The Diversity of Transatlantic Stakeholders' Privacy Perceptions

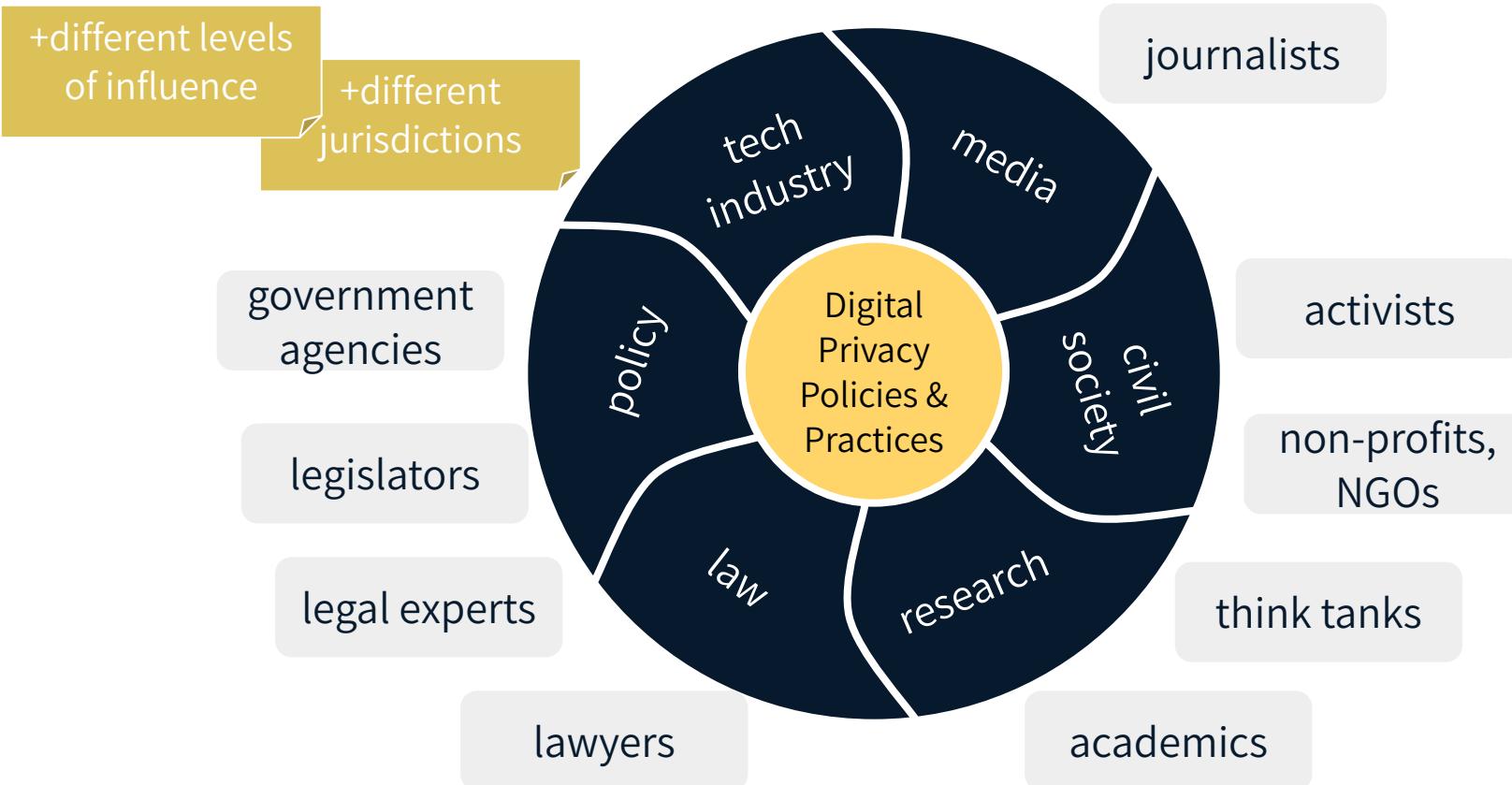**TAPP** Transatlantic Privacy Perceptions

Jessica Vitak | Leah von der Heyde | Zothan Mawii

January 26, 2023

Privacy Stakeholders: A large & diverse arena

The Transatlantic Privacy Perceptions project

The project seeks to provide a comprehensive overview of:

- **Who** are the major actors in privacy debates?
- What **topics** are covered in these debates?
- Where do stakeholders **differ** in their **attitudes** across
  - **jurisdictions**?
  - **sectors**?
- How do their attitudes **develop and evolve over time**?

The big picture:

Help **policymakers**, **companies**, and the **public** learn more about **current** and **future privacy concerns** and **how they can best be addressed** through **legislation** and **technological design**

The Transatlantic Privacy Perceptions project

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Qualitative Interviews

⇒ **Understanding the network of privacy actors**

- 30-45 minute Zoom interviews
- Interviewees can choose to not be quoted, be quoted anonymously, or with attribution
- **Who** is influential?
- How is **influence** defined?
- What **privacy issues are most pressing?**

The TAPP Panel

⇒ **Quantifying privacy perceptions**

- 5-10 minute online survey, core & rotating parts
  - every 4-6 months
  - next round: February 2023
- assessment of
  - **laws & regulations**
  - **big tech & government agencies**
- **approaches** for protecting digital privacy
- **current & emerging topics**
- Privacy Index: **current state & outlook** on digital privacy

Diverse sample: experts & influential voices from
- the U.S. and Europe
- academia, government, law, civil society, media, tech
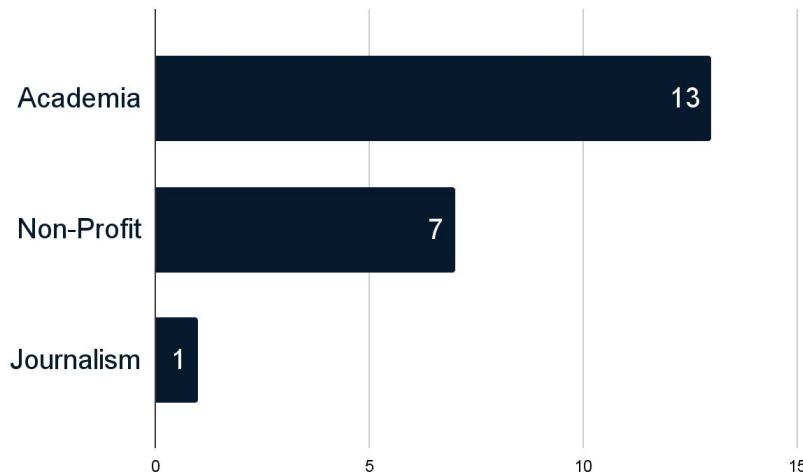- different levels of influence

Interviewee Background

- 21 interviews with **US-based** experts of different backgrounds:

Influence comes in many different forms

Defining "influential" in privacy circles

- Compelling ideas

- Effective communication to media, policymakers, & the public

- Building expertise over years in the field

- Publicly performing "expertise"

- Insider knowledge

Influential ideas, venues, institutions

- Contextual Integrity

- CHI, PLSC, CSCW, FAccT

- Federal Trade Commission, NIST

- Google, Amazon, Facebook, Apple, Microsoft

- EPIC, Electronic Freedom Frontier, STOP, Center for Democracy and Technology, Future of Privacy Forum

Important topics concern both the meta- and substance-level

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Challenge of defining privacy

Privacy as a second-tier issue in Congress

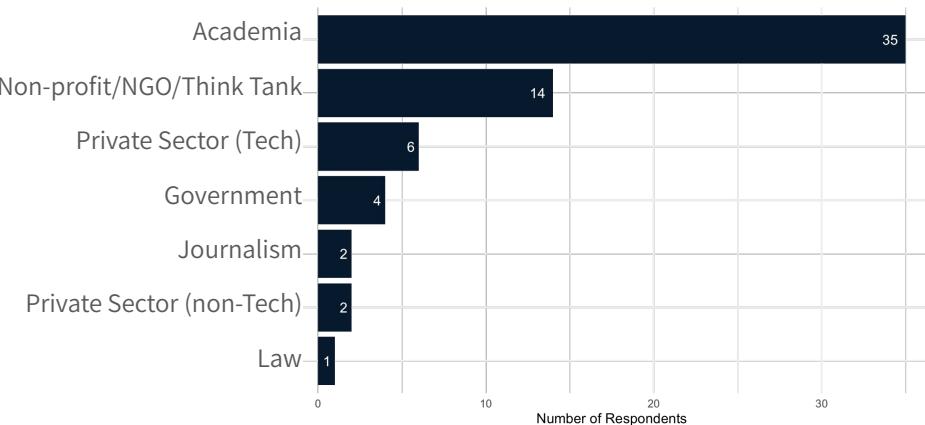Communities and inclusivity

Designing for privacy

Emerging technologies
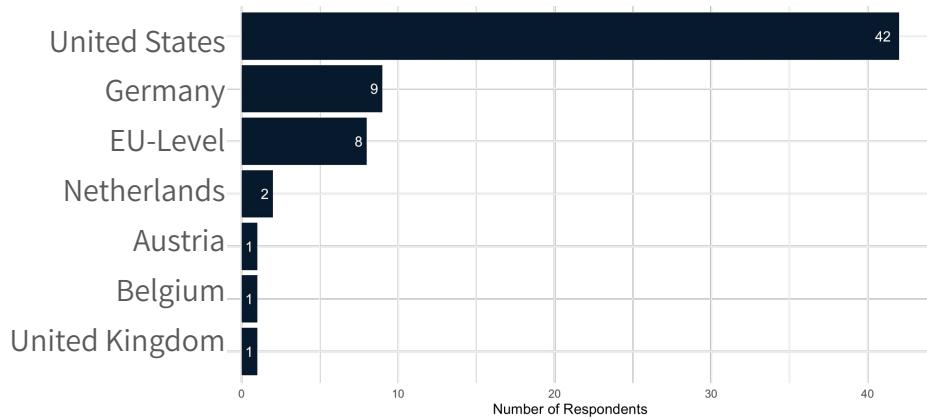
Legislation and enforcement

Panelist Background

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Sector in which respondents perform privacy work

Sector	Number of Respondents
Academia	35
Non-profit/NGO/Think Tank	14
Private Sector (Tech)	6
Government	4
Journalism	2
Private Sector (non-Tech)	2
Law	1

Privacy policy context respondents are most familiar with

Context	Number of Respondents
United States	42
Germany	9
EU-Level	8
Netherlands	2
Austria	1
Belgium	1
United Kingdom	1

N = 64

Legal scope and specifications are deemed insufficient, …

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Assessment of **areas covered** by current digital privacy laws

- fewer than needed
- all
- more than needed

Europe	55% · 41% · 5%	N = 22
US	100%	N = 42

Q: *Do you think current digital privacy laws in [the US/the EU/country] cover more areas than needed, fewer areas than needed, or all areas needed?*
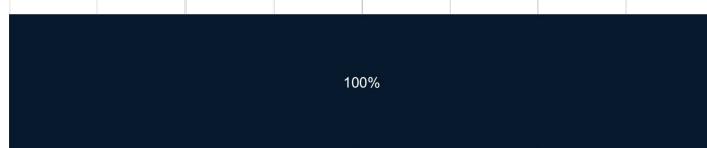
Rating of **specifications** of requirements in current digital privacy laws

- poor
- fair
- good
- excellent

Europe	9% · 41% · 50%
US	69% · 24% · 7%

Q: *How would you rate the specifications of the requirements in current digital privacy laws in [the US/the EU/country]?*

Legal scope and specifications are deemed insufficient, but adapting laws is not a priority for preserving digital privacy

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Average **rank** of **approaches** to protecting people's digital privacy

1. **Enforcing rules** about the circumstances under which particular kinds of data can be processed

2. **Developing technical solutions** to ensure individuals cannot be identified

3. **Giving individuals control** over their data

4. **Adapting privacy laws** to respond to current technological developments ⟵

5. **Providing restitution** for harms individuals suffer if their privacy is violated

Q: *How would you rank the importance of the following approaches to protecting people's digital privacy?*

⇒ Why?

Legal scope and specifications are deemed insufficient, but adapting laws is not a priority for preserving digital privacy

"

GDPR's *"implementation in many organizations is much worse than the letter of the law (...).*
The problem with GDPR is not in the text *(...) but*

> *(1) in the **extreme risk-avoiding behavior it stimulates** among in-house legal teams (...), and*
> *(2) in the **lack of enforcement by national bodies** when violations do occur (e.g. Ireland, location of most Big Tech in EU).*

*This often means that **good actors are severely constrained** in **what they (think they) are "allowed"** to do, while **bad actors incur no consequences** for any sustained violations of the law."*

# Enforcing digital privacy laws is considered most important, and leaves room for improvement

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Average **rank** of **approaches** to protecting people's digital privacy

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4. **Adapting privacy laws** to respond to current technological developments

5. **Providing restitution** for harms individuals suffer if their privacy is violated

Q: *How would you rank the importance of the following approaches to protecting people's digital privacy?*

Perceived degree of **enforcement** of digital privacy **practices required by law**

Legend: not at all | a little | somewhat | mostly | completely
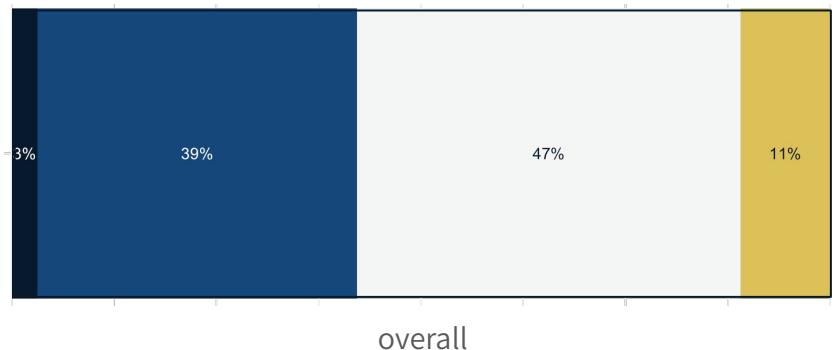
| 3% | 39% | 47% | 11% |

overall

Q: *Are the digital privacy practices required by [US/EU/country's] law enforced …*
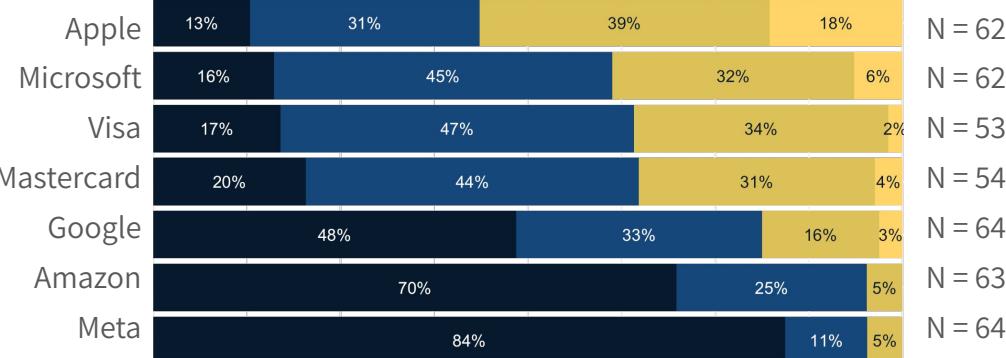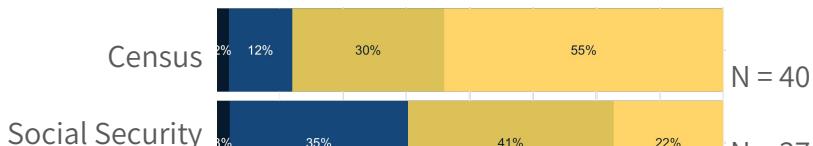
Government agencies' privacy performance is perceived better than that of private companies, and that of US agencies better than that of their European counterparts

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Rating of **organizations' performance** in protecting people's digital privacy

Legend: poor | fair | good | excellent

US

Census	2%	12%	30%	55%	N = 40
Social Security Administration	3%	35%	41%	22%	N = 37
IRS	16%	26%	29%	29%	N = 38

Europe

Statistical Agency	23%	46%	31%	N = 13
Social Security Agency	31%	38%	31%	N = 12
Tax Agency	8%	25%	67%	N = 13

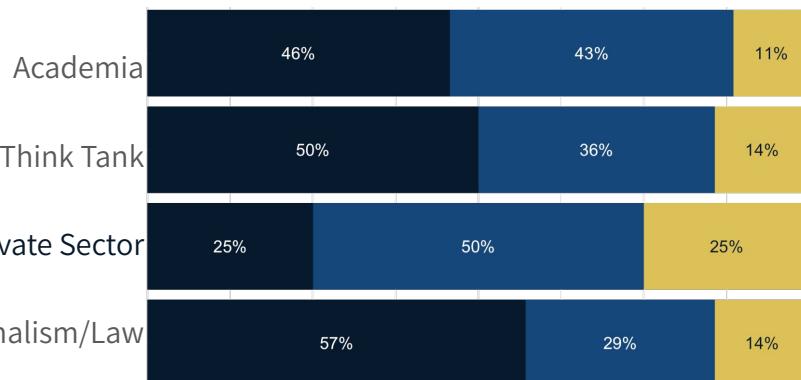| Apple | 13% | 31% | 39% | 18% | N = 62 |
Microsoft	16%	45%	32%	6%	N = 62
Visa	17%	47%	34%	2%	N = 53
Mastercard	20%	44%	31%	4%	N = 54
Google	48%	33%	16%	3%	N = 64
Amazon	70%	25%	5%		N = 63
Meta	84%	11%	5%		N = 64

overall

Q: *How would you rate the performance of these organizations in protecting people's digital privacy?*

# Private-sector experts have different opinions than experts from other sectors

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Overall rating of **current** digital privacy policies and practices

Legend: poor | fair | good | excellent

Sector	poor	fair	good
Academia	46%	43%	11%
Non-profit/NGO/Think Tank	50%	36%	14%
Private Sector	25%	50%	25%
Government/Journalism/Law	57%	29%	14%

Outlook on **development** of digital privacy policies & practices

Legend: very pessimistic | somewhat pessimistic | neither nor | somewhat optimistic | very optimistic

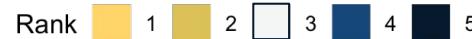| N	very pessimistic	somewhat pessimistic	neither nor	somewhat optimistic	very optimistic
N = 35	17%	14%	20%	46%	3%
N = 14		21%	7%	57%	14%
N = 8		50%	25%	25%	
N = 7		29%		57%	14%
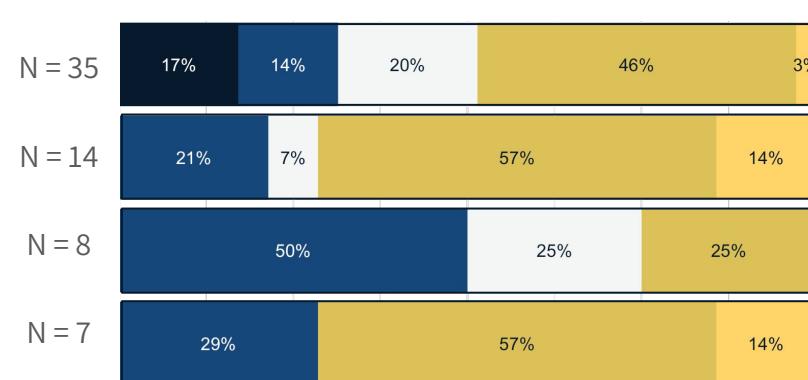
We see similar patterns for the privacy **performance of public agencies**, which private-sector experts assess **more negatively** than others, while they assess **Google and Meta more positively**.
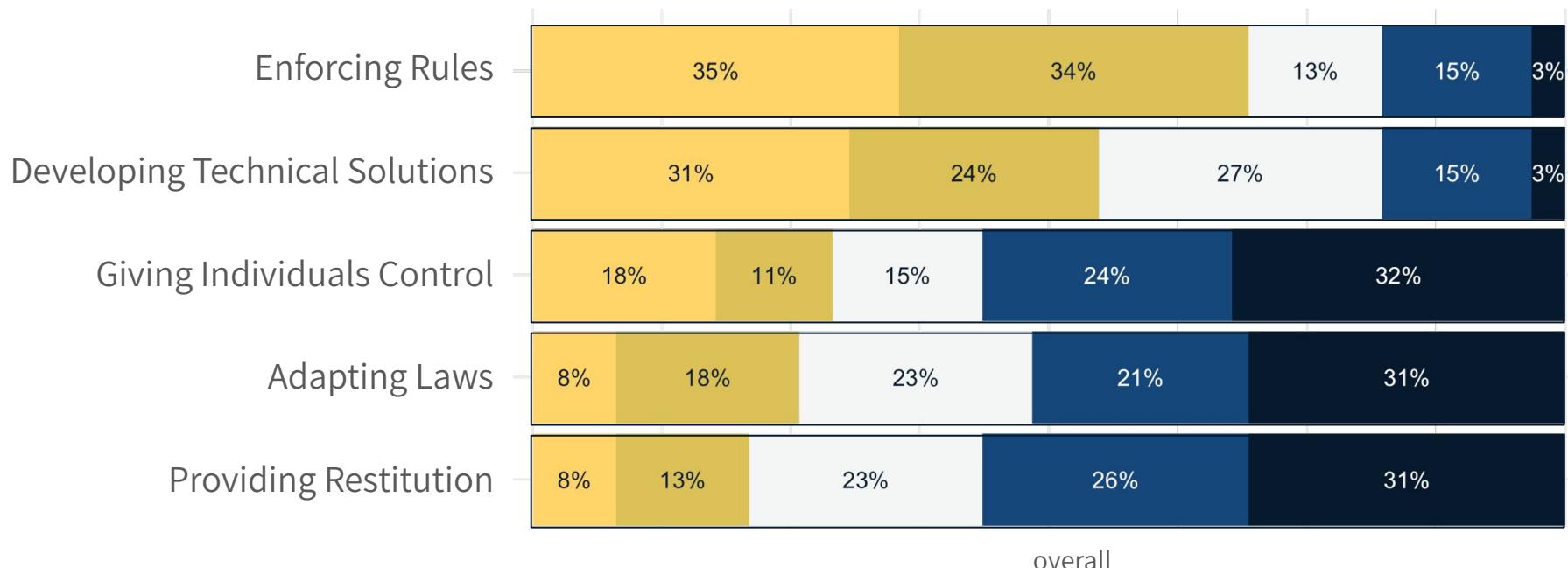
A top priority for preserving privacy: Developing technical solutions to ensure individuals cannot be identified

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Ranking of importance of **approaches** to protecting people's digital privacy

Rank 1 2 3 4 5

Approach	Rank 1	Rank 2	Rank 3	Rank 4	Rank 5
Enforcing Rules	35%	34%	13%	15%	3%
Developing Technical Solutions	31%	24%	27%	15%	3%
Giving Individuals Control	18%	11%	15%	24%	32%
Adapting Laws	8%	18%	23%	21%	31%
Providing Restitution	8%	13%	23%	26%	31%

overall

Key Takeaways

1. The current state of privacy is considered worse in the US than in Europe, but the US outlook is more optimistic.

2. Privacy is perceived to be treated as a second-tier issue by US legislators.

3. Legal scope and specifications are deemed insufficient, but adapting laws is not a priority for preserving digital privacy.

4. Enforcing digital privacy laws is considered most important, and leaves room for improvement.

5. Government agencies' perceived privacy performance is better than that of private companies, and that of US agencies better than that of their European counterparts.

6. Private-sector experts have different opinions than experts from other sectors.

7. A top priority for preserving privacy: Developing technical solutions and designing for privacy.
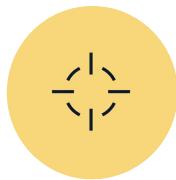
Next survey round:

February 2023

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email info@privacyperceptions.org
for joining the panel
or scheduling an interview

Stay in touch:

privacyperceptions.org | @tapp_org | info@privacyperceptions.org

Appendix

Sampling

First rounds of interview & surveys:

- Research teams' knowledge of influential experts
- Systematic scraping of academic journals & conferences, NGO whitepapers, policy briefs, media articles, etc.
- invited about 360 stakeholders to survey (participation rate about 15%)

Future survey rounds:

- include
    - Web-scraping
    - snowball & respondent-driven sampling
    - Twitter-based network sampling
- select respondents based on level of privacy expertise and influence
    - in Twitter sampling
    - in survey
  → based on Twitter sampling and recruitment survey experiment for determining keyword searches & selection criteria