Now’s a good time to "reclaim your name" from data brokers

Chris Warner, Executive Editor

What’s in a name? Juliet Capulet didn’t see much value in a name in her famous, fictional dialog with Romeo Montague but in the age of “big data,” try telling that to today’s big data brokers. As our modern, personal conveniences put more of our information out there to be gathered and sold, a consumer’s confidence that information or misinformation isn’t going to harm them – whether used in credit, housing, insurance and inexplicably employment decisions – is usually limited to some degree of wishful thinking that for-profit data brokers will be good stewards of this data.

A recent speech by FCC commissioner Julie Brill, along with a newfound public awareness of just how pervasive data mining has become through the actions of the NSA and revelations from a whistleblower, has (hopefully) inspired a long overdue “national conversation” (I generally loathe the term “national conversation” since they never last more than a couple of news cycles and end up being shelved by the next disaster, celebrity scandal, etc.) on data collection, both by our government and for profit data miners. As Brill puts it, “data miners are pulling pure gold. That’s where the “big” in “big data comes in.” (http://www.ftc.gov/speeches/brill/130626computersfreedom.pdf [1])

She is calling on the industry to “give consumers the knowledge and the technological tools to reassert some control over their personal data – to be the ones to decide how much to share, with whom, and for what purpose” with the ultimate goal of enabling us to, as the name of her initiative implies, “Reclaim Your Name.”

Her speech uses today’s credit reporting agencies as an example of how data collection errors can and do happen but which also allow consumers to access and correct any erroneous information. Brill believes the time has come for consumers to have access to their information, opt out if it’s to be sold for marketing purposes and be able to “correct errors in information used for substantive decisions – like

credit, insurance, and employment.” And she has a good argument. The “substantive decisions” to which Brill refers are subject to the Fair Credit Reporting Act (FCRA), but as data leaps exponentially, brokers are increasingly likely run afoul of that law. She goes on to mention some lending institutions are using non-traditional predictors like social media and spending on luxury goods as metrics in their analyses, while other data brokers sell lists of specific health issues and credit scores.

Since the information collected about us is used to make inferences about our tendencies and behaviors as individuals, which can conceivably affect our future endeavors and/or fall into the wrong hands, we are – no matter how benign you believe all this tracking to be – owed transparency, and we are not getting it. One can reasonably assume data mining doesn’t stop with credit scores and routine grocery purchases. Brokers can find ways to work around doctor-patient confidentiality to learn about someone’s medical issues. And since big data likely won’t stop there, will political leanings and sexual orientation become fair game, too? If there’s money to be made off sensitive personal data, we deserve to know where and how it will affect us.

Brill does acknowledge that data broker Axciom plans to let consumers see the information it collects about them, but they are just one of many players in the big data universe. Add to that the patchwork of brokers that may offer “opt-out” or some logo-based do-not-track systems along with the ever-growing number of brokers, and it’s clear we need a consistent and perhaps standard method of transparency. Hopefully data brokers will voluntarily participate in Reclaim Your Name. Brill notes this initiative would work well with the FTC’s Do Not Track initiative, and now that the NSA has given many of us pause about big data, the time is indeed right to reclaim your name.

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