the subjects; (3) The research could not practicably be carried out without the waiver or alteration; and (4) Whenever appropriate, the subjects will be provided with additional pertinent information after participation.

There are justifiable reasons why it may be impracticable for research to be carried out without a waiver or alteration of the informed consent process. Because of the difficulty in identifying all individuals from whom consent should be sought or in practicably obtaining consent, researchers or REBs may frequently conclude that seeking a waiver of informed consent or waiver of documentation of informed consent are the only options. For example, it may be infeasible to identify, or obtain consent from millions of users whose everyday communication generates traffic across a heavily aggregated backbone link in a traffic modeling study. Or it can be impossible to attempt to inform the owners of hundreds of thousands of compromised home computers that are being used as a single instrument of criminal activity (i.e., a botnet) under study. The Common Rule criteria for a waiver of documentation of informed consent in minimal or no-risk situations allows for less formal consent than a signed consent form, including verbal consent from a legally authorized representative rather than the research subjects themselves. REBs may also require some form of notification to research subjects, even if the REB does not require signed consent forms.

Some research involving retrospectively collected identifiable data may not be possible if consent must be obtained from all individuals identifiable in the data. In such situations, respect for persons is maintained by REBs instead focusing on data protections and/or removal of identifying information that is not germane to research as alternative means of minimizing potential harm and granting a waiver of informed consent for the research. Data that has already been de-identified and can be approved for exemption from REB review falls into a special regulatory category of “pre-existing public data.” REBs have some flexibility in how they define and interpret this class of data and some institutions maintain a list of pre-approved sources of such data that researchers may freely use. Data that is not on such pre-approved lists that contains fields that can identify individuals – even though it may be accessible to the general public – may not be considered “pre-existing public data.” Researchers should therefore consult with their REB to discuss whether the data they wish to use falls under their institution’s “pre-existing public data” exemption criteria, or whether they can qualify for a waiver of informed consent to re-use existing data in conformance with REB requirements. Prospective research is the more problematic case, where informed consent may be required by an REB unless it can be shown there is no risk what so ever.

As a contingency of granting a waiver of informed consent, REBs often require that the researcher notify subjects post hoc of their involvement in research, and demonstrate respect for autonomy by allowing subjects to direct the destruction of the data collected about them. Research involving deception may be performed by providing misleading data in the consent form, or with consent having been waived and no subject knowledge of the research activity at all. In either case, an REB may require debriefing in order to mitigate harm resulting from loss of trust in researchers by those subjects who were deceived. Research of criminal activity often involves deception or clandestine research activity, so requests for waivers of both informed consent and post hoc notification and debriefing may be relatively common as compared with research studies of non-criminal activity.

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### C.3 Beneficence

In the Belmont Report, the Beneficence principle reflects the concept of appropriately balancing probable harm and likelihood of enhanced welfare resulting from the research. Translating this principle to ICTR demands a framework for systematic identification of risks and benefits for a range of stakeholders, diligent analysis of how harms are minimized and benefits are maximized, preemptive planning to mitigate any realized harms, and implementing these evaluations into the research methodology.

#### C.3.1 Identification of Potential Benefits and Harms

Similar to traditional human-centered research, ICT researchers should identify benefits and potential harms from the research for all relevant stakeholders, including society as a whole, based on objective, generally accepted facts or studies. Since communication technologies intermediate so much of our lives, designing, conducting and evaluating ICTR may demand attention to potential societal benefits and harms related to: systems assurance (confidentiality, availability, integrity); individual and organizational privacy; reputation, emotional well-being, or financial sensitivities; and infringement of legal rights (derived from constitution, contract, regulation, or common law). Challenges identifying harms in ICTR environments stem from the scale and rapidity at which risk can manifest, the difficulty of attributing research risks to specific individuals and/or organizations, and our limited understanding of the causal dynamics between the physical and virtual worlds. As with all exploratory research, it can be challenging to articulate benefits such that subjects can make informed decisions. In ICTR our ability to qualitatively and quantitatively foresee the probable benefits is particularly immature.

One helpful approach to identifying harms is to review the laws and regulations that apply to an ICTR activity, and analyze the underlying individual and public interests that the research might negatively impact. While researchers are not expected to render legal conclusions or have legal subject matter expertise, they are obligated to respect what is written in the law and understand the underlying societal norms those laws represent. However, as the development of the law and technology occur at a different trajectory and pace, relying exclusively on the law may overlook important harms not expressly addressed by law. Similarly, it is not

the role of researchers to judge guilt or innocence, but they should consider how malicious actors might avail themselves of published research results for nefarious purposes, and assess whether that potential harm might outweigh the intended research benefits.

#### C.3.2 Balancing Risks and Benefits

A simplistic interpretation of Beneficence is the maximization of benefits and minimization of harms. Beneficence does not require that all harm be completely eliminated and every possible benefit be identified and fully realized. Rather, researchers should systematically assess risks and benefits across all stakeholders. In so doing, researchers should be mindful that risks to individual subjects are weighed against the benefits to society, not to the benefit of individual researchers or research subjects themselves. Ideally, researcher actions are measured using the objective standard of a *reasonable researcher*, who exercises the knowledge, skills, attention, and judgment that the community requires of its members to protect their interests and the interests of others. As researchers gain a greater understanding of how to reason about and apply ethical principles, community norms and expectations about what is *reasonable* will evolve. From the subjective perspective of the researcher, especially in light of evolving community standards, the elements of “integrity” are instructive: (1) discerning what is right and what is wrong, (2) acting on what you have discerned, even at personal cost; and (3) saying openly that you are acting on your understanding of right and wrong.” 6

When ICT is involved, burdens and risks can extend beyond “the human subject,” making the quantification of potential harm more difficult than with direct intervention. It can be difficult to balance risks and benefits with novel research whose value may be speculative or delayed, or whose realized harm may be perceived differently across stakeholders. If there are plausible risks, researchers bear the burden of illuminating those risks and their consideration of how those risks will be managed, and not simply rely on outside reviewers or REBs to identify and oversee those risks.

In a direct intervention research scenario, balancing is partially addressed through the informed consent process. When a study involves minimal risk and a researcher can give valid scientific reasons for altering or eliminating the consent requirement, post-research

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debriefing may be required to respect individual autonomy. Balancing benefit and harm gets complicated when both deception and waiver of informed consent are involved, as may occur when studying social engineering using email (i.e., phishing). A researcher may seek to justify a waiver of the debriefing requirement under a *relative degree of harm* rationale, whereby deceived research subjects could suffer more harm from knowing researchers had deceived them than they would suffer from malicious actions. This in turn would be balanced by an REB against the knowledge developed through research intended to ameliorate the malicious harm. The process of comprehensive stakeholder analysis can assist both researchers and REBs to consider how best to balance benefit and harm in conformance with Common Rule waiver justification requirements (see 45 CFR 46.116 and .117).

While it is incumbent upon a researcher to identify and minimize potential harms, even with reasonable measures to detect and reduce them, harms may still occur. REBs must evaluate such risks in the context of what at-risk individuals actually experience in normal ICT usage, and in light of researchers' pursuit of generalizable knowledge that is vital to understanding the problem studied. For example, a researcher studying live malicious software may need to run the software on his own platform and observe its interactions with the criminals controlling it. Even with multiple layers of protection, the malicious software under study could still accidentally infect other computers. The risks posed by these accidental infections must be considered in light of everyday events that users encounter – programs crashing, malicious software accessing and infecting networked computers, and electronic communications being exposed – and must be balanced with potential benefits of understanding the behavior of the malicious software. Ethically defensible Beneficence lies on a spectrum between unequivocal adherence to averting all risk, which can have a chilling effect on beneficial research, and acting without regard to risk, which can be harmful to individuals and society.

### C.3.3 Mitigation of Realized Harms

Some research involves greater than minimal risk, yet still has the potential to yield benefit to society and is allowed to be carried out. Despite appropriate precautions and attempts to balance risks and benefits in ICTR, such research may cause unintended side effects that harm stakeholders. Data breaches are one such form of

harm, but others may exist from disruption of information systems. Research of greater than minimal risk that has been approved by an REB must undergo continuation review regularly in accordance with the period set for the study by the specific REB, but no less than annually. While reporting of adverse events is part of regular status reports, “serious adverse events” may need to be reported immediately to an REB for possible actions. This can include the REB requiring a halt to research activities. For the same reasons that benefit is hard to calculate in ICTR, determining what could constitute a “serious adverse event” in the ICTR context is unclear.

In anticipation, researchers should consider preempting the escalation of realized harms by notifying affected parties or otherwise engaging mitigation actions. To that end, researchers should develop mitigation procedures and checklists, such as a contact list of parties to notify, if such unintended consequences ensue. Other potential harms that are reasonably foreseeable may have a low probability of occurring, but have a high impact. Researchers should anticipate such worst-case scenarios and make appropriate preparations to respond in a manner and scope that shows due diligence on the part of the researcher. It may be necessary and prudent to involve the researchers' own institutional risk management and oversight authorities and media relations in addition to the REB.

ICTR may involve records containing sensitive data about individuals, evidence of criminal activity, or that could potentially cause disruption to millions of computers around the world. ICT researchers must be aware of these harms as not only primary risks, but also secondary, collateral risks (e.g., to customers of primary data subjects or computer owners) and be prepared to responsibly inform affected stakeholders. In many cases, it is impracticable to notify all affected individuals, but it may be feasible to notify service providers or other entities who have the authority and capability – derived from their relationship with the affected stakeholders – to mitigate harm. A mitigation strategy should admit the variance in capacity and/or willingness of the notified entity to understand and act on the notification. Research records that identify individuals pose a risk of disclosure as long as those records exist, and may fall under REB oversight because of the risk posed. Researchers should be prepared to continually protect these records for as long as those records exist and are under researchers' control. Upon completion or

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termination of approved research activities (allowing for a reasonable retention period approved by REBs in order to satisfy obligations of scientific reproducibility), the risky data should be destroyed. If records are maintained, the data should continue to be protected at the same level as was implemented during research under the same REB-approved mechanisms.

#### C.4 Justice: Fairness and Equity

In the Belmont Report, the principle of Justice is applied through fairness in the selection of research subjects, and equitable distribution of the burdens and benefits of research according to individual need, effort, societal contribution, and merit. Fairness should guide the initial selection of the subjects, as well as the apportionment of burdens to those who will most likely benefit from the research. Research design and implementation should consider all stakeholders' interests, although conflicting interests may render equal treatment impracticable. In the ICTR context, this principle implies that research should not arbitrarily target persons or groups based on attributes including (but not limited to): religion, political affiliation, sexual orientation, health, age, technical competency, national origin, race, or socioeconomic status. Neither should ICTR target specific populations for the sake of convenience or expediency.

It is important to distinguish between purposefully *excluding* groups based on prejudice or bias versus purposefully *including* entities who are willing to cooperate and consent, or who are better able to understand the technical issues raised by the researcher. The former raises Justice concerns, while the latter demonstrates efforts to apply the principles of Respect for Persons and Beneficence and still conduct meaningful research. All researchers have an obligation to not exclude/include individuals or groups from participation for reasons unrelated to the research purpose. The arbitrary targeting of subjects in ways that are not germane to pursuing legitimate research questions violates this principle.

Challenges to obtaining informed consent from users might motivate a researcher to work with a service provider who has direct contractual relationships with its network's users. These may serve as legally authorized representatives as described in the Common Rule for situations of minimal risk and requests for waivers of documentation of consent through "short form" or verbal consent. Such decisions to engage entities who are willing and able to act as legally authorized

representatives for obtaining consent and move forward with non-representative subject populations may raise fairness and equity concerns. Each provider with whom a researcher may interact will have varying levels of understanding and ability (or willingness) to act. If a researcher is required to get unanimous and uniform responses from all autonomous entities, it may be impossible to perform beneficial research. On the other hand, moving forward with risky research without the involvement, or at least awareness, of autonomous entities is undesirable as it may increase the potential for greater harm.

From an equity standpoint, open public disclosure of system vulnerabilities demands that researchers consider how the burdens and benefits of publicizing newly discovered vulnerability balance out. The burdens might be borne by the developers, yet actually might benefit malicious actors more in the short-term than developers or users of those systems. The calculation of benefits is actually a function of time, where malicious actors may act faster at exploiting vulnerability information than benevolent actors can act in mitigating the vulnerabilities.

#### C.5 Respect for Law and Public Interest

*Respect for Law and Public Interest* is implicit in the Belmont Report's application of Beneficence. In the context of ICTR, we include it as a separate principle with two applications – *Compliance and Transparency and Accountability*. The second application refers to transparency of methodologies and results, and accountability for actions. Transparency and accountability serve vital roles in many ICTR contexts where it is challenging or impossible to identify stakeholders (e.g., attribution of sources and intermediaries of information), to understand interactions between highly dynamic and globally distributed systems and technologies, and consequently to balance associated harms and benefits. A lack of transparency and accountability risks undermining the credibility of, trust and confidence in, and ultimately support for, ICT research.

There may be a conflict between simultaneously satisfying ethical review requirements and applicable legal protections. Even if a researcher obtains a waiver of informed consent due to impracticability reasons, this may not eliminate legal risk under laws that require consent or some other indication of authorization by rights holders in order to avoid liability. For example, information privacy and trespass statutes prohibit researchers

from accessing, acquiring or disclosing communications or other protected information without the consent of the communicating parties or owner of the system. Until REBs can overcome limited ICT expertise on committees and in administrative staff positions, they may not be capable of recognizing that certain ICT research data actually presents greater than minimal risk and may erroneously consider it exempt from review or subject it to expedited review procedures that bypass full committee review. As long as there is a gap in the capacity of REBs to properly evaluate research proposals just entering the review process, researchers following the guidance provided in this report can help illuminate the risks and relevant laws so as to improve the REB oversight process.

### **C.5.1 Compliance**

Researchers should engage in due diligence to identify laws, regulations, contracts, and other private agreements that are applicable to their research, and should design and implement ICTR that respects these restrictions. While legal controls that call for compliance can be numerous and wide-ranging, those that should inform ethical assessments cluster categorically around computer crime and information security, privacy and anonymity, intellectual property, computer system assurance, and civil rights and liberties. More specifically, ICT research may implicate rights and obligations related to: identity theft; unsolicited bulk electronic mail; privacy in electronic and wire communications; notification of security breaches; copyright and other intellectual property infringement; data security and destruction; child pornography; spyware and phishing; fraudulent deception; financial privacy; economic espionage; constitutional privacy; health information security and privacy; industry standards and best practices; and contractual privacy and acceptable use policies.

Respect for public interest can often be addressed by obeying relevant laws. If applicable laws conflict with each other or contravene the public interest, researchers should have ethically defensible justification and be prepared to accept responsibility for their actions and consequences.

### **C.5.2 Transparency and Accountability**

Transparency is a mechanism to assess and implement accountability, which itself is necessary to ensure that

researchers behave responsibly. These applications interact to ultimately generate trust in ICTR by the public. Transparency-based accountability helps researchers, oversight entities, and other stakeholders avoid guesswork and incorrect inferences about whether, where, and how ethical principles are addressed. Transparency entails clearly communicating the purposes of research – why data collection and/or direct interaction with ICT is required to fulfill those purposes – and how research results will be used. It also involves clear communication of risk assessment and harm minimization related to research activities.

Accountability demands that research methodology, ethical evaluations, data collected, and results generated should be documented and made available responsibly in accordance with balancing risks and benefits. Data should be available for legitimate research, policy-making, or public knowledge, subject to appropriate collection, use, and disclosure controls informed by the Beneficence principle. The appropriate format, scope and modality of the data exposure will vary with the circumstances, as informed by Beneficence determinations.

## **D Implementing the Principles and Applications**

This document describes foundational ethical principles and their applications at a level intended to span a broad range of current and future research that will undoubtedly be affected by changes in ICT. For federally funded biomedical and behavioral research, the responsibility for evaluating whether a research project comports with these principles lies with REBs, which in the United States are known as Institutional Review Boards (IRBs). IRB review is a requirement for federally funded research, however researchers in the ICT field frequently either do not know of this requirement, or believe that they are not engaged in “human subjects research” and do not interact with their IRB at all. This report contends that ICTR will benefit from similar oversight, and the proposed guidelines will assist ICT researchers and oversight authorities identify, preempt and manage ethical risks. Current ICTR that does not fall under the purview of REBs would also benefit from community-derived self-regulation guided by this report. Proactively and transparently engaging in ethical assessment of ICT research will help move the research

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community mindset in the direction of embedding ethics into ICTR design as productively and safely as possible, and more practically influence policy and governance at these crossroads.

## Notes

<sup>1</sup>The term *information and communication technology* was coined by Denis Stevenson in a 1997 report to the United Kingdom government, *Information and Communication Technologies in the UK Schools: An Independent Inquiry*  
<http://rubble.heppell.net/stevenson/ICT.pdf>

<sup>2</sup>This report offers pragmatic guidance in the application of these fundamental principles to ICTR, and avoids taking a position in the philosophical debate about the uniqueness of computer ethics. For an overview of the philosophical debate, see Bynum, Terrell, “Computer and Information Ethics”, *The Stanford Encyclopedia of Philosophy* (Winter 2008 Edition), Edward N. Zalta (ed.).  
<http://plato.stanford.edu/archives/win2008/entries/ethics-computer/>

<sup>3</sup>*The Belmont Report*, the touchstone document guiding human subjects research in the biomedical and behavioral research fields, was named after the conference center where it was drafted in 1976 (See <http://ohsr.od.nih.gov/guidelines/belmont.html>) This document similarly takes its name from the city where a substantial portion of the working group meetings that resulted in this document took place in 2009-2010.

<sup>4</sup>Fifteen government departments and agencies performing research involving human subjects adopted 45 CFR 46 Subpart A in what is known as the *Common Rule*. Each has its own guidance on the interpretation of their section of the CFR. Refer to guidance appropriate to the funding source.

<sup>5</sup>See <http://ohsr.od.nih.gov/guidelines/belmont.html>

<sup>6</sup>Stephen L. Carter Carter, Stephen L (1996). *Integrity*. New York: BasicBooks/HarperCollins. pp. 7, 10. ISBN 0-06-092807-7.